



DRYDEN TOWNSHIP ZONING ORDINANCE

Ordinance # 7

Adopted
August 9, 2022

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ZONING ORDINANCE
TOWNSHIP OF DRYDEN, MICHIGAN
ord. no. 7
Eff. September 4, 2022

Title

An Ordinance to regulate and restrict the use of land and buildings by dividing the Township of Dryden into districts; defining certain terms used therein; imposing regulations, prohibitions and special use restrictions governing the erection, construction, reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, business, industry, social, and other specified purposes; regulating and limiting the density of population; establishing floor space requirements to assure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings and structures through purchase, condemnation, or otherwise; creating a Zoning Board of Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board, and providing for administration of said Ordinance and for amendments, supplements, or changes thereto; providing for resolution of conflicts with the State Housing Code or other acts, Ordinances, or regulations; and providing a penalty for violation of said Ordinance.

This Ordinance is also enacted to regulate the condominium subdivision and condominium development of land; to promote the public health, safety and general welfare; to provide a procedure for condominium approval and, except as otherwise provided in this Section, assure that a condominium development meets the standards and requirements of the Dryden Township Zoning Ordinance.

Preamble

In accordance with the authority and intent of Act 110, of the Public Acts of 2006, as amended, the Township of Dryden desires to provide for the orderly development of the Township consistent with the Township Master Plan, which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to meet the needs of the Township's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety, and welfare of the residents, shoppers and workers in the Township.

Pursuant to Act 59, of the Public Acts of 1978, as amended, the Township also desires to regulate the condominium subdivision and condominium development of land so that it be done consistent with the requirements of this Ordinance and the Township Master Plan. The Township further desires to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites, public and private improvements

and that there be adequate drainage thereof, to provide for proper ingress to and egress from buildings; to provide a procedure for condominium approval and, except as otherwise provided in this Section, assure that a condominium development meets the standards and requirements of the Dryden Township Zoning Ordinance.

Enacting Clause

THE TOWNSHIP OF DRYDEN, COUNTY OF LAPEER, STATE OF MICHIGAN ORDAINS:

Article 1 Title & Preamble

Section 1.01.Title.

This Ordinance shall be known as the Zoning Ordinance of the Township of Dryden.

Section 1.02.Purpose.

The purpose of this Ordinance is to regulate the use of land, buildings, and structures to meet the needs of residents. Ensure that uses, building, and structures are in appropriate location and relationships between one another. To ensure development is done in an orderly and harmonious with surrounding area that help to preserve the community character. The intent is to limit overcrowding and congestion of population and transportation to provide adequate transportation systems, access to water, sewage management, energy, education, recreation, and other services. We are to enhance the social and economic stability in the Township by conserve and stabilizing the value of property. Lastly, this shall promote the protect public health, safety, and welfare.

Section 1.03.Enabling Authority.

This Ordinance is enacted in accordance with the authority granted Townships under the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended.

Section 1.04.Conflicting Regulations.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, the provisions of this Ordinance shall govern.

Section 1.05.Interpretation And Application.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the provisions of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

Article 2 Definitions

Section 2.01. Construction of Language

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number.

- A. The word “shall” is always mandatory and not merely directory.
- B. The term “person” shall mean an individual, partnership, corporation, or other association or their agents.
- C. Terms not herein defined shall have the meanings customarily assigned to them.
- D. As used in this Section, the following words, terms and phrases are defined for the purpose of this Section and where applicable equate words and terms utilized in the Condominium Act with words and terms used in the Dryden Township Zoning Ordinance as amended.
- E. Terms not herein defined shall be what is defined in the Webster’s Dictionary.

Section 2.02. Terms A - E

ACCESSORY STRUCTURE. A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. Accessory uses shall not include residential or living quarters except as may hereinafter be provided.

ACCESSORY USE. A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the premises.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed.”

AMBIENT SOUND LEVEL. Is the amount of background noise at a given location prior to the installation of a WECS(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute. In dB(A), Ambient sound levels will be measured from the owner’s property line.

ANEMOMETER. Is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

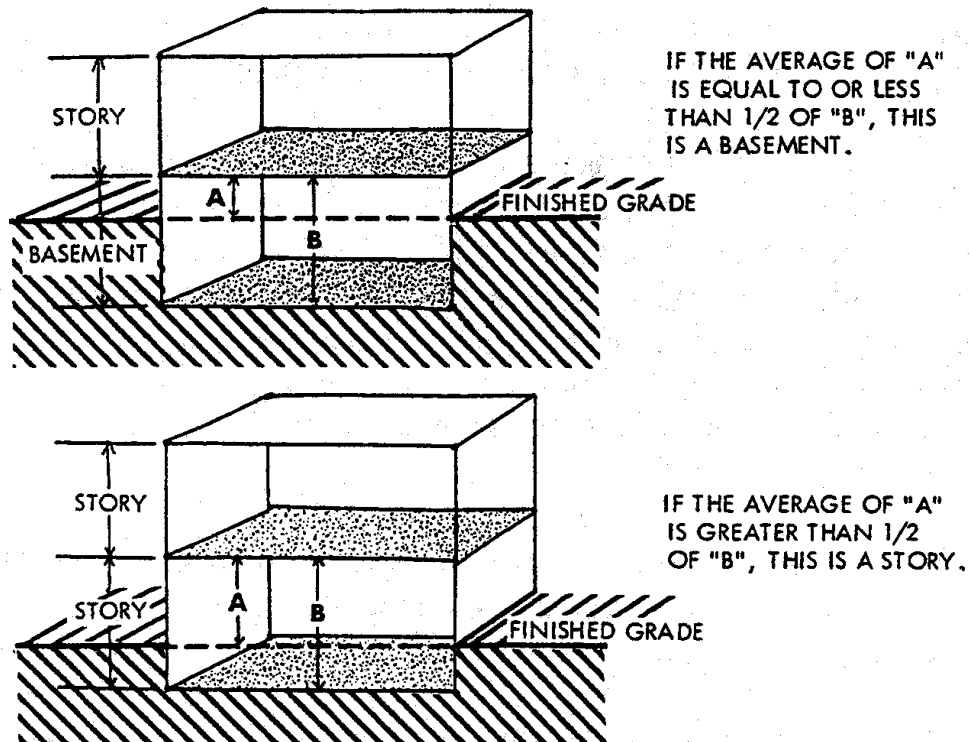
ANEMOMETER TOWER. An instrument for measuring and recording the speed of wind. See Section 3.07(O),(P),(Q) and (R).

ARCHITECTURAL FEATURES. Architectural features of a building shall include, but not be limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, etc.

BASEMENT. A portion of a building having more than one-half of its height below grade; except Underground Homes. NOTE: The only exception to this definition is for a building specifically designed as an “underground home” by a licensed architect.

BED. Whenever the term "Bed" is herein referred to, it shall mean such beds as are occupied by the patients or guests of the hospital or building in question, provided however, that bassinets and incubators shall not be counted as beds.

Figure 2-1: Basement & Story Diagram



BILLBOARD. (see non-accessory sign)

BLADE. A wind-driven, device that provides mechanical energy, that is connected to the rotor.

BLADE CLEARANCE. The distance from the ground to the lowest tip of the blade.

BLOCK. The property, abutting one (1) side of a street and lying between the two (2) nearest intersecting streets; or between one intersecting street and a railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BREEZEWAY. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings or vehicles situated on private property and used for purposes for a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

BUILDING OFFICIAL. Building Official of the Township of Dryden to be either the Building Inspector or an authorized representative appointed by the Township Supervisor charged with enforcing the Building Code and other duties as described in this Zoning Ordinance.

BUILDING LINE. A line established, in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING PERMITS. A building permit is the written authority issued by the Building Official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

CELLAR. See definition of Basement.

COMMERCIAL STRUCTURE-MOUNTED WIND ENERGY CONVERSION SYSTEM (CM-WECS). Is a WECS that is attached to a structures roof, walls, or any other elevated surface. The CM-WECS has a nameplate capacity that does not exceed fifteen (15) feet as measured from the highest point of the rood, excluding chimneys, antennae, and other similar protuberances.

COMMERCIAL TOWER-MOUNTED WIND ENERGY CONVERSION SYSTEM (CT-WECS). Is a tower mounted WECS that has a nameplate capacity that does not exceed sixty (60) kilowatts. The total height does not exceed one hundred and twenty (120) feet.

CONDOMINIUM ACT. Act 59 of 1978, as amended.

CONDOMINIUM BUILDING SITE. That area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in Dryden Township Zoning Ordinance.

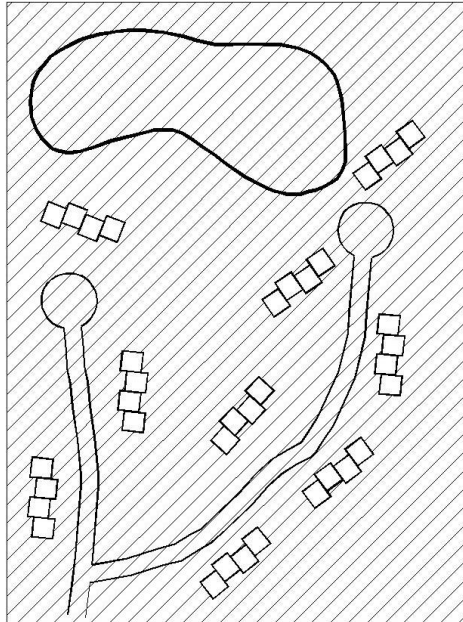
CONDOMINIUM, CONTRACTIBLE. A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with the Condominium Act (PA 59 of 1978).

CONDOMINIUM, CONVENTIONAL. A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. (See Figure 2-2)

CONDOMINIUM, EXPANDABLE. A condominium project to which additional land may be added in accordance with the Condominium Act (PA 59 of 1978).

CONDOMINIUM GENERAL COMMON ELEMENTS. The portion of the condominium project other than the condominium unit and limited common elements.

Figure 2-2: Conventional Condominium



CONVENTIONAL CONDOMINIUM

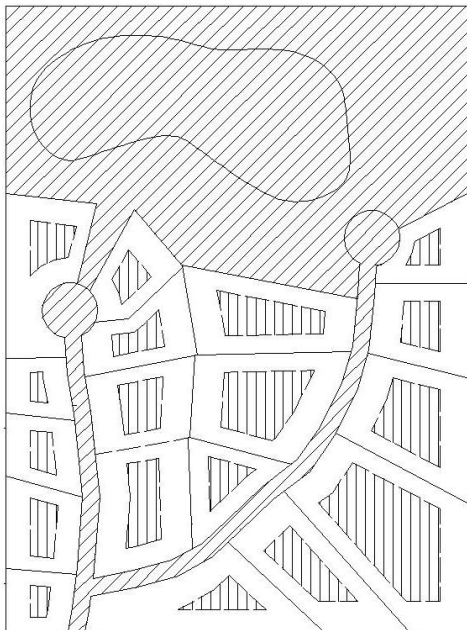
 GENERAL
COMMON
ELEMENTS

CONDOMINIUM LIMITED COMMON ELEMENTS. A portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners. (See Figure 2-3)


CONDOMINIUM SETBACK EQUIVALENT. “The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit” is the equivalent phrase for the word “setback” as contained in the Zoning Ordinance.


CONDOMINIUM SITE CONDO. The resulting subdivision or development of land created under the Condominium Act. (See Figure 2-3)


Figure 2-3: Site Condominium



SITE CONDOMINIUM

 GENERAL
COMMON
AREAS

 LIMITED
COMMON
AREAS

 CONDOMINIUM
UNIT

CONDOMINIUM SUBDIVISION PLAN. The site, survey, and utility plans; flood plain plans; and Sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit, as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and appropriate size of common elements and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and By Laws of the Condominium Subdivision.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use as described in the Master Deed and is that area within which the building may be constructed. (See Figure 2-3)

CURB CUT. The providing of vehicular ingress or egress between property and an abutting public street.

DECIBEL. is defined as a unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

DENSITY. The number of families residing on, or dwelling units developed on, an area of land. As used in this Ordinance, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards or other public lands and open spaces.

DISTRICT. A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.

DWELLING, ROW OR TERRACE. A row of three (3) or more attached one-family dwellings, not more than two and one-half (2 ½) stories in height, in which each dwelling has its own front entrance and rear entrance.

DWELLING-ONE FAMILY. A building designed exclusively for and occupied exclusively by one (1) family.

EFFICIENCY UNIT. An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing not less than three hundred and fifty (350) square feet of floor area.

EQUIVALENT A-WEIGHTED CONTINUOUS SOUND LEVEL (L_{EQ}): The level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as L_{eq} A, and expressed as dBA. The measurement shall be at a true equivalent sound level measured over a ten (10) minute interval at each property line at any time. The period of time to record shall be 2 hours.

EQUIVALENT WORD, TERM. Those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition Section.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of

underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

EXCAVATING. Excavating shall be the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest.

EXISTING GRADE. The grade or topography that exists prior to any excavation, clearing, grading, or filling within 10 feet.

Section 2.03. Terms F - L

FAMILY. A domestic family which is one or more persons living together and related by the bonds of consanguinity and marriage or adoption which function as a single housekeeping unit in the dwelling. A family shall be deemed to include domestic servants, gratuitous guests and not more than three (3) boarded children.

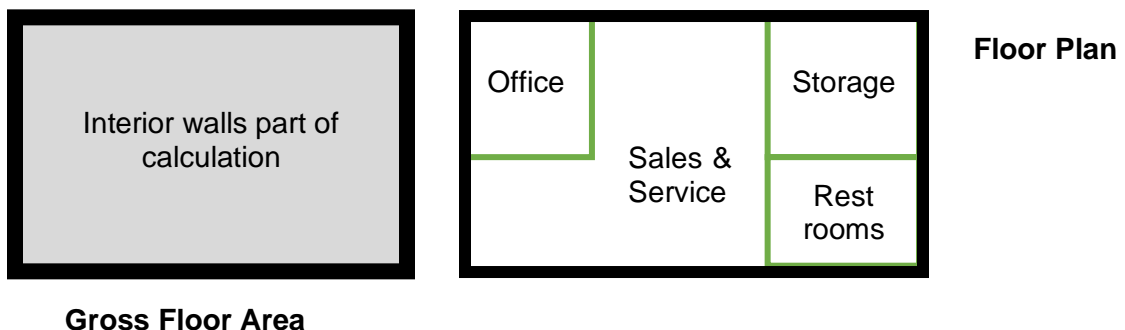
The functioning family is one or more persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functioning equivalent of a domestic family with a demonstratable and recognizable bond and function as cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or basic unit for the establishment of the functioning equivalent of the domestic family is likely or contemplated to exist for a limited or temporary duration. In no case, shall more than six (6) persons reside in a dwelling be considered a functional family.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FILLING. Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

FLOOR AREAS, GROSS. Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See Basement definition) “Floor Area” shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies and mezzanines.

Figure 2-4: Floor Area Diagram



FRONTAGE. That portion of any property abutting a public street or private road; a corner lot and a through lot having frontage on both abutting streets.

GARAGE, PRIVATE. A building used primarily for the storage of self-propelled vehicles for use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capacity of three-fourths (3/4) ton.

GRADE. The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building, except Underground Homes. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HEIGHT OF BUILDING. The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roof. (See Figure 2-5)

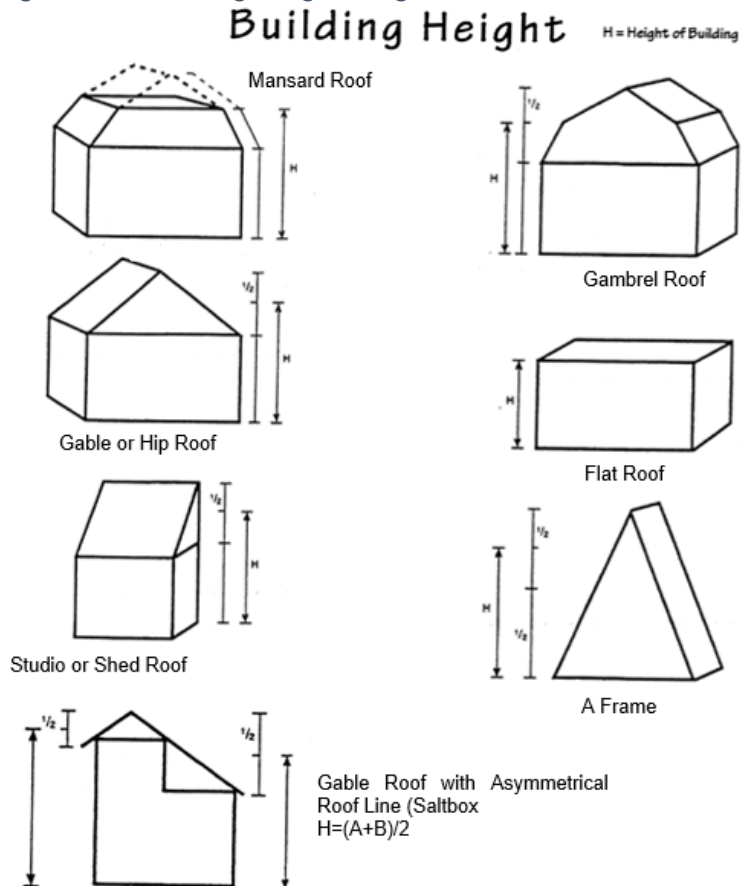
INDUSTRIAL STRUCTURE-MOUNTED WIND ENERGY CONVERSION SYSTEM (IM-WECS). Is a WECS that is attached to a structure's roof, walls, or any other elevated surface. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

INDUSTRIAL TOWER-MOUNTED ENERGY CONVERSION SYSTEM (IT-WECS). A tower mounted WECS.

JUNK. For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated or are in a condition which cannot be used for the purpose for which the product was manufactured.

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

Figure 2-5: Building Height Diagram



LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot located at the intersection of two (2) streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (See Figure 2-7)

LOT, DOUBLE FRONTAGE. An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. (See Figure 2-6)

LOT, INTERIOR. A lot other than a corner lot or through lot. Any portion of a corner lot more than one hundred twenty (120) feet from the “corner” measured along a front street lot line shall be considered an interior lot. (See Figure 2-6)

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

LOT DEPTH. The mean horizontal distance from the front street line to the rear lot line.

LOT LINES. The property lines bounding the lot.

Front Lot Line: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street. (See Figure 2-7 and Figure 2-8)

Rear Lot Line: Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In the case of a corner lot, the rear lot line shall be the opposite of the shortest front lot line. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line. (See Figure 2-7 and Figure 2-8)

Side Lot Line: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See Figure 2-7 and Figure 2-8)

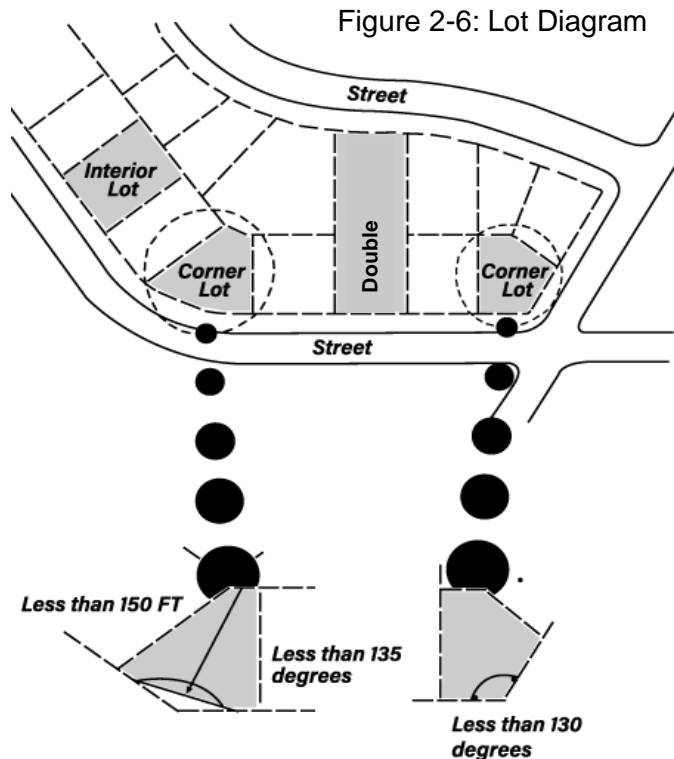


Figure 2-7: Yard Determination Diagram

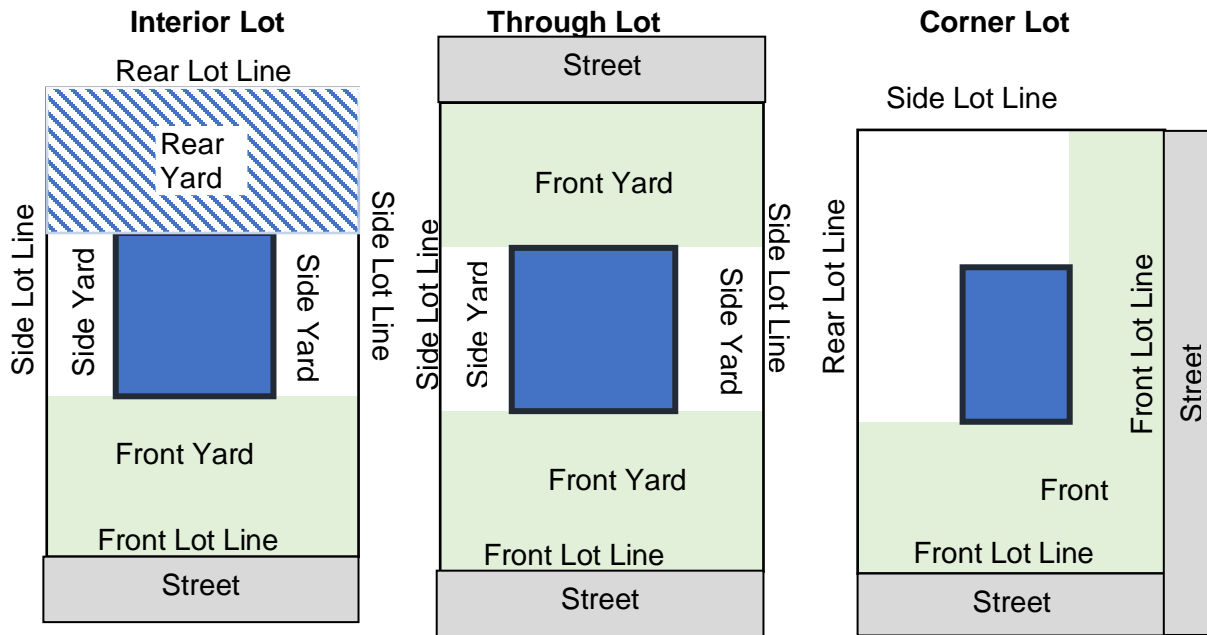
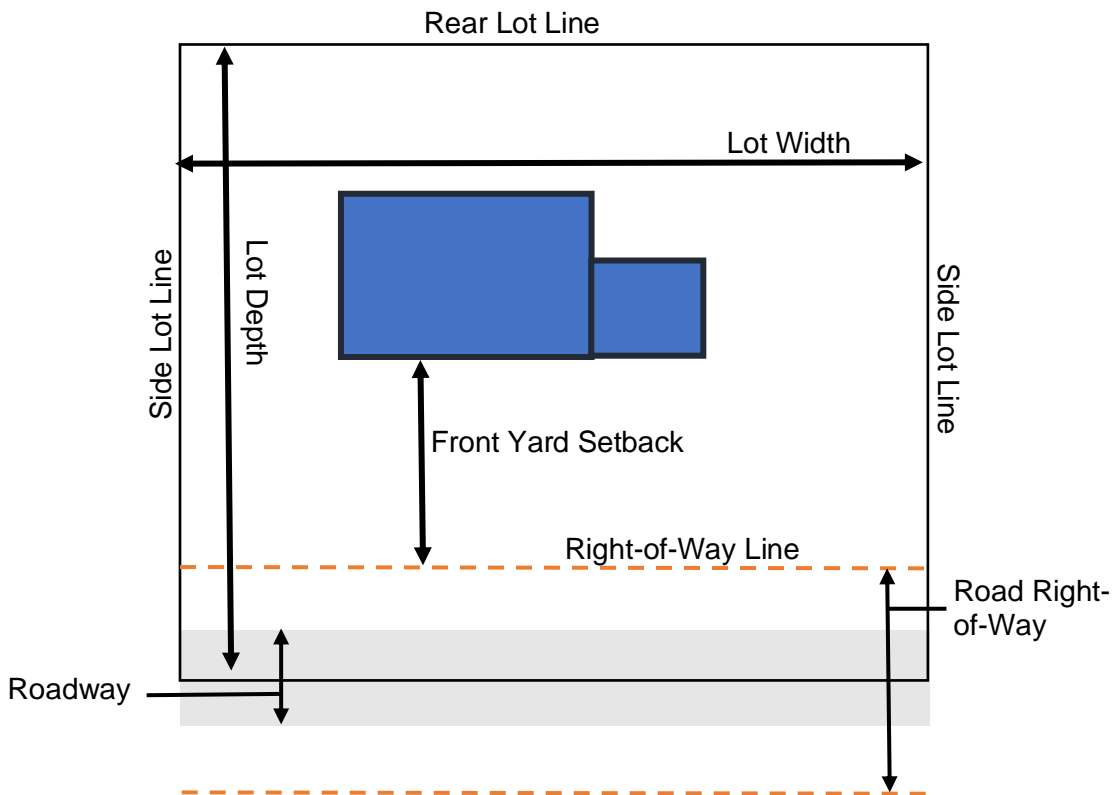


Figure 2-8: Lot Diagram



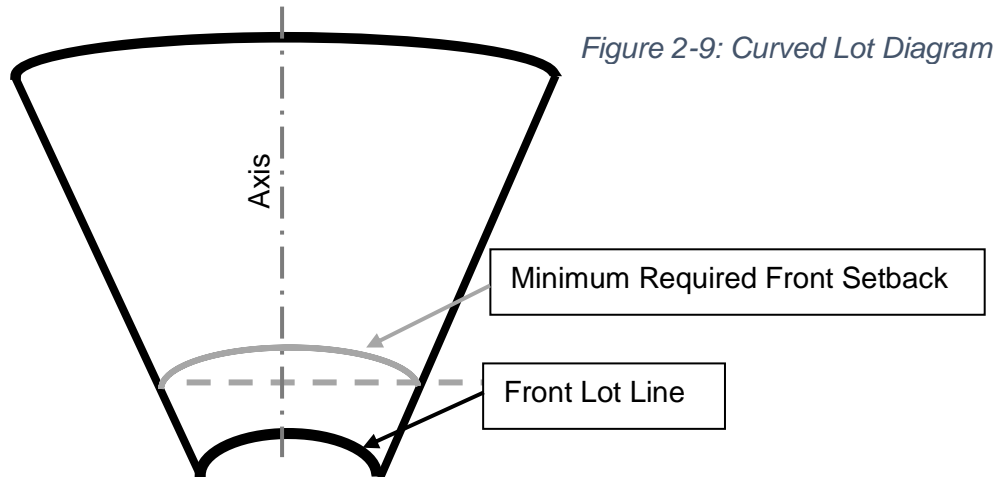
STREET OR ALLEY LOT LINE: A lot line separating the lot from the right-of-way, a street or an alley.

LOT OF RECORD. A parcel of record is an area of land described by Metes and Bounds description. A parcel of land described within fixed boundaries. A lot which actually exists in a

Definitions

subdivision plat or part of a condominium project as shown on the records of the County Register of Deeds.

LOT WIDTH. The horizontal distance between the side lot lines measured at the two points where the building line, or setback, intersects the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines. (See Figure 2-8 & Figure 2-9) The minimum required width of a lot shall extend from the front setback line to the rear setback line. In the case of a corner lot, the width shall be the side with the shortest front yard to either side.



Section 2.04. Terms M - S

MAJOR STREET. A main traffic artery designated on the Township’s Master Plan as a Major Thoroughfare.

MASTER DEED. The condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved By Laws for the project and the approved condominium subdivision plans for the project.

MASTER PLAN. Any plan adopted or amended under Michigan Planning Enabling Act PA 33 of 2008. This includes, but is not limited to, a plan prepared by a planning commission authorized by Michigan Planning Enabling Act PA 33 of 2008 and used to satisfy the requirement of Section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, Township plan, plan, or any other term.

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 with the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the structure.

NAMEPLATE CAPACITY. The maximum rated capacity generated by a WECS that can be measured in kilowatts (KW) or megawatts (MW).

NIT. Defined as one candela (or one candlepower) per square meter (1cd/m²).

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

NONCONFORMING LOT. Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.

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

NON-PARTICIPATING PARCEL. A property that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for an application for the purposes of constructing a wind energy conversion system.

OCCUPIED. The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased or intended to be occupied.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for parking of more than two automobiles.

OPEN STORAGE. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long for each automobile or motor vehicle; such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

PARTICIPATING PARCEL. A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting an application for the purposes of developing of a Wind Energy Conversion System.

PETS, DANGEROUS. Any non-household pets or non-domesticated species of animal that attacks, bites or injures human beings or domesticated animals without adequate provocation; or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

PETS, DOMESTIC. Domestic animals, such as horses and ponies, which are customarily kept for noncommercial purposes for personal or family pleasure or leisure and which are not customarily permitted within a dwelling unit, including horses and ponies. Domestic pets shall not be construed to include household pets, nor shall it include hogs, nor shall dangerous or exotic pets be considered domestic pets.

PET, EXOTIC. Any animal of a species not indigenous to the State of Michigan and not a domestic pet, including any hybrid animal that is part exotic pet. Exotic pets shall not include dangerous pets. Potbelly pigs, monkeys, emus, llamas, ostriches and other similar pets shall be considered exotic pets.

PETS, HOUSEHOLD. Animals customarily kept for noncommercial purposes for personal or family pleasure or leisure and customarily permitted within a dwelling unit, including dogs and cats. Household pets shall not be construed to include domestic pets or domestic animals such as horses, ponies, sheep, hogs or other similar animals.

PERMITTED USE. Any use authorized or permitted alone or in conjunction with another use in a specific district and subject to the limitations of the regulations of such use district.

PLANNING COMMISSION. The word “Planning Commission” shall mean the Dryden Township Planning Commission.

PLOT PLAN. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

POND. Shall mean any natural or artificial body of water (excluding non-earthen swimming pools) that under normal circumstances can hold water to a depth of 3 feet or more or has a surface area of more than 2,500 square feet.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE DRIVE. Access to one (1) dwelling from a public street or a private road.

PROJECTION. A part or connected component of a building or structure, that goes beyond the main mass of the object.

PUBLIC SEMI-PUBLIC DISTRICTS. Are those areas of the Township under public ownership or under private ownership and having tax exempt status under Section 501 of the Internal Revenue Code. These tax exempt properties shall be open to the public and be used only for purposes allowed by the code. Publicly owned land shall be used for public recreation, public parks and similar uses. A nominal fee may be charged.

PUBLIC UTILITY. Any persons, form, corporation, municipal department board, or commission duly authorized to furnish, and furnishing under Federal, State or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation or water services.

RACKING. Racking is any structure or building material used in the mounting of a solar panel.

REGISTERED QUALIFYING PATIENT. A qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

RIGHT OF WAY. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

ROTOR. A rotating cylindrical hub that connects several blades that makes up the exterior rotating assembly of the WECS.

SCREENING. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

SEPARATE OWNERSHIP. Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation or other group. Provided, that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

SETBACK. The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches, and the front street or right-of-way line.

SETBACK, REQUIRED. The requirement that a building be set back a certain distance from the street or lot line, whether on the street level or at a prescribed height. The aim is to allow more room for the pedestrian or to reduce the obstruction to sunlight reaching the streets and lower stories of adjoining buildings.

SPECIFIED SEXUAL ACTIVITIES. This term is defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;

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

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.

SIGN, ACCESSORY. A sign advertising services or products, activities, persons or events which are made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises on which the accessory sign is located.

SIGN, CHANGEABLE COPY (AUTOMATIC). A permanently-installed sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time units.

SIGN, CHANGEABLE COPY (MANUAL). A permanently-installed sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

SIGN, EXTERNAL ILLUMINATION. Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

SIGN, FACE AREA. See Sign, Gross Surface Area.

SIGN, FLASHING. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by the intermittent lighting shall be deemed to be a flashing sign.

SIGN, GROSS SURFACE AREA. The entire area within a single continuous perimeter composed of a single regular geometric form enclosing the extreme limits of characters, lettering, illustrations, ornamentations or other figures, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed; provided further that only one face of a double-faced sign as defined shall be considered in determining the gross surface area. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

SIGN, INFLATABLE BALLOON. A portable sign composed of a non-porous bag of tough, light material filled with unheated or heated air, which may or may not float in the atmosphere, and is affixed or attached to the earth, either directly or indirectly.

SIGN, MOVING. A sign which revolves, rotates, swings, undulates or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners or pennants.

SIGN, NON-ACCESSORY SIGN. A sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises on which the non-accessory sign is located.

SIGN, NON-CONFORMING. A sign existing at the effective date of the adoption of this Ordinance which does not adhere to one (1) or more of the provisions contained in this Ordinance.

SIGN, OUTDOOR ADVERTISING. (See non-accessory sign)

SIGN, PORTABLE. Any sign that is designed to be transported, including but not limited to a sign: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A- or T- frame signs; attached temporarily or permanently to the ground, a structure or other signs; mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business;

menu and sandwich board signs; search light stands and inflatable balloons or umbrellas used for advertising.

SIGN. The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed outdoors in view of the general public; in addition, any of the above which is not placed outdoors, but which is placed near or attached to a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to the general public shall be considered a sign within the meaning of this Ordinance.

SPECIAL LAND USE. This definition is based upon the division of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SMALL STRUCTURE-MOUNTED WIND ENERGY CONVERSION SYSTEM (SM-WECS). Is a WECS that is attached to a structure’s roof, walls, or any other elevated surface. The SSM-WECS has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

SMALL TOWER-MOUNTED WIND ENERGY CONVERSION SYSTEM (ST-WECS). Is a tower-mounted WECS that has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred and seventy-five (175).

SOIL REMOVAL. Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

SOLAR ENERGY COLLECTOR. A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other forms of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands. This includes solar panels and solar shingles.

SOLAR PANEL. A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

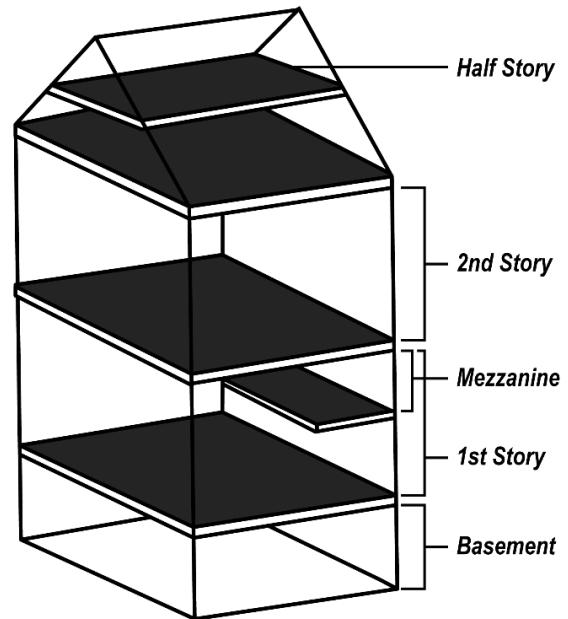
SOLAR SHINGLES. A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

SPECIFIED ANATOMICAL AREAS. Defined as less than completely or opaquely covered: (i) human genitals, pubic region, (ii) buttock and (iii) female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

STATE EQUALIZED VALUATION. The value shown on the Township assessment roll as equalized through the process of State and County equalization.

STORY. That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. (See illustration following). Figure 2-10: Basic Structural Terms

Figure 2-10: Basic Structural Terms



A “Mezzanine” shall be deemed a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50) per cent of its height is above the level from which the height of the building is measured; or if it is used for business purposes; or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same; or if it is expressly constructed as an underground home. (See Figure 2-10)

STORY, HALF. The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story. (See Figure 2-10)

STREET. A public or private thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

STRUCTURE. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

STRUCTURAL ALTERATION. Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any change in the width or number of exits; or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING. Any structure of any kind or character erected or maintained for outdoor advertising purposes upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

SUBDIVISION ORDINANCE. The Dryden Township Subdivision Regulations Ordinance, as amended.

SWIMMING POOL. The term “swimming pool” shall mean any permanent, non-portable structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than twenty-four (24) inches.

Section 2.05. Terms T – Z

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

TEMPORARY BUILDING AND USE. A structure or use permitted by the Building Official to exist during periods of construction of the main use or for special events, not to exceed six (6) months.

TOTAL SYSTEM HEIGHT. The WECS total system height is calculated by measuring from the ground level to the top tip of the blade when positioned in an upright position.

TOWER SETBACK. The WECS tower setback is measured four (4) times the total system height of the unit and then is measured from the center of the tower out.

TOWNSHIP BOARD. The words "Township Board" shall mean the Dryden Township Board.

TRAILER, HOUSE-OR MOBILE HOME. (See Mobile Home.)

UNDERGROUND HOMES. A residence designed specifically to be more or less covered with earth. It shall be designed by a licensed architect and shall incorporate safety features and emergency exits per latest BOCA Code.

USE. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

WIND ENERGY CONVERSION SYSTEMS (WECS). Also, commonly referred to as a wind energy facility, wind generating tower, windmill, or wind-powered generator. It shall mean the combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers;
2. 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;
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level.

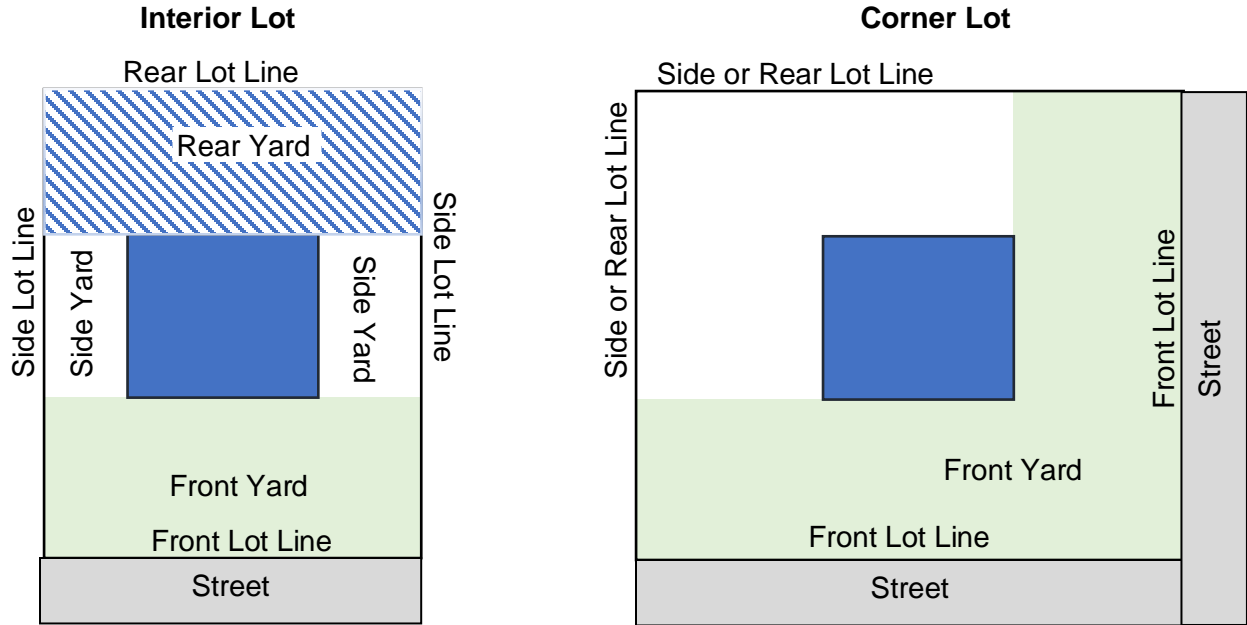
YARD AREA. Limited common element reserved exclusively for the unit located within the yard area.

YARD, FRONT. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD, SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Figure 2-11: Yard Determination



ZONING BOARDS OF APPEALS. The words “Zoning Board of Appeals,” or “Board” shall mean the Zoning Board of Appeals for the Township of Dryden.

ZONING ORDINANCE. The Dryden Township Zoning Ordinance, as amended.

Article 3 Zoning Districts

Section 3.01. Districts.

The Township is hereby divided into classes of districts known as follows:

AG	Agricultural District
SE-1	Suburban Estate District
SE-2	Suburban Estate District
R-1	Single Family Residential District
R-M	Residential-Multiple Family District
R-T	Transient Residential Mobile Home District
C	Commercial District
M	Industrial District

Section 3.02.Map.

The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which said map is designated as the Zoning Map of the Township. The Zoning Map, attached hereto and on file with the Zoning Administrator and Clerk of the Township, and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein. The Zoning Administrator shall be responsible for updating the Zoning Map.

Except where reference on said Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys or such lines extended and the corporate limits of the Township, as they existed at the time of the adoption of this Ordinance.

Where a district boundary line, as established in this Section or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals after recommendation from the Township Planning Commission, according to rules and regulations which may be adopted by it.

Section 3.03.Rezonings.

A. Placeholder

Section 3.04. Table of Purpose Statements

<p>AG – Agricultural District - Agricultural District are those open areas of the Township where farming, dairying, forestry operations and other rural activities are found. Vacant land, fallow land and wooded areas also would be included where such areas are interspersed among farms. Gradually, and based upon a logical comprehensive plan for development, Agricultural Districts may be converted to other land uses. The Agricultural District protects land needed for agricultural pursuits from encroachment by untimely and unplanned residential, commercial and industrial development.</p>
<p>SE-1 & SE-2 - Suburban Estate District - The Suburban Estates Districts is intended as a district primarily for single-family homes on large lots which need not require urban services such as municipal water supply or sewerage. For the Suburban Estates Districts, in promoting the general purpose of this Ordinance, the specific intent is:</p> <ul style="list-style-type: none"> A. To establish high standards of residential occupancy in a rural environment. B. To prohibit agricultural use of a commercial nature, including the keeping and breeding of livestock other than customary household or domestic pets to the extent allowed under the Right to Farm Act; except to allow the growing and harvesting of grain, dry beans, corn and forage crops.
<p>R – Single Family District - The Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings. For the Single-Family Residential District, in promoting the general purposes of this Ordinance, the specific intent is:</p> <ul style="list-style-type: none"> A. To encourage the construction of, and the continued use of, the land for single-family dwellings. B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district. C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance. D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets. E. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.
<p>R-T – Transient Residential Mobile Home District - The Residential-Mobile Home District is intended for mobile home parks. Such districts require adequate space for healthful living conditions for occupants of such facilities. To ensure a healthy, safe and attractive living environment in the more densely populated residential living permitted in this district, the Township establishes various requirements, set forth below, regarding landscaping, skirting, roadways, utilities, recreational vehicle storage, accessory buildings, open space area, sidewalks, permanent foundations, area, height, placement and performance standards and special permitted uses.</p>
<p>RM – Residential Multiple Family District - The Multiple Dwelling Residential District is designed to permit a more intensive residential use of land with various types of attached and multiple dwellings and related uses. RM areas are intended to be located near major streets for good accessibility. A wide range of housing styles are provided for to meet the range of needs of the different age and family groups within the community.</p>

C – Commercial District - The Commercial District, is intended to be that district permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic or late hours of operation. The intent of this district is also to encourage the concentration of local business by locating proposed areas in the Comprehensive Development Plan, as may be adopted, to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip business development along major streets.

M- Industrial District - The intent of the Industrial District is to provide for the development of a variety of low intensity industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations applicable to this district are designed to accommodate the development of industrial uses which will be compatible with one another and with adjacent residential transportation facilities; such uses must be limited in nature to those requiring minimal process water, effluent discharge and transportation demands.

Section 3.05. Table of Uses

In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified in.

- A. Permitted Use (P) are land and/or buildings in this district may be used for the purposes listed by right.
- B. Special Land Use (SLU) are uses which may be permitted by obtaining special land use approved when all applicable requirements in that designated zoning district.
- C. Accessory (A) are uses that must have a primary use of the property for it to be considered by right.
- D. If a use is not marked with a P or SLU then that use is not allowed in that corresponding zoning district.

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	AG	SE-1	SE-2	R	R-T	RM	C	M
Agricultural Uses								
Agricultural tourism	SLU							
Farms	P	P	P					
Tree and shrub nurseries and greenhouses	P						P	
Private stables	P							
Keeping exotic pets (non-commercial purposes)	SLU	SLU	SLU	SLU				
Keeping of livestock	P							
Commercial raising of small animals	SLU							
Hobby kennels	SLU	P	P					
Commercial kennels	SLU							
Commercial stables	P							
Roadside stand	P							

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	AG	SE-1	SE-2	R	R-T	RM	C	M
Residential Uses								
Zoning Districts	AG	SE-1	SE-2	R	R-T	RM	C	M
Adult foster care facility, family home	P	P	P	P				
Adult foster care facility, small group home (1-6)	SLU	SLU	SLU	SLU				
Adult foster care facility, large group home (7-12)	SLU	SLU	SLU	SLU				
Adult foster care facility, large group home (13-20)	SLU	SLU	SLU	SLU				
Bed and breakfast inn	SLU							
Family day care home	P	P	P	P				
Group day care home	SLU	SLU	SLU	SLU				
Single family detached dwelling	P	P	P	P		P		
Two-family dwellings	SLU			SLU		P		
Home occupation	P	P	P	P	SLU	SLU		
Mobile home parks					P			
Multiple family dwellings						P		
Triplex and quadruplex dwellings						P		
Housing for the elderly						SLU		
Summer housing	SLU							
Registered Primary Caregiver	SLU	SLU	SLU					
Commercial Uses								
Zoning Districts	AG	SE-1	SE-2	R	R-T	RM	C	M
Adult entertainment uses							SLU	
Archery ranges	SLU							
Auto service station							SLU	
Automobile or trailer sales area (New or Used)							SLU	
Beaches	SLU							
Banquet hall							P	
Bicycle rental or repair shop							P	
Billiard halls							P	
Campgrounds owned or operated by profit or nonprofit organizations	SLU							
Car washes, both self-service and full service							SLU	

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	AG	SE-1	SE-2	R	R-T	RM	C	M
Cider mills	SLU						P	
Commercial recreation uses	SLU							
Country clubs	SLU							
Day camps	SLU							
Drive-thru facilities							SLU	
Funeral homes, mortuary, crematorium establishments							P	
Gas stations							SLU	
Golf courses	SLU					SLU		
Golf driving range	SLU							
Laundry agency or dry cleaning							P	
Microbreweries	SLU						P	
Modular home sales establishments								SLU
Motels, hotels							P	
Nurse schools, day nurseries and childcare centers				SLU		SLU		
Offices, business, professional or governmental							P	
Office and showroom for the trade industry							P	P
Office of a veterinarian or animal clinic	P							
Open air business							SLU	
Personal service establishments							P	
Private clubs or lodge halls							P	
Private parks	SLU							
Racquet/fitness clubs						SLU	P	
Retail cold storage establishments							P	SLU
Retail establishments with 10,000 or less sqft							P	
Retail establishments with 10,001 or more sqft							SLU	
Retail sales as an accessory use								SLU
Restaurants, eating and drinking places							P	
Small distilleries	SLU						P	
Small wineries	SLU							
Indoor Recreation							SLU	P

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	AG	SE-1	SE-2	R	R-T	RM	C	M
Industrial Uses								
Zoning Districts	AG	SE-1	SE-2	R	R-T	RM	C	M
Airports								P
Cold storage plants							P	
Commercial garage								SLU
Construction contractor and landscaper yards	P							P
Electric & gas transfer stations and substations	SLU							
Junk yards and salvage yards								SLU
Laboratories, research and testing facilities							P	P
Open storage								SLU
Public utility buildings	SLU							
Raw Building material sales								P
Radio and television towers	SLU						P	
Sawmills								SLU
Soil, sand, clay, gravel or similar removal operations, quarry excavation and filling of land	SLU							
The compounding, processing, packaging manufacturing, treatment of semi-fished and finished products								P
Tool, die, gauge, and machine shop manufacturing or repairing small parts								P
Truck, tractor and trailer sales and display, rental and repair, automotive repair								SLU
Warehouses / mini-storage								P
Water supply and sewage disposal plans								SLU
Institutional Uses								
Zoning Districts	AG	SE-1	SE-2	R	R-T	RM	C	M
Cemeteries	P							
Churches and other religious institutions	P	P	P	P		P		
College		P	P	P		P		
Extended care facilities						SLU		
Hospitals							SLU	
Libraries		P	P	P		P		
Publicly owned buildings	P	P	P	P		P		

Zoning Districts

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	AG	SE-1	SE-2	R	R-T	RM	C	M
Parks & parkways		P	P	P		P		
Private non-commercial recreation		P	P	P		P		
Recreational facilities		P	P	P		P		
Schools (public, private, and parochial)	P	P	P	P		P		
Other Uses								
Zoning Districts	AG	SE-1	SE-2	R	R-T	RM	C	M
Accessory buildings and uses	P	P	P	P	P	P	P	P
Maintenance and management buildings						P		
Reservoirs	SLU							
Solar Energy Collector – Onsite Building Mounted	P	P	P	P	P	P	P	P
Solar Energy Collector – Onsite Ground Mounted	P	P	P	P	P	P	P	P
Solar Energy Collector - Commercial	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Swimming pools	P	P	P	P		P		
Temporary building	P							
Temporary use, unless otherwise stated	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Temporary use: garage sales, yard sales, or similar types of sales	P	P	P	P		P		
Temporary outdoor sales	SLU						P	SLU
Commercial Wind Energy Conversion System (WECS)	SLU							SLU
Industrial WECS	SLU						SLU	SLU
Small Scale WECS	P	P	P	P	P	P	P	P

Section 3.06. Table of Use Requirements

Below is a table with the definition, parking requirement, and use requirements associated with the various uses in the Ordinance

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Agricultural Uses			
Agricultural tourism	The continuation of an agricultural practice with accessory uses that are directly related to agriculture such as: processing; storage; retail or wholesale marketing of agricultural products; value-added agricultural products or activities such as education tours of processing facilities; playgrounds or similar school equipment; nature trails; open air or covered picnic area with restrooms; kitchen facilities and gift shops for the sale of agricultural related products.	One (1) parking space per three (3) people to the total of the maximum capacity of the facilities.	<p>A. The minimum lot size is 40 acres.</p> <p>B. The property shall be located on a county primary roadway and use this roadway as a primary driveway.</p> <p>C. Adjunct food services may be provided.</p> <p>D. The hours of operation shall be confined between the hours of 10:00am to 9:00pm. Monday through Thursday, 10:00am to 11:00pm. Friday and Saturday, and 1:00pm to 9:00pm on Sunday.</p> <p>E. No temporary sanitary facility shall be on the property more than forty-eight (48) hours before or after the special event.</p> <p>F. No temporary sanitary facility or trash receptacles shall be located within one hundred (100) feet of a lot line unless the principal building and adjacent lot are in single ownership.</p> <p>G. All parking areas shall be surfaced with asphalt or concrete. The Planning Commission may allow asphalt millings, gravel, or equivalent surface if the below standards are met:</p> <ul style="list-style-type: none"> i. Gravel or equivalent surfaces so treated as to prevent any dust nuisance. ii. Adequate asphalt or concrete parking is provided for the principal commercial recreational use and all employees on the largest shift. iii. Adequate drainage, buffering, and maintenance to ensure they are not a nuisance to neighboring properties and allow for safe maneuverability of the site. <p>H. All property lines shall have a setback of one hundred (100) feet.</p>
Farms	All of the contiguous neighboring or associated land operated as a single unit in which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees provided, farms may be considered as including establishments operated as bona fide orchards, poultry farms and apiaries;	N/A	<p>A. Land to be a farm hereunder shall include a continuous parcel of ten (10) acres or more in area.</p> <p>B. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle or similar livestock.</p> <p>C. Meet relevant Michigan Department of Agricultural & Rural Development GAAMP.</p>

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Tree and shrub nurseries and greenhouse	An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.	One (1) space per every 300 sq ft of the gross floor area.	N/A
Private stables	A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.	N/A	A. Meet Michigan Department of Agricultural & Rural Development GAAMP.
Keeping exotic pets (non-commercial purposes)	Any animal of a species not indigenous to the State of Michigan and not a domestic pet, including any hybrid animal that is part exotic pet. Exotic pets shall not include dangerous pets. Potbelly pigs, monkeys, emus, llamas, ostriches and other similar pets shall be considered exotic pets.	N/A	<p>A. Three (3) acres of land shall be required for the first exotic pet and an additional acre of land for each additional exotic pet, however, in no event shall the total number of exotic pets kept on the property at one time exceed ten (10) such animals.</p> <p>B. The land is environmentally capable of accommodating the number and type of animals proposed.</p> <p>C. An operational management plan is provided which explains the method of containment and caring for the animals.</p> <p>D. The property is adequately fenced to ensure that pets remain on the property and pose no danger to Township residents.</p> <p>E. The design and location of fences, buildings and other structures is compatible with adjacent property.</p> <p>F. The Planning Commission may place additional conditions on the site to reduce the impact of odor, noise, dust and other secondary effects on adjacent properties.</p>

Sec. 3.06 Table of Use Requirements																			
USE	DEFINITION	PARKING	DESIGN STANDARD																
Keeping of livestock	Services involving the temporary keeping of livestock and poultry for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards. Such as poultry, pigs, cows, etc.	N/A	<p>A. Livestock operations with a capacity of 50 or more animal units shall comply with the Michigan Department of Agriculture’s Generally Accepted Agricultural and Management Practices for the Site Selection and Odor Control for New and Expanding Livestock Production Facilities and its Generally Accepted Agricultural and Management Practices for Manure Management and Utilization. The term "animal unit" shall be defined as it is in the GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities, see also illustration chart below.</p> <p>B. For livestock operations with a capacity of 49 or fewer animal units, the following standards shall apply:</p> <ul style="list-style-type: none"> i. Livestock operations involving the keeping of hooved animals shall have a maximum density not exceeding one (1) animal for the first three (3) acres, plus one (1) animal per each additional acre. ii. Accessory structures for livestock shall meet setback requirements for accessory structures. <p>C. This is not intended to revise the GAAMPS and should be construed accordingly.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Animal Type</th> <th style="text-align: center;">Number of Equivalent Animals for <u>50 Animal Units</u>¹</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Slaughter and feeder cattle</td> <td style="text-align: center;">50</td> </tr> <tr> <td style="text-align: center;">Mature dairy cattle</td> <td style="text-align: center;">35</td> </tr> <tr> <td style="text-align: center;">Swine weighing more than 55 pounds</td> <td style="text-align: center;">125</td> </tr> <tr> <td style="text-align: center;">Horses</td> <td style="text-align: center;">25</td> </tr> <tr> <td style="text-align: center;">Sheep and lambs</td> <td style="text-align: center;">500</td> </tr> <tr> <td style="text-align: center;">Turkeys</td> <td style="text-align: center;">2,750</td> </tr> <tr> <td style="text-align: center;">Laying Hens and Broilers</td> <td style="text-align: center;">5,000</td> </tr> </tbody> </table> <p><small>Source: Michigan Department of Agriculture’s Generally Accepted Agricultural and Management Practice for site selection and odor control for new and expanding livestock production facilities.</small></p> <p>¹ All other animal types not on this table are to be calculated as one thousand pounds live weight equals one animal unit.</p>	Animal Type	Number of Equivalent Animals for <u>50 Animal Units</u> ¹	Slaughter and feeder cattle	50	Mature dairy cattle	35	Swine weighing more than 55 pounds	125	Horses	25	Sheep and lambs	500	Turkeys	2,750	Laying Hens and Broilers	5,000
Animal Type	Number of Equivalent Animals for <u>50 Animal Units</u> ¹																		
Slaughter and feeder cattle	50																		
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Swine weighing more than 55 pounds	125																		
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Sheep and lambs	500																		
Turkeys	2,750																		
Laying Hens and Broilers	5,000																		

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial raising of small animals	The commercial raising of domestic, laboratory and fur bearing animals, including cats, chinchillas, mice, fox, guinea pigs, rats and similar small animals.	N/A	<p>A. The commercial raising of domestic, laboratory and fur bearing animals, including cats, chinchillas, mice, fox, guinea pigs, rats and similar animals, shall be located on a continuous parcel of land, ten (10) acres or more, sufficient in size to provide not less than one hundred (100) feet from the side lot line and two hundred (200) feet from the rear and front lot lines, from any structure, cage or pen housing such animals.</p> <p>B. All animal areas shall be screened from view from off site with a sound deadening wall, four (4) feet in height, or a landscaped green-belt of evergreen trees. Such evergreens shall be planted a maximum of six (6) feet apart and minimum of four (4) feet in height at time of planting, and shall be planted and maintained so as to form an opaque screen.</p> <p>C. Facilities shall be established and maintained in accordance with all applicable State, County and Township regulations.</p> <p>D. Such facilities shall be constructed with an approved septic system or other approved system for the safe, sanitary collection and disposal of wastes. Said approval shall be obtained from the Township.</p> <p>E. If deemed necessary by the building official, detailed description of proposed methods for minimizing potential off-site impacts of noise and odor are to be furnished.</p> <p>F. Meet relevant Michigan Department of Agricultural & Rural Development GAAMP.</p>
Hobby kennel	Any lot or premises on which (4) four or more dogs are kept for hobby purposes. Maximum number of dogs in hobby kennels is to be six (6).	N/A	A. See Sec. 3.07.A.
Commercial kennel	Any lot or premises on which four (4) or more dogs, four (4) months or more old, are bred, boarded or otherwise kept for commercial purposes.	One space per employee, plus one space per 1,000 sq. ft.	A. See Sec. 3.07.B
Commercial stables	A lot that may be used for commercial riding stable open to the general public; boarding of livestock, training, training involving large groups of eight or more students; polo fields or arenas used for scheduled, public, or club events; and those uses permitted on a ranch.	One (1) for every horse stall, plus one (1) parking space for each employee.	A. Meet relevant Michigan Department of Agricultural & Rural Development GAAMP.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Roadside stands	Any cart, table, equipment, or apparatus which is not a structure, which is designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display, and accessory advertising of merchandise or food.	Four (4) spaces per roadside stand.	<p>A. One (1) temporary building for the sale of the produce raised by any of the above agricultural uses, which shall be located not less than twenty-five (25) feet from the street or highway right-of-way line;</p> <p>B. Further provided that an open space for parking twenty-five (25) feet off the street or highway right-of-way be provided for patrons of such roadside produce market;</p> <p>C. Further provided that such building shall be of such a portable construction that the building shall be removed from its roadside location during the season that it is not in use as a roadside produce market.</p> <p>D. Meet relevant Michigan Department of Agricultural & Rural Development GAAMP.</p>
Residential Uses			
Adult foster care facility, family home	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week, and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One (1) space per employee on the largest work shift, plus one space for every three (3) residents of the home.	<p>A. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility.</p> <p>B. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.</p> <p>C. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.</p>
Adult foster care facility, small group home (1-6)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week, and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One space per employee on the largest work shift, plus one space for every three residents of the home.	<p>A. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility.</p> <p>B. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.</p>

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Adult foster care facility, large group home (7-12)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.	One space per employee on the largest work shift, plus one space for every three residents of the home.	<ul style="list-style-type: none"> A. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. B. Adult foster care large I group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Adult foster care facility, large group home (13-20)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.	One space per employee on the largest work shift, plus one space for every three residents of the home.	<ul style="list-style-type: none"> A. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. B. Adult foster care large group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Bed & breakfast Inn	Owner operated businesses providing the primary financial support of the owner where one or more meals are served to guests.	One off-street parking space per sleeping room.	<ul style="list-style-type: none"> A. No more than seven (7) sleeping rooms shall be permitted in any Bed & Breakfast Inn. B. The guests in the Bed & Breakfast Inn shall not stay more than seven (7) days out of any 30 day period. C. The Bed & Breakfast Inn will provide only one kitchen facility for use by residents and guests. D. Bed & Breakfast Inns shall meet all State, County and local code and regulation requirements. E. The owner or manager of the Bed & Breakfast Inn shall reside within the principal structure when the Bed & Breakfast Inn is in operation. F. One (1) sign shall be permitted per Bed and Breakfast Inn with a maximum size of twelve (12) square feet and a maximum height of six (6) feet. The sign shall meet all other specifications of Article 10. G. The Bed & Breakfast Inn shall be residential in character.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Family day care home	A private residence where care, protection, and supervision are provided, for a fee to no more than six (6) children at one time, except children related to an adult member of the family. A family day care home shall require no construction features or equipment not customary in a residential dwelling or district.	N/A	N/A
Group day care home	A state licensed, private residence where care, protection, and supervision are provided, for a fee to no more than twelve (12) children at one time, except children related to an adult member of the family. A group day care home shall require no construction features or equipment not customary in a residential dwelling or district.	N/A	<p>A. Is not located closer than 1,500 feet to another group day care home or an adult foster care home.</p> <p>B. All outdoor play areas are adequately fenced by a four (4) foot six (6) high cyclone or equivalent type fence.</p> <p>C. That for each child cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.</p> <p>D. Provides adequate off-street parking for all employees and adequate off-street waiting space for parents.</p> <p>E. Does not exceed sixteen (16) hours of operation daily and provides adequate bedroom space for all children cared for overnight. This shall be construed to mean not more than three (3) children per bedroom and not less than fifty (50) square feet of bedroom space per child.</p> <p>F. There shall be an initial walk through inspection by the Township Fire Chief and a report submitted to the Planning Commission regarding location of exits, fire extinguishers, smoke alarms, and the like.</p> <p>G. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.</p>
Single family detached dwelling	A building designed and contains only one (1) dwelling unit exclusively for and occupied exclusively by one (1) family.	Two (2) spaces per dwelling unit.	A. See Sec. 3.07.C

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Two-family dwellings	A building designed exclusively for occupancy by two (2) dwelling units living independently of each other and conforming in all other respects to the standards set forth in the definition of family.	Two (2) spaces per dwelling unit.	A. Must conform in all respects to requirements for Single family detached dwelling.
Home occupation	An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.	N/A	<ul style="list-style-type: none"> A. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation. B. No display of goods pertaining to such use are visible from the street. C. The home occupation shall employ no more than the owner of the business and three (3) additional employees, including family members or dwelling occupants. D. The principal structure for which the conditional use is requested must be the residence of the owner. A home occupation may occupy up to twenty-five percent of the ground floor of a dwelling or up to fifty percent of a detached building. E. Such occupation shall not alter the outside appearance of the dwelling. F. The home occupation shall not generate more than ten (10) business related vehicle trips in any one-day period. G. Parking for the home occupation shall be accommodated in the driveway or in an area designated for parking. H. A home occupation may allow the delivery of goods or visit of customers only after 8:00 a.m. and before 8:00 p.m. Monday through Saturday and after 12:00 noon and before 8:00 p.m. on Sunday. I. A home occupation shall not cause any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference that can be detected at or beyond the property line. J. Such occupation shall not produce discharges into the wastewater treatment system serving the dwelling which are in excess of the system's ability to process. When in question, the system's adequacy shall be certified by the Lapeer County Health Department.
Mobile home parks	Means 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, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home.	N/A	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Multiple family dwellings	A building, or a portion thereof, designed exclusively for occupancy by four (4) or more families living independently of each other.	Two (2) spaces per dwelling unit.	<p>A. Must conform in all respects the standards for Single family detached dwelling.</p> <p>B. The types of units must meet the below unit sizes:</p> <ul style="list-style-type: none"> i. Efficiency units: 500 square feet ii. One bedroom units: 600 square feet iii. Two bedroom units: 800 square feet iv. Three bedroom units: 1,000 square feet v. Four bedroom units: 1,150 square feet <p>C. Community Recreational facilities for the residents of the development are permitted subject to meet the most equivalent use.</p> <p>D. Maintenance and management buildings to serve the multiple dwellings and other accessory buildings are permitted meeting all setback requirements.</p> <p>E. Community garages serving the principal residential building are permitted, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot</p>
Triplex and quadruplex dwellings	A building containing three or four individual dwellings.	Two (2) spaces per dwelling unit	<p>A. Must conform in all respects the standards for Single family detached dwelling.</p>
Housing for the elderly	A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 60 years of age or older. The facility may include medical facilities or care. Housing for the elderly shall typically consist of multiple-household attached dwellings but may include detached dwelling units as part of a wholly owned and managed project.	One (1) space for every three (3) living units.	<p>A. Must conform in all respects the standards for Single family detached dwelling.</p> <p>B. The types of units must meet the below unit sizes:</p> <ul style="list-style-type: none"> i. Efficiency units: 500 square feet ii. One bedroom units: 600 square feet iii. Two bedroom units: 800 square feet iv. Three bedroom units: 1,000 square feet v. Four bedroom units: 1,150 square feet
Labor housing	A dwelling designed and intended to be used only for a few months each year, principally during the warm months of the year.	Two (2) spaces per dwelling unit	<p>A. Migratory labor camps used for seasonal labor, shall only operate between April 1 and November 15.</p> <p>B. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the County and State of Michigan Health Department.</p> <p>C. A minimum side yard setback is 50 FT.</p>

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Registered Primary Caregiver	A primary caregiver who has been issued a current registry identification card and is authorized to provide assistance to specific registered qualifying patient in the growing of marihuana under the Michigan Medical Marihuana Act	N/A	A. See Section 3.07.S
Commercial Uses			
Adult entertainment uses	Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities the regulation of which is preempted by state law.	One (1) space per three hundred (300) sq.ft. of gross floor area.	<p>A. Be located so that not more than two (2) of the above named uses are permitted within one thousand (1,000) feet of each other, in order to prevent the concentration of these uses in any one area and discourage the development of a skid row area, and provided that none of the above named uses shall be permitted within five-hundred (500) feet of any residentially zoned district</p> <p>B. Except that this provision may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of proposed regulated use by at least fifty-one (51) percent of the persons owning, residing or doing business within a radius of five-hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made.</p>

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Auto service station	An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, provided it is conducted within a completely enclosed building.	One (1) space for each service bay.	<p>A. Such use is located at least five hundred (500) feet from an entrance or exit to the property on which is located a public school, playground, playfield or park.</p> <p>B. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.</p> <p>C. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.</p> <p>D. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.</p> <p>E. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.</p> <p>F. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created, and the measures to be used for proper handling, storage, and disposal of such materials.</p> <p>G. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal regulations. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volumes and types of wastes.</p>
Automobile or trailer sales area (New or Used)	Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.	One (1) space per 500 sqft of gross floor area.	N/A
Beaches	A membership establishment, not available for use by the general public, providing for recreational and social activities related to and in close proximity to the beach.	N/A	N/A
Banquet hall	A facility or hall available for lease by private parties.	One (1) for every three (3) persons of capacity.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Bicycle rental or repair shop	A small business specializing in bicycle sale, maintenance and parts.	One (1) space per 300 sq.ft. of gross floor area.	N/A
Billiard halls	A business establishment containing more than two pool or billiard tables for the use of patrons.	Two (2) spaces per table.	N/A
Campground owned or operated by profit or nonprofit organization	An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to the members of such association and not to anyone who may apply.	One (1) space per campsite.	N/A
Car washes	A building or portion thereof containing facilities for washing more than two automobiles, using production line methods.	One (1) space per employee and washing bay. A minimum of two (2) waiting spaces, each ten (10) by twenty (20) feet in dimension, shall be provided on the site for each self washing stall, and five (5) waiting spaces shall be provided for each automatic automobile wash facility.	<ul style="list-style-type: none"> A. All washing facilities shall be within a completely enclosed building. B. Vacuuming and drying areas may be located outside the building but shall not be in the required front or side yard areas. C. All cars required to wait for access to the facilities shall be provided space off the street right-of-way. D. One (1) traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building; such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space. E. All buildings, vehicular stacking space, vacuuming; or other outside use area, except employee parking, shall have a minimum setback of one hundred (100) feet from a Residential District, unless the district is separated by a public street. F. Where applicable, secondary containment for toxic or hazardous substances shall be required G. Buildings should be oriented so that open bays, particularly self-serve automobile washes are oriented wherever possible so that they do not face residential uses unless provisions are made for adequate screening H. Discharge of wastewater from floor drains in car wash shall be into a system permitted by the Lapeer County Health Department. I. Sufficient space shall be provided on-site for water to drain off vehicles prior to exiting onto a public thoroughfare to prevent icing of the same during freezing weather.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Cider mills	An establishment where tasting, limited retail, and creation of hard or nonalcoholic cider is on the same premises as an active farm, which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products.	<ul style="list-style-type: none"> a. One parking space for each employee on the largest working shift. b. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as “Restaurants, eating and drinking places” as identified in this Section. c. Accessory Assembly space shall provide one (1) parking space for every three (3) individuals up to the maximum room capacity. 	A. See Sec. 3.07.D
Commercial recreation uses, unless otherwise more specifically identified	Commercial recreation premises consisting of woodlands, water courses, education facility, hunt preserve, fairgrounds, archery and fields used for active recreational activities including but not limited to, paintball, laser tag, etc.	Four (4) spaces for the first ten (10) acres and one (1) space per additional five (5) acres.	N/A
County clubs	A club with recreation facilities for members, their families, and invited guests.	One (1) space per two (2) employees, plus three (3) per golf hole	N/A
Day camps	A camp providing facilities for groups of young people such as YMCA camps, Boy Scout camps, and Girl Scout Camps.	One (1) space per employee on the largest shift, plus one (1) visitor parking space per every twenty (20) campers, provided that no fewer than five (5) such spaces shall be provided.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Drive-thru Facilities	A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.	Stacking room for six (6) vehicles in addition to the applicable parking requirements for the use of the facility.	A. A fifty (50) foot setback from all property lines for a buildings, speakers, and service window. B. The service window shall not face any street.
Funeral Homes, mortuary, crematorium establishments	A building or part thereof used for human funeral services. Such building may contain (a) space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns, and other related funeral supplies, (d) the storage of funeral vehicles, and (e) facilities for cremation.	One (1) parking space per three (3) persons to the maximum carrying capacity.	N/A
Gas stations	That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.	One (1) space for each gas pump, plus two (2) spaces for each employee on largest shift.	A. Accessory uses such as retail shall meet the requirements of the closest specifically listed uses.
Golf courses	A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge.	Three (3) per carrying capacity of club house area.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Golf driving range	An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop but excludes miniature golf courses and “putt-putt” courses.	One space for each driving tee.	N/A
Laundry agency or dry cleaning	An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up.	One space per 300 sq.ft. of gross floor area.	N/A
Micro-breweries	A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 60,000 barrels per year.	<ul style="list-style-type: none"> a. One parking space for each employee on the largest working shift. b. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as “Restaurants, eating and drinking places” as identified in this Section c. Accessory Assembly space shall provide one (1) parking space for every three (3) individuals up to the maximum room capacity. 	A. See Sec. 3.07.D
Modular home sales establishment	A business establishment for the outdoor display and sale of mobile homes, modular homes, manufactured homes and similar products.	One (1) space per employee.	A. See Sec. 3.07.E

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Motels, hotels	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.	One (1) space per guest bedroom, plus one (1) additional parking space for each ten (10) guest bedrooms, plus one (1) parking space for each employee on the largest working shift.	A minimum of two hundred and fifty (250) square feet of floor area per motel unit shall be provided, except that for those units with permitted kitchens or kitchenettes, a total of three hundred (300) square feet of gross floor space per motel unit shall be provided.
Nurse schools, day nurseries and childcare centers	A facility other than a private residence, which receives 1 or more children under 13 years of age for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. "Center" includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.	One (1) parking space per employee. All such uses shall provide adequate drop-off and waiting space so that parents' or guardians' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.	A. Meet standards for a state licensed residential facility. B. Outdoor play space shall be provided in the ratio of one-hundred-fifty (150) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet. C. To insure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high cyclone fence or equivalent design. On those sides abutting a residential zoning district or use, a 6 foot high obscuring fence of masonry or other material approved by the Commission shall be required. D. The site layout shall be designed to ensure pedestrian safety by separating play areas from parking and driveways. E. A copy of the State Fire Marshall's inspection/report shall be submitted as a part of the application package and reviewed by the Township Fire Chief for a report to the Planning Commission
Offices, business, professional or governmental	A building used primarily for offices that may include ancillary services for office workers.	One (1) space per three hundred (300) square feet of gross floor space, plus one (1) space for each person working on the premises.	N/A
Office and showroom for the trade industry	A small scale manufacturing facility onsite with a showroom based on the products produced onsite.	One (1) space per 300 sq. ft. of floor area.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Office of a veterinarian and animal clinic	An establishment for the care and treatment of small animals, including household pets.	Two hundred and fifty (250) square feet of gross floor space, plus one (1) space for each employee on the largest working shift.	N/A
Open air business	Retail sales establishments operated substantially in the open air, including; bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair, or rental services. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools, and similar activities, but not including farm implements or commercial construction equipment.	One space for each 600 sq.ft. of lot area.	N/A
Personal service establishment	Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; repair shop, psychic readers, tanning salons. These uses may also include accessory retail sales of products related to the services provided.	One space for each 300 sq. ft. of gross floor area.	N/A
Private clubs or lodge halls	A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.	One (1) space for each four (4) persons of the rated capacity.	N/A
Racquet/fitness clubs	A facility where members or nonmembers use equipment or space for the purpose of physical exercise.	Three spaces per court or carrying capacity, plus one space per employee on the largest shift.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Retail establishment with 10,000 or less square feet.	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those otherwise specifically mentioned.	One space per 300 sq. ft. of gross floor area.	N/A
Retail establishment with 10,001 or more square feet.	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those otherwise specifically mentioned.	One space per 300 sq. ft. of gross floor area.	N/A
Retail sales as an accessory use	The retail sales of various products in a store or similar facility that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers and is not visible from public streets.	One (1) space per 300 sq.ft. of gross floor area.	N/A
Restaurants, eating and drinking places	A structure in which the principal use is the preparation and sale of food and beverages.	One (1) per one hundred (100) square feet of usable floor space, plus one (1) space for each person working on the premises.	N/A
Small Distilleries	A facility for the distilling, rectifying, blending, and/or bottling hard spirits with a capacity of not more than 60,000 gallons per year.	One (1) parking space for each employee on the largest working shift. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as "Restaurants, eating and drinking places" as identified in this Section . Accessory Assembly space shall provide one (1) parking space for every three (3) individuals up to the maximum room capacity.	A. See Sec. 3.07.D

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Small Wineries	An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine that does not exceed 50,000 gallons per year.	One (1) parking space for each employee on the largest working shift. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as "Restaurants, eating and drinking places" as identified in Section 3.06 of this Ordinance. Accessory Assembly space shall provide one (1) parking space for every three (3) individuals up to the maximum room capacity.	A. See Sec. 3.07.D
Indoor Recreation	Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, bowling alley, skating rink, indoor shooting range, indoor archery range, and other similar recreation or entertainment.	One (1) parking space for each four (4) persons allowed by the maximum occupancy.	N/A
Industrial Uses			
Airports, airfields, runways, hangers, beacons and other facilities involved with aircraft operations	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located.	One (1) space per four (4) air vehicles.	A. The proposed building shall meet the FAA Guidelines. B. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. C. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Planning Commission after any necessary consultation with the appropriate aeronautical agencies.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial garage	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, collision service, including body, frame, or fender straightening or repair, overall painting or paint job, vehicle steam cleaning and auto detailing businesses.	Two (2) per service bay, plus one (1) per employee on the largest working shift	<p>A. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.</p> <p>B. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.</p> <p>C. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created, and the measures to be used for proper handling, storage, and disposal of such materials.</p> <p>D. All provisions for the storing and disposing of fuels, oils, and waste products, including daily generated garbage, shall meet county, state, and federal regulations. The applicant shall document the availability and capacity of sewage facilities to handle the anticipated volumes and types of wastes.</p>
Construction contractor and landscaper yards	A general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.	Five (5) spaces, plus one (1) space for every one (1) employee in the largest working area.	<p>A. The yard shall be a secondary use and the parcel on which the contractor or landscaper yard is located shall support a non-farm dwelling, farm dwelling, tree or shrub nursery or farm operation (including customary accessory buildings) as the principal use.</p> <p>B. There shall be a maximum of three (3) trucks in excess of 10,000 pounds of vehicle weight parked on the site.</p> <p>C. The operation shall include a building of adequate size to house major equipment and vehicles.</p>
Electric & gas transfer stations and substations	An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.	One (1) space per employee in largest working shift.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Junk yards and salvage yards	A lot or parcel of land used for the collection, keeping, or abandonment of discarded or waste materials.	One (1) per each owner or manager, plus one (1) space for each employee, plus one (1) space for customer parking for each one half (1/2) acre for the first five (5) acres of the property, plus an additional space for each additional five (5) acres or part thereof.	A. See Sec. 3.07.F
Laboratories research and testing facilities	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.	One (1) space per two (2) employees computed on the basis of the greatest number on the largest working shift.	N/A
Open storage	All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.	One (1) space per one-thousand (1,000) gross floor area.	See Sec. 3.07.G
Raw Building material sales	Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment, such as farm and garden supplies, ice storage houses, lumber and building materials, marine equipment sales and service, and stone monument sales.	One (1) space per one-thousand (1,000) net sq.ft. of floor area.	N/A
Radio and television towers	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like.	N/A	A. The setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to at least the height of such a tower.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Sawmills	A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.	One (1) space per employee on the largest working shift.	<p>A. The minimum lot area shall be ten (10) acres.</p> <p>B. Stockpiles of sawdust, slab-wood and other wood products shall be located in an enclosed structure above and held to a minimum so as not to create a fire hazard or public nuisance, except for product as part of outdoor storage.</p> <p>C. To reduce noise emissions, the sawmill, including carriage, headgear, and power source, shall be in an enclosed structure; and the outlets of blower pipes shall be oriented downward and away from structures and activities located on adjacent properties.</p> <p>D. All structures shall be located a minimum of 100 foot from any front, side or rear property line.</p>
Soil, sand, clay, gravel or similar removal operations, quarry excavation and filling of land	Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter to a depth greater than twelve (12) inches from the surface, except that material removed in constructing or enlarging a pond (as defined in Section 2.04A) shall not be considered quarry excavation so long as no more than 1,000 cubic yards of material is hauled off site.	One (1) space per employee of the largest shift, plus one (1) space per facility vehicle.	See Sec. 3.07.H
The compounding, processing, packaging manufacturing, treatment of semi-fished and finished products	The function of the facility is to compound, process, package, or treatment of products, excluding uses otherwise specified.	Five (5) spaces plus one (1) for every one and one-half (1 ½) employees in the largest working shift	N/A
Tool, die, gauge and machine shop manufacturing or repairing small parts	Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.	One (1) space per one-thousand (1,000) gross of floor area.	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Truck, tractor and trailer sales and display, rental and repair, automotive repair	Premises on which new or used passenger tractor, trailer, or trucks in operating condition are repaired and/or displayed in the open for sale or trade.	Two (2) spaces per each employee on the largest working shift.	A. Equipment display shall not be permitted within the required buffer yard areas or required off-street parking spaces. B. Ingress/egress to the facility shall be only from a major street, or from an approved shared access drive to such a thoroughfare. The site shall include at least one permanent building for use as an office
Warehouse/mini-storage	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials.	One (1) space per each employee computed on the basis of the greatest number of persons employed at any one period during the day or night, or one (1) space for every one thousand (1,000) square feet of gross floor space, whichever is greater.	N/A
Institutional Uses			
Cemeteries	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities	One (1) space per employee on the largest working shift	N/A
Churches and other religious institutions	A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.	One (1) space per four (4) persons up to carrying capacity.	A. Not less than three (3) acres; B. There is no parking in the required front yard C. The site abuts a public road having not less than one hundred and twenty (120) feet right-of-way.
College	An educational institution or establishment, in particular one providing higher education or specialized professional or vocational training.	One (1) space for each two hundred (200) of gross floor area in classrooms and other teaching stations	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Extended care facilities	A health care institution for patients who require long-term custodial, nursing, or medical care, esp. for a chronic disease or prolonged rehabilitation.	One (1) space per three (3) residents, plus one (1) additional space for each employee on the largest working shift	N/A
Hospitals	An institution providing health services primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.	One (1) space per four (4) beds	N/A
Libraries	A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.	One (1) space for each 1,000 of gross floor area	N/A
Moratory, crematorium and funeral home	A location containing properly installed, certified apparatus intended for use in the act of cremation.	One (1) space per 4 people up to the maximum capacity, plus one (1) reserved space for each hearse, ambulance, or company vehicle	N/A
Publicly Owned buildings	Buildings or other related facilities owned and operated by a public entity such as Township, state, county, or federal.	One (1) space per employee on the largest working shift	N/A
Parks, parkway, and historic monument	Any public or private land available for recreational, educational, cultural, or aesthetic use.	N/A	N/A

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Schools (public, private, and parochial)	An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.	Elementary and Junior High School: One (1) for each one (1) teacher, employee and administrator, in addition to the requirements of the auditorium. Senior High School: One (1) for each one (1) teacher, employee, & administrator, plus one (1) for each ten (10) students in addition to the requirement of the auditorium.	N/A
Other Uses			
Accessory buildings	A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. Accessory uses shall not include residential or living quarters except as may hereinafter be provided.	Equivalent parking requirement of relevant use.	See Sec. Section 3.07. I
Accessory Uses	A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel	Equivalent parking requirement of relevant use.	All other uses not specifically mentioned here shall correspond to the Table of Uses and Table of Use Requirements for the relevant use.
Maintenance and management buildings	Accessory buildings that serve multi-family dwellings.	N/A	A. See Section 3.07.J.
Solar Energy Collector – Onsite Building Mounted	Solar energy collectors that are located on one single parcel of property. A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element in whole or in part of a building.	N/A	A. See Section 3.07.K and L.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Solar Energy Collector – Onsite Ground Mounted	Solar energy collectors that are located on one single parcel of property. A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.	N/A	A. See Section 3.07.K and M.
Solar Energy Collector - Commercial	A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.		A. See Section 3.07.K and N.
Swimming pools	The term “swimming pool” shall mean any permanent, non-portable structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than twenty-four (24) inches.	One space .per 75 sq.ft. of gross water area, plus one space per employee on the largest shift	A. Minimum side yard setback shall comply with Article 4 of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between pool wall and any building on the lot. B. For the protection of the general public, all swimming pools shall be completely enclosed by a fence of a type described in Section 8.07 not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall provided that, if a building not having any means of access thereto is located on the lot not more than fifteen (15) feet from any side of the pool, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.
Temporary building	A structure permitted by the Zoning Administrator to exist during periods of construction of the main use or for special events, not to exceed six (6) months.	Equivalent parking requirement of relevant use.	A B. Shall be located on a paved surface with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water. C. Shall not be located in a required parking space, maneuvering space, or loading space. D. Shall not be permitted in the required front, side, or rear setbacks.

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Temporary use, unless otherwise stated	A use permitted by the Zoning Administrator to exist during periods of construction of the main use or for special events, not to exceed six (6) months.	Equivalent parking requirement of relevant use.	<p>A. Shall not be located in required parking spaces, maneuvering space, or loading space.</p> <p>B. Shall not exceed a timeframe of days or months as determined by the Planning Commission.</p> <p>C. Shall not be permitted in the required front, side, or rear setbacks.</p> <p>D. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles and implements may exceed the height of the screen, provided that they are set back from the screen a distance equal to their height.</p> <p>E. Shall be located on a paved surface with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.</p> <p>F. Fencing and lighting for security purposes may be required.</p>
Temporary use: garage sales, yard sales, or similar types of sales	The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.	N/A	<p>A. A garage sale may be held for not more than seven (7) consecutive days duration, and for not more than twice (2) each calendar year.</p> <p>B. Shall not exceed six (6) months or the period of construction of the main use or for special events, whichever is less.</p>
Temporary outdoor sales	A use where retail sales takes place in the open area and is only permitted for a limited period of time not to exceed six (6) months.	Equivalent parking requirement of relevant use.	<p>A. Shall not be located in required parking spaces, maneuvering space, or loading space.</p> <p>B. Shall not exceed a timeframe of days or months as determined by the Planning Commission.</p> <p>C. Shall not be permitted in the required front, side, or rear setbacks.</p> <p>D. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles and implements may exceed the height of the screen, provided that they are set back from the screen a distance equal to their height.</p> <p>E. Shall be located on a paved surface with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.</p> <p>F. Fencing and lighting for security purposes may be required.</p>

Sec. 3.06 Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Wind Energy Conversion System	Cluster of up to three (3) wind turbines, placed upon a lot or parcel with the intent to sell to the electrical company or provide electricity to a site or location. Said WECS may or may not be owned by the owner of the property upon which they are placed	N/A	See Sec. 3.07.O and Q.
Industrial Wind Energy Conversion System	A group of wind turbines or a wind farm that is four (4) or more wind turbines, owned and maintained by an energy company to supply electricity to a wide range of customers	N/A	See Sec. 3.07 O and R
Small scale wind energy conversion systems	Small scale WECS are not to exceed in number over one (1) and are intended to provide all or a portion of the electrical power needed on a lot or parcel.	N/A	See Sec. 3.07 O and P.

Section 3.07. Additional Use Requirements

A. Hobby kennel. This use shall meet the following requirements:

1. All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than the required distance from any property line.
2. A Hobby kennel shall be located on a minimum plot of ten (10) acres, with one hundred (100) feet from side lot lines and two hundred (200) feet from front and rear lot lines and two hundred feet from any adjacent residence.
3. Dogs shall be kept within an enclosed building during the normal sleeping hours of Nine (9) P.M. through Seven (7) A.M. Such enclosed building shall be constructed with sound-deadening walls and ceiling.
4. During the hours of Seven (7) A.M. to Nine (9) P.M., dogs shall be permitted in covered outdoor runs or cages. Dogs shall be kept confined and not allowed to run at large, on or off the property, except as part of supervised field training.
5. All outdoor animal areas shall be screened from view from off site with a sound-deadening wall, at least four (4) feet in height, or a landscaped green-belt of evergreen trees. Such evergreens shall be planted a maximum of six (6) feet apart, a minimum of four (4) feet in height at time of planting and shall be planted and maintained so as to form an opaque screen.
6. Kennel facilities shall be established and maintained in accordance with all applicable State, County and Township regulations. Kennel shall be constructed with a drained concrete floor and approved septic system or other provision for the safe, sanitary collection and disposal of wastes. Said approval shall be obtained from the Township.
7. If deemed necessary by the building official, detailed description of proposed methods for minimizing potential off-site impacts or noise and odor are to be furnished.

B. Commercial kennel. This use shall meet the following requirements:

1. All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than the required distance from any property line.
2. A commercial kennel shall be located on a minimum plot of forty (40) acres with two hundred feet minimum setback from any lot line.
3. Dogs shall be kept within an enclosed building during the normal sleeping hours of Nine (9) P.M. through Seven (7) A.M. Such enclosed building shall be constructed with sound-deadening walls and ceiling.
4. During the hours of Seven (7) A.M. to Nine (9) P.M., dogs shall be permitted in covered outdoor runs or cages. Dogs shall be kept confined and not allowed to run at large, on or off the property, except as part of supervised field training.
5. All outdoor animal areas shall be screened from view from off site with a sound-deadening wall, at least four (4) feet in height, or a landscaped green-belt of evergreen trees. Such evergreens shall be planted a maximum of six (6) feet apart, a minimum of four (4) feet in height at time of planting and shall be planted and maintained so as to form an opaque screen.
6. Kennel facilities shall be established and maintained in accordance with all applicable State, County and Township regulations. Kennel shall be constructed with a drained concrete floor and approved septic system or other provision for the safe, sanitary collection and disposal of wastes. Said approval shall be obtained from the Township.
7. If deemed necessary by the building official, detailed description of proposed methods for minimizing potential off-site impacts or noise and odor are to be furnished.

- C. Single Family Detached Dwellings. This use shall meet the following requirements:
1. It has minimum width across any Section of 20 feet and complies in all respects with the Township of Dryden building code, including minimum heights for habitable rooms.
 2. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township of Dryden building code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
 3. It does not have exposed wheels, towing mechanism, undercarriage or chassis.
 4. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 5. The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 150% of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet or storage area be required by this provision.
 6. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang of not less than twelve (12) inches on all sides, and not less than 3-12 pitch roof, roof drainage along the sides of the dwelling, with 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, contains permanently attached 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 of Dryden Building Official 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 Building Official's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of "dwelling" as well as the character or residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 200% 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 of Dryden. 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.
 7. The dwelling contains 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.
 8. The dwelling complies with all pertinent building and fire codes including, 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.
 9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required in the Ordinance of the Township of Dryden pertaining to such parks.
- D. Cider mills, microbreweries, small distilleries, and small wineries. These uses shall meet the following requirements:

1. Must be on the same premises as an active farm, which produces these products on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law and the following:
 2. The minimum lot size is 40 acres.
 3. The property shall be located on a country primary roadway and use this roadway as a primary driveway.
 4. Ten (10) acres on the subject parcel on which any of the foregoing facilities are located must be in active production of a fruit, grain, vegetable, or other principal ingredient of the beverage to be produced.
 5. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing wines, beer or liquors; glassware for serving alcoholic beverages; and wine bottle openers. The retail sales area shall be no more than twenty-five (25) percent of the floor area devoted to the establishment, but in no case shall it occupy more than two thousand (2,000) square feet of floor area.
 6. Assembly event space may be provided.
 7. The on-premise consumption of alcoholic beverage shall be limited to tasting room quantities. Adjunct food services are exempted from this restriction.
 8. Parking, buildings, and processing areas shall be setback a minimum of one hundred (100) feet from all property lines.
 9. A landscape and buffer yard shall be provided on all sides of the property in compliance with Section 8.02 and 8.03. The required buffer shall be at a ratio of one (1) evergreen and one (1) deciduous tree per 50 linear feet.
 10. All parking areas shall be surfaced by asphalt or concrete. The Planning Commission may allow asphalt millings, gravel, or equivalent surface if the below standards are met:
 - a. Gravel or equivalent surfaces so treated as to prevent any dust nuisance.
 - b. Adequate asphalt or concrete parking is provided for the principal commercial recreational use and all employees on the largest shift.
 11. Adequate drainage, buffering, and maintenance to ensure they are not a nuisance to neighboring properties and all for safe maneuverability of the site.
- E. Modular home sales establishment. This use must meet the following requirements:
1. There shall be no strings of flags, pennants or bare light bulbs permitted.
 2. No vehicles or merchandise for sale shall be displayed within any required yard setback.
 3. There shall be no broadcast or continuous music or announcements over any loudspeaker or public address system.
 4. On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, as approved by the Planning Commission.
 5. Except for driveways, an open and unobstructed landscaped lawn panel not less than 30 feet in width will be provided across the entire frontage of the site.
 6. All access to the site shall be at least 60 feet from any street intersection and from any residential district.
 7. The minimum frontage shall be 200'.

8. Ingress/egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such a thoroughfare.
 9. The site shall include at least one permanent building for use as an office and will include permanent restroom facilities.
- F. Junk yards and salvage yards. These uses will follow the below requirements:
1. Such uses must be entirely enclosed within an eight (8) foot obscuring masonry wall which shall meet Township construction code standards and be one uniform color.
 2. There shall be no burning of tires, wiring, oil or waste products on the site; and all processing, including the use of equipment for cutting, compressing or packaging, shall be conducted within a completely enclosed building.
 3. Furthermore, truck parking, loading and unloading shall be provided within the enclosure wall. All materials stored shall not be piled to a height greater than the height of the required wall.
 4. Where a junk yard or salvage yard is located across the street from residential or business zoned property or has frontage on a street or highway, the masonry wall or fence shall be set back not less than three hundred (300) feet from the street or highway right-of-way or private road easement line; and a twenty (20) foot greenbelt planting strip, composed of evergreen or deciduous trees and shrubs, growing not less than eight (8) feet in height, shall be planted and maintained outside of said wall in order to screen the yard activities from the street or business or residential properties.
 5. All employee or customer off-street parking, other than for trucks, shall be located at least fifty (50) feet from the street or private road easement line.
 6. The owner and/or operator shall, to insure strict compliance with any regulation contained herein, provide a performance guarantee, as described in Section 16.10, but in no case less than one thousand (1,000) dollars per acre of actual operation.
- G. Open storage. This use will follow the below requirements:
1. The outdoor storage of equipment shall be confined to the rear yard area.
 2. Such storage shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line.
 3. The storage of lumber, coal, piping or other similar material shall not be less than fifty (50) feet from any interior lot line and shall be positioned on an allowable, durable pavement surface.
 4. Access to storage areas shall be provided by a graded roadway, surfaced with an all weather durable pavement and maintained from the street to the rear of the property, to permit free access of fire trucks at any time.
 5. All such open storage shall be screened from all streets and on all sides which abut any other than a M District property by a solid, six (6) foot high wall or fence.
 6. There shall be a maximum material stock pile height of fifteen (15) feet.
- H. Soil, sand, clay, gravel or similar removal operations, quarry excavation and filling of land. These uses shall meet the following requirements:
1. **General Regulations.** From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in stripping any topsoil, sand, clay, gravel or similar material, or quarry excavation as defined within the unincorporated area of the Township without first submitting an

application, as prescribed, to the Township Board and procuring a permit for the conduct of such operations from the Township Clerk.

No permits will be required for the following:

- a. Excavations for building construction purposes, pursuant to a duly issued building permit under the Township Building Code.
 - b. Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found, provided, however, that where sand, gravel, topsoil or other substances are removed from the site where found to another site of different ownership or to any noncontiguous parcel of same ownership, a permit, as above mentioned, will be required unless such removal falls within the exception for off-site hauling of 1,000 cubic yards or less as part of the construction or enlargement of a pond.
2. **Application.** Before approving and authorizing a permit, the Township Board shall receive a written report concerning the action the Township Planning Commission pursuant to the requirements of Article 13 and shall conduct a public hearing concerning such application. Notice requirements for said hearing shall comply with the procedures set forth in Section 16.05. A separate permit shall be required for each separate excavation site. Each application for a permit shall be made in writing to the Township Clerk and shall contain the following information as condition precedent to the obligation to consider such request.
- a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - b. Full legal description of the premises wherein operations are proposed.
 - c. Detailed proposal as to method of operation, type of machinery or equipment to be used, and estimated period of time that such operation will cover.
 - d. Detailed statement as to exactly what type of deposit is proposed to be extracted.
 - e. Plan for the redevelopment or rehabilitation of the property upon completion of the mining operation.
 - f. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer and drawing shall be submitted for review by Township Board.
 - g. Such other information as may be reasonably required by the Township Board to base an opinion as to whether a permit should be issued or not.
3. **Permit Fees.**
- a. **Quarry Excavation.** A fee shall accompany the application for a quarry excavation permit. Said fee is to be used to defray the cost of engineering services, investigation, publication charges and other miscellaneous administrative expenses occasioned by processing such application; provided, however, that part of the initial permit fee as determined by the Township Board, which represents the value of engineering services furnished by the applicant, a portion may be remitted to the applicant. Quarry excavation permits issued by the Township shall be for a period of one year, expiring on March 31, of each year, and such permits may be renewed by the payment of an annual inspection fee. Such permits shall be renewed as herein provided for so long as the permittee complies with all of the provisions of this Ordinance or other conditions set out in the permit. **THIS FEE DOES NOT AFFECT OR INCLUDE THE SECURITY DEPOSIT FOR THE REHABILITATION RECLAMATION PLAN.**

- b. **Removal Operation.** A fee shall be paid to the Township Clerk at the time of filing any application as follows:

Five (5) acres or less See fee schedule

More than five (5) acres but ten (10) acres or less See fee schedule

More than ten (10) acres but twenty (20) acres or less See fee schedule

More than twenty (20) acres See fee schedule

A receipt shall be issued to the applicant showing the payment of said fee. Upon the issuance of any permit, the fee shall be paid into the General Fund of the Township, said sum is to be used to defray the administrative expenses occasioned by processing such application.

4. **Quarry Excavation Permits.** After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall, at or following the Public Hearing, determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the Township.
5. **Removal Of Soil, Sand Or Other Material Incidental To Construction.** The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district except under a Temporary Certificate from the Building Official, after approval by the Township Engineer, that such removal of soil will not be below the normal grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the Building Official for which a Temporary Certificate may be used and REVIEWED ON AN ANNUAL BASIS in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leaves the surface of the land at the expiration of such permit, in an unstable condition, or unfit for the growing turf, or for other land uses permitted in the District in which such removal occurs. This regulation is intended to allow the normal removal of soil for the construction of an approved building or structure, when such plans have been approved by the Building Official, and a building permit has been issued for said building development.
6. **Mandatory Physical Requirements.** The following requirements shall be mandatory:
- a. Regulations for Quarry Excavation Operations
- i. Where an excavation in excess of five (5) feet will result from such operation, the applicant shall erect a fence with warning signs completely surrounding the site for which the permit is issued.
- Said fence shall be a chain link fence and to be not less than eight (8) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on. The chain link fence shall be installed in a professional manner.
- Also, the entire quarry excavation shall be fenced with a suitable eight (8) foot high chain link. This fence shall be maintained with appropriate signs warning the public of danger, until redevelopment or rehabilitation of the property occurs as required under paragraph (xii) and (xiii) below.
- ii. The owner, operator and/or permittee shall place appropriate "KEEP OUT DANGER" signs around said premises not more than two hundred (200) feet apart.

- iii. The Township Board shall designate the haul route focusing on the use of County Primary Roadways and the applicant shall thereafter secure a permit from the Lapeer County Road Commission regarding applicant's use of said haul route subject to conditions.
- iv. The designated haul route used for the purpose of ingress and egress to said excavation site shall be kept dust free by hard-topping with cement or bituminous substance to the nearest paved road.
- v. Berms shall be constructed and seeded prior to mining. Evergreen plantings not less than six (6) feet in height, spaced in two (2) staggered rows not less than fifteen (15) feet apart, shall be provided on said berms.
- vi. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it. The owner, operator and/or permittee shall have a period of forty-five (45) days from the initial excavation of any part of the property to bring said part of the property into compliance with the slope requirement of this Ordinance.
- vii. The owner and/or permit holder of any site where there is soil, sand or gravel removal, shall take whatever steps are necessary to avoid any motor vehicle carrying or tracking onto any public right-of-way from the site, any mud, dirt, clay, refuse, etc. If mud, dirt, clay, refuse, etc., is carried or tracked onto a public right-of-way, and it does, or might constitute a nuisance or hazard to public safety, the owner and/or permit holder shall clean the said right-of-way when and as often as is necessary, presuming weather conditions permit. In any case, an owner and/or permit holder shall not leave any such debris on a public right-of-way after the end of any working day. If notified during a working day by the Township of a condition which requires cleaning, the matter shall be taken care of within eight (8) hours, weather permitting. If a nuisance or hazardous condition is left after a working day or not cleaned up within eight (8) hours after receiving a request from the Township, and weather does not prevent the clean-up, the Township may issue a citation for each occurrence, the violation of this Section due to the allowance of said condition to remain on the highway, and/or clean the right-of-way and charge the owner and/or permit holder with the cost thereof, which may be collected in any court having general jurisdiction.
- viii. Natural drainage shall not be blocked, diverted or altered in such a manner as to cause the natural water flow to back up onto adjacent property or to flow in a different course or rate of flow upon leaving the property upon which the blocking, diversion or alteration occurs, unless an application is made and a permit is issued by the Building Department pursuant to plans which provide for a drainage flow which will not be detrimental to surrounding properties. No area designated for, and/or used as, a drainage retention area shall be altered, filled in, abandoned or used for other purposes, unless it is done pursuant to a permit issued under this subparagraph. A permit shall be required under this Ordinance. Permit requirements and procedure shall be as adopted by the Township Board, from time to time, by resolution.

- ix. Hours of operation shall be 7:00 a.m. to 5:00 p.m. and 7:00 a.m. to 1:00 p.m. on Saturday's, unless otherwise specified by the Planning Commission. No operation shall be permitted on Sundays and Legal Holidays. In emergency situations, this time period may be modified by the Township Board provided such emergency order shall not be effective for more than 72 hours.
- x. There shall be no excavation, soil removal, filling or depositing of materials in any floodplain, water course and/or wetlands without a permit, if required, by the Dryden Township Board.
- xi. If a soil erosion permit is required by Act 451, P.A. 1994, as amended, no operation shall take place until a permit has been obtained. There shall be compliance at all times with the requirement of the soil erosion permit.
- xii. All mined out areas shall, within reasonable length of time, be reclaimed and rehabilitated. The Township Board shall fix a bond or other security acceptable to it as provided for below under Section 3.07(H)(7)(a) covering the area to be mined to assure that such rehabilitation and reclamation will be carried out. The general rule in determining the reasonableness of the length of time in the reclamation and rehabilitation of such areas shall be that such reclamation and rehabilitation activities shall substantially commence within one (1) year after substantial completion of mining activities and be completed within three (3) years thereafter.
- xiii. Rehabilitation and reclamation shall satisfy the following standards:
 - 1) All excavation shall be made either to a water-producing depth of at least eight (8) feet below the low-water mark for at least eighty (80) percent of the water area, or shall be graded or back filled with noxious free, non-inflammable and non-combustible materials, to secure that the excavated area shall not collect, and permit to remain therein, stagnant water; or, that the surface of such area which is not permanently submerged is graded or back filled, as necessary, so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
 - 2) The banks of all sand and gravel excavation shall slope to the water line and extend into the water to a water depth of at least five (5) feet in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical; and said banks shall be restored with vegetation in a manner set forth in paragraph 3, hereunder. The owner, operator and/or permittee shall have a period of forty-five (45) days from the initial excavation of any part of the property to bring said part of the property into compliance with the slope requirement of this Ordinance.
 - 3) Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water, as hereinabove provided.
 - 4) Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles and

equipment unless such building or structure can be lawfully used in the district in which the same are located.

- 5) The permittee shall repair all cracked, eroded and uneven areas in the final cover required in Subsection (xiii)(3) above which occur during a two (2) year period following completion of the rehabilitation. During this period, the cover surface shall be reseeded if insufficient vegetation exists to stabilize the surface.
 - xiv. All equipment and facilities used in the production, processing or transporting of sand, gravel or stone shall be constructed, maintained and operated in such manner as to eliminate, insofar as practicable, noises, vibrations or dust which are injurious or unduly annoying, and comply with performance standards in Section 6.19.
 - xv. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Board as not constituting a hazard to road traffic, pedestrians or adjoining property.
 - xvi. The Township Board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the citizens of the Township.
- b. Regulation for Stripping or Removal Operations
- i. The designated haul route used for the purpose of ingress or egress to said excavation site shall be kept dust free by hard-topping with cement or bituminous substance to the nearest paved road.
 - ii. No soil, sand, clay, gravel or similar materials shall be removed in such a manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at times be graded so that surface water drainage is not interfered with.
 - iii. Wherever topsoil exists suitable for growing turf or for other land use at the time operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil; and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
 - iv. The Township Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of citizens of the Township.

7. Surety Bond Requirement:

- a. The applicant shall deposit within thirty (30) days after the end of each calendar year, or such other period of time as shall be established by the Township Board, a security deposit to guarantee the restoration of the site in conformance with the approved restoration plan. The security deposit shall be established by the Township Board to reasonably assure the restoration of the site for all materials removed during the calendar year, or such period of time; provided, however, that a

dollar amount will be set for each acre, or fraction thereof, of land as shown on the original application. This security deposit shall be deposited to an account at a bank or other depository in the joint name of the applicant and the Township of Dryden or the Dryden Township Treasurer as the Township Board may establish. The security deposit shall be subject to the following terms and conditions.

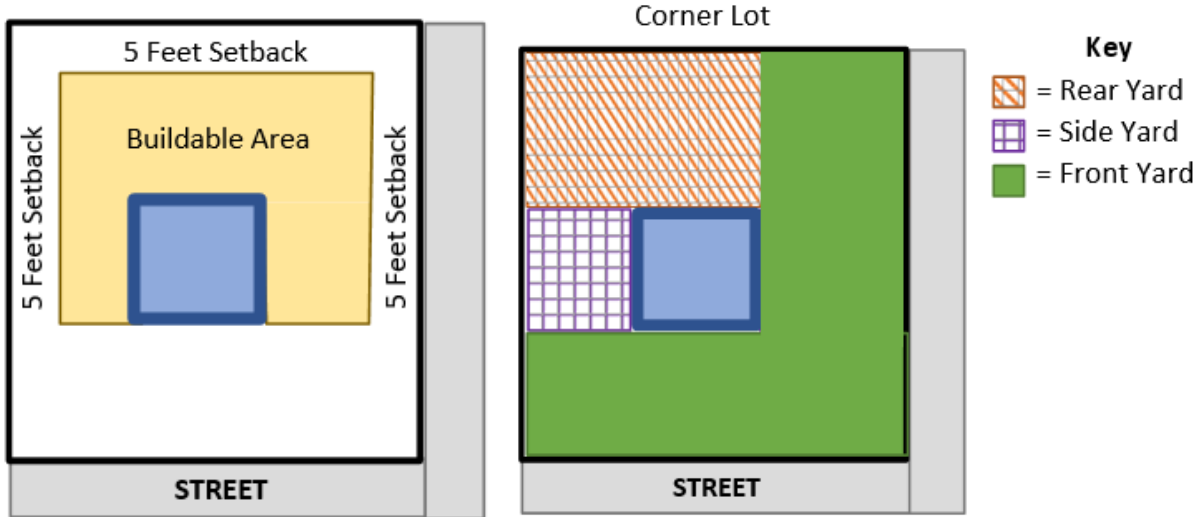
- i. A quarterly report of all tonnage of materials removed from the premises shall be furnished to the Township Board by the applicant, together with a quarterly statement of the funds deposited to the security account no later than thirty (30) days after the close of each quarter.
- ii. From time to time as is necessary, restoration of the premises shall take place in accordance with the rehabilitation and reclamation plan approved by the Township Board, as described in the conditions of the permit. The applicant shall have the right to withdraw funds from the escrow account by submitting to the Township Board an estimate as to the amount of costs necessary for the specific phase of the rehabilitation and reclamation plan. Upon review by the Township Board, a portion of the funds may be withdrawn from said account in the amount authorized upon written approval by the Township Board; and said funds shall be used for the purpose approved by the Township Board and for the restoration of the site.
- iii. In the event that there are any funds remaining in said account in excess of those needed for restoration of the premises, said excess funds shall be the sole and separate property of the applicant. All interest earned upon said fund shall be compounded and redeposited to the fund.
- iv. A copy of the permit shall be filed with the depository bank; and said depository shall be advised by both parties of the terms and conditions of the permit and the restricted nature of withdrawals from said fund.
- v. A surveillance fee shall be required and established by the Township Board by resolution and reviewed on an annual basis for the purpose of providing personnel to enforce the Ordinance. Failure of the owner, operator and/or permittee to promptly pay said fee when due shall be a violation of this Ordinance.

I. Accessory buildings. This use shall meet the following requirements:

1. In the R- Single- Family Residential Zoning District shall be subject to the following regulations:
 - a. Any building which is accessory to a single family or duplex residences, shall be subject to the following regulations:
 - b. Where the accessory building is structurally attached to a residence, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
 - c. A detached accessory building shall not exceed one (1) story, or fourteen (14) feet high, may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any side yard provided, the total square footage of all accessory buildings, including attached accessory buildings, shall not exceed the ground floor area of the main building.
 - d. A detached accessory building shall be located only in a side or rear yard and shall be at least five (5) feet from any lot line. Detached accessory buildings shall be located twenty-five feet from any dwelling unit.

- e. When an accessory building is located on a corner lot, the side lot line, of which essentially is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot (See Figure 4-1).

Figure 3-1 Accessory Building



- f. No accessory building shall be erected prior to the construction of the footings for the residence.
2. In the SE-1, SE-2 and AG Zoning Districts:
 - a. Where the accessory building is structurally attached to a residence, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
 - b. The minimum setback from the side and rear property lines and single family dwelling unit is twenty-five (25) feet.
 - c. The minimum setback from the center of the road shall be one hundred Thirty-three (133) feet with the exception of both Dryden Road and Rochester Road which shall not be less than One Hundred Sixty (160) feet from the center of the road.
 - d. All other accessory buildings shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
 - e. No accessory building shall be erected prior to the construction of the footings for the residence.
 3. Accessory buildings in all other zoning districts shall be subject to, and conform to, all regulations of this Ordinance applicable to main buildings.
 4. Shipping containers, truck trailers, or similar pre-fabricated primarily metal accessory buildings shall follow the below requirements:
 - a. In the AG, C, and M Zoning Districts:
 - i. This type of structure shall be placed on secured or anchored to a permanent foundation, six (6) sonated piers, or concrete slab.
 - ii. The exterior of the structure shall have an earth tone color or match the main buildings.
 - iii. Units shall not be stacked on top of one another in a vertical fashion.

- iv. Shall meet all setback requirements similar to the main buildings.
 - v. Not more than three (3) are permitted on a lot and may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any side yard, provided, the total square footage of all accessory buildings, including attached accessory buildings shall not exceed the ground floor area of the main building.
 - vi. An accessory structure shall have a minimum roof pitch of four (4): twelve (12).
- b. Shipping containers, truck trailers, or similar pre-fabricated primarily metal structures are not permitted in the other zoning districts.
- J. Maintenance and management buildings. This use shall meet the following requirements:
- 1. Where the accessory building is structurally attached to a residence, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
 - 2. A detached accessory building not exceeding one (1) story, or fourteen (14) feet high. Not more than three (3) detached accessory buildings are permitted on a lot and may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-rear yard; provided, the total square footage of all accessory buildings, including attached accessory buildings shall not exceed the ground floor area of the main building.
 - 3. A detached accessory building shall be located only in a side or rear yard and shall be at least five (5) feet from any lot line.
 - 4. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
 - 5. No accessory building shall be erected prior to the construction of the footings for the residence.
 - 6. All other accessory buildings shall be subject to, and must conform to, all regulations of this Ordinance applicable to main buildings.
- K. All Solar Energy Collector Requirements
- 1. **Installation.** The applicant shall show how all panels will be secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
 - 2. **Review.** The solar panels, solar shingles, and array of panels shall be reviewed by the fire department. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the fire department to isolate the panels in case of fire.
 - a. The fire department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
 - b. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - c. Solar energy collectors and installation and uses shall comply with construction codes, electrical codes, and other state requirements.
 - 3. **Visual Appearance.** Solar energy collectors and racking shall be dull or dark in color, non-glossy, and substantially non-reflective of light. This shall not create a nuisance to adjacent dwelling units.
 - 4. **Existing Vegetation.** The installation of the panels shall not require or be reliant on the clear cutting of trees or other vegetation below 50 percent of the existing vegetation.

5. **Existing Topography.** The installation of the solar energy collectors shall not disturb the existing topography or soil.
 6. **Storm Water Runoff.** The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
- L. Building -mounted Solar Energy Collector (On-site Use)
1. **Maximum Height.** Solar energy collectors shall not project more than two (2) feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district.
 2. **Placement on Structure.** Solar energy collectors that are mounted on a roof shall meet the following requirements:
 - a. Solar energy collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
 - b. Solar energy collectors shall be such a weight to be safely supported by the structure. Building Official approval is required.
 - c. Solar energy collectors shall be permanently attached to a building or structure. Building Official approval is required.
 - d. Solar energy collectors shall not project higher than the building height if placed on a wall.
 3. **Installation/Review.** Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.
- M. Ground-mounted Solar Energy Collector (On-site Use).
1. **Setbacks.** Ground-mounted solar energy collectors are permitted in rear and side yards, but shall not be placed in the required setbacks for accessory buildings.
 2. **Maximum Height.** Ground-mounted solar energy collectors shall not exceed nine (9) feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
 3. **Screening Requirements.** All solar energy collectors shall be screened from the view of the front street or right-of way line. The buffering must meet the requirements of this Zoning Ordinance.
 4. **Accessory Use.** All ground-mounted solar energy collectors shall be regulated as an accessory building, shall not be larger than a total of 800 square feet, and shall meet all applicable accessory building requirements of this Zoning Ordinance.
 5. **Installation/Review.** Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.
- N. Commercial Solar Energy Collector
1. Shall follow all requirements previously listed based on if it is building-mounted Subsection L or ground-mounted Subsection M, except (M)(4).
 2. **Location.** The applicant shall provide information that adequate infrastructure exists to transport the electricity generated into the larger grid system.

3. **Setbacks.** Setback requirements for solar farms must meet the minimum building setback requirements for the zoning district it is in but will be a minimum of two-hundred (200) feet from a residential dwelling unit not located on the property. The setback shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening, or berm.
 4. **Buffer/Screening.** Commercial solar energy collectors shall be screened from residential dwelling units and/or other land uses required by the Planning Commission. The screening/buffer zone shall show the location of fences/landscape buffers and residential dwelling units on contiguous lots. The buffering must meet the requirements of Section 8.07 and 8.03 of this Zoning Ordinance.
 5. **Vegetation.** Vegetation requirements and management shall meet requirements related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Planning Commission:
 - a. Restrictions on tree clearing, the removal of mature trees, or mitigation for cleared trees may be required by the Planning Commission.
 - b. The planting of native ground covers that shall be maintained on site during the operation until the site is decommissioned.
 - i) The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to one hundred twenty-five (125) percent of the costs to meet the required landscaping requirements. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in the Zoning Ordinance.
 6. **Power Communication Lines.**
 - a. Power and communication lines running between the banks of the solar panel shall be buried unless there are the following exceptions:
 - i) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - ii) When required by the utility company.
 - iii) Unless otherwise determined by the Planning Commission.
 - iv) Unless otherwise requested by the utility company.
 7. **Site Restoration Plan.** Include a site restoration plan that shows the use of the site should the panels be removed as well as method and mechanisms to implement the site restoration plan.
- O. All WECS Requirements
1. Site Plan Review Requirements
 - a. Name of property owner(s), address, and parcel number.
 - b. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SM-WECS(s), ST-WECS, CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.

- c. The proposed type and height of the SM-WECS(s), ST-WECS, CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 - d. Documented compliance with the noise requirements set forth in this Ordinance.
 - e. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 - f. Proof of applicant's liability insurance.
 - g. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 - h. Other relevant information as may be reasonably requested.
 - i. Signature of the applicant.
 - j. In addition to the permit application requirements previously listed, the SM-WECS, CM-WECS and IM-WECS application shall also include the following:
 - i. Total proposed number of SM-WECS, CM-WECS, or IM-WECS.
 - k. In addition to the permit application requirements previously listed, the ST-WECS, CT-WECS and IT-WECS application shall also include the following:
 - i. A description of the methods that will be used to perform maintenance on the ST-WECS, CT-WECS, or IT-WECS and the procedures for lowering or removing the ST-WECS, CT-WECS, or IT-WECS in order to conduct maintenance.
2. Temporary Uses.

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

a. Anemometers

- i. The construction, installations, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- ii. An anemometer shall be subject to the minimum requirements for height setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WECS that is proposed to be constructed on the site.
- iii. An anemometer shall be permitted for no more than thirteen months for a SM-WECS, ST-WECS, or CM-WECS, and CT-WECS.

3. Abandonment/Decommissioning

- a. **Abandonment Plan Required Material.** An abandonment plan shall be submitted with the application for a special approval permit which includes at a minimum:
 - i. The estimated cost to abandon the wind energy system.
 - ii. A written plan indicating how the wind energy system will be removed and the site restored.

- iii. The method of ensuring that funds will be available for removing the wind energy system and restoring the site.
 - iv. Any other information deemed necessary by the Planning Commission to evaluate the abandonment of the wind energy system.
 - b. **Decommissioning Timeline.** The CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS owner(s) or operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life of tower or mounted unit. Upon request of the owner(s), of the CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS, and for a good cause, the Planning Commission may grant a reasonable extension of time. Each CM-WECS, CT-WECS, IM-WECS, or IT-WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 - c. **Decommissioning.** Decommissioning shall include the removal of each CM-WECS, or CT-WECS, IM-WECS, or IT-WECS, buildings and electrical components to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
 - d. All access roads to the CM-WECS, CT-WECS, IM-WECS, or IT-WECS shall be removed, cleared, and graded by the CM-WECS, CT-WECS, IM-WECS, or IT-WECS owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
 - e. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the CM-WECS, CT-WECS, IM-WECS, or IT-WECS or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
 - f. In addition to the decommissioning requirements listed previously, the CM-WECS(s), CT-WECS, or IM-WECS(s), or IT-WECS(s) shall also be subject to the following:
 - i. If the CM-WECS, CT-WECS or IM-WECS, or IT-WECS owner(s) or operator(s) fails to complete decommissioning within the period prescribed above the Township may designate a Contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the CM-WECS, CT-WECS, or IM-WECS, or IT-WECS is not owned by the property owner(s), a bond must be provided to the Township for the cost of decommissioning each CM-WECS, CT-WECS, or IM-WECS, or IT-WECS.
4. Public Inquiries And Complaints
- a. Should an aggravated property owner allege that the IM-WECS, or IT-WECS, CM-WECS, CT-WECS, SM-WECS, or ST-WECS is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
 - b. Noise Complaint:
 - i. Notify the Township in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the aggrieved property owner deposit funds in an

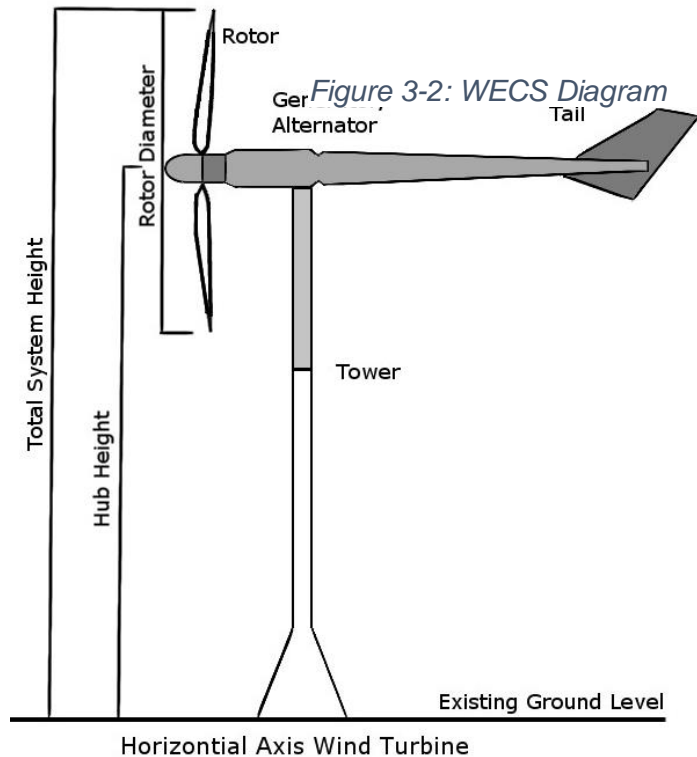
amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.

- iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - iv. If the IM-WECS, IT-WECS, CM-WECS(s), CT-WECS, SM-WECS, or ST-WECS owner(s) is in violation of the Ordinance noise requirements, the owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the CM-WECS(s), CT-WECS, SM-WECS, or ST-WECS into compliance which may include ceasing operation of the WECS until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.
- c. Shadow Flicker Complaint:
- i. Notify the Township in writing regarding concerns about the amount of shadow flicker as defined in Section 2.04.
 - ii. If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
 - iii. If the IM-WECS, or IT-WECS, CM-WECS, CT-WECS, SM-WECS, or ST-WECS owner(s) is in violation of the Ordinance shadow flicker requirements, the owner(s) take immediate action to bring the IM-WECS, or IT-WECS, CM-WECS, CT-WECS, SM-WECS, or ST-WECS into compliance which may include ceasing operation of the WECS until the Ordinance violations are corrected.

P. Small Scale WECS (SM-WECS)

A small structure-mounted wind energy turbine (SM-WECS) and a small tower-mounted wind energy turbine (ST-WECS) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the owner(s) or operator(s). S-WECS are designed to primarily serve the needs of a home, farm, or small business. All SM-WECSs and ST-WECSs are subject to the following requirements:

1. **Minimum Lot Size.** A minimum of three (3) acre is required for a small scale WECS.
2. **Maximum Height.** (See Figure 3-2: WECS Diagram).
 - a. The height of a ST-WECS shall not exceed seventy-five (75) feet as measured from the base of the structure at grade to the tip of the blade at its highest point.



- b. The height of a SM-WECS shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
3. **Setbacks.** S-WECS shall be setback from any adjoining property line, structure, or overhead transmission lines, and power poles by a minimum of four (4) times the height of the tower. In the case of a SM-WECS, the height of the structure the SM-WECS is attached to shall be included in the calculation of the setback.
4. **Blade Clearance:** The lowest point of the arc of this path of travel created by rotating blades; shall be equal to or greater than the overall length of a blade, being no less than twenty (20) feet from the highest elevation within the thirty (30) feet setback from the base of the tower or structure. In addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SM-WECS or ST-WECS.
5. **Noise Levels.** The audible noise level due to S-WECS operations shall not exceed L_{EQ} 45dB(A) sound level. The measurement of compliance shall be measured from the property line of the subject parcel.
6. **Vibrations.** Any proposed S-WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
7. **Transmission Lines.** All electrical transmission lines connecting the S-WECS to the home, farm structure, or business shall be located underground.
8. **Shadow Flicker.** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. The shadow flicker analysis must identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The amount of shadow flicker for one affect parcel shall not exceed five (5) hours per year.
9. **Type of Tower.** A lattice tower or monopole is acceptable. Any style of tower construction shall not utilize guy lines. Lattice style tower structures or similar structures used for mounting that are not self-collapsing are ineligible for a height increase unless the WECS is proposed as a SM-WECS.
10. **Safety and Security.**
 - a. Each S-WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.
 - b. All generator(s) shall be grounded.
11. **Placement.** Consideration of the impact of the S-WECS on surrounding property due to shadow flicker (especially at sunrise and sunset) shall be considered in determining the appropriateness of the request.
12. **Visual Appearance.**
 - a. A SM-WECS or ST-WECS, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SM-WECS or ST-WECS.
 - b. A SM-WECS or ST-WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

- c. SM-WECS or ST-WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

13. **Guy Wires.** Guy wires shall not be permitted as part of the SM-WECS or ST-WECS.

14. **Electrical System.** All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

Q. Commercial Operations Of WECS (C-WECS).

The purpose of this Section is to establish standards and provisions by which the installation and operation of commercial WECS shall be governed in the Township. The smaller commercial application is for up to three (3) WECS for public facilities including, but not limited to, hospitals, schools, churches, and municipal facilities or agricultural zoning districts. All CM-WECSs and CT-WECSs are subject to the following minimum requirements:

1. **Setbacks.** Each WECS shall be setback from any adjoining nonparticipating property lines a minimum of four (4) times the total system height of the unit. A one in a half (1.5) time the total system height of the unit setback from roadways, overhead transmission lines, power poles, and any easement. A one (1) times the total system height of the unit setback from all property lines.
2. **Blade Clearance.** The lowest point of the arc of this path of travel created by rotating blades shall be equal to or greater than the overall length of a blade, being no less than twenty (20) feet from the highest elevation within the thirty (30) feet setback from the base of the tower or structure.
3. **Maximum Height.** The maximum height is measured from the existing grade to the tip of the blade at its highest point. The C-WECS shall not exceed one hundred and twenty-five (125) feet. (See Figure 3-2: WECS Diagram). The Planning Commission may increase the maximum height allowed if the following conditions are met:
 - a. The increased height will result in the preservation of a substantial area of trees, existing land forms, or structures that would otherwise be removed to increase wind velocity.
 - b. The increased height will not result in increased intensity of lighting due to FAA requirements.
 - c. All setbacks can be met for the increased height.
 - d. The overall height includes the height of a structure the unit is mounted on top of, being from grade. The applicant has provided information proving that the above conditions (Q.1 thru Q.3) have been met and the overall height (including the structure the unit is mounted to) will not be taller than one hundred and fifty (150) feet.
 - e. Applicant shall demonstrate that the increased height will not cause any WECS to violate any applicable State or Federal laws or regulations.
4. **Tower Separation.** Wind turbine separation shall be based on industry standards, manufacturer's recommendation and the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between turbines of not less than three (3) times the rotor/blade diameter.

5. **Noise Levels.** The audible noise level due to C-WECS operations shall not exceed L_{EQ} 45dB(A) sound level. The measurement of compliance shall be measured from the property line of the subject parcel.
6. **Vibrations.** Any proposed C-WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
7. **Transmission Lines.** All electrical transmission lines connecting the C-WECS to the public utility electricity distribution system shall be located underground.
8. **Shadow Flicker.** The site plan drawings or other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. The shadow flicker analysis must identify the locations of shadow flicker that may be caused by the proposed project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The amount of shadow flicker for one affected parcel shall not exceed five (5) hours per year.
9. **Electromagnetic Interference.** Any C-WECS shall be constructed and operated so that it does not interfere with television, telephone (land line and cellular), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator shall be responsible for all mitigation measures necessary to correct the interference problem including relocation or removal of the facility.
10. **State and Federal Standards.** All proposed C-WECS shall meet or exceed all standards or regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures at the time the special approval is granted.
11. **Visual Appearance.** The following are requirements for the appearance of any C-WECS structures:
 - a. A CM-WECS or CT-WECS, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the CM-WECS or CT-WECS.
 - b. A CM-WECS or CT-WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. CM-WECS or CT-WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items).
 - d. The only allowable light will be in accordance with FAA standards and if possible shall be a red top light that does not pulsate or blink.
 - e. No advertising, company insignia, or graphics shall be on any part of the tower, rotor, or blades.
12. **Type of Tower.** Each C-WECS shall be a self-collapsing monopole or lattice structure style of construction and shall not utilize guy wire. Lattice style tower structures or similar structures used for mounting that are not self-collapsing are ineligible for a height increase unless the WECS is proposed as a CM-WECS.
13. **Safety and Security.**
 - a. **Inoperable.** A wind turbine shall be declared inoperable if it has not generated power for six (6) months and shall be promptly dismantled and removed from the property.

- b. **Unsafe.** Any wind turbine that is found to present an imminent physical threat to life or property shall be immediately shut down and repaired or otherwise made safe and certified by a qualified engineer prior to resumption of operation.
 - c. **Removal and Site Restoration.** The owner/operator shall remove all equipment, above and below ground, and restore the site to its original condition when the wind turbine(s) is considered inoperable.
14. **Certificate of Insurance.** Owner/operator shall maintain liability insurance for the duration of the use including decommissioning and reclamation of the property. If the owner and operator are different entities than one (1) of those parties is required to maintain liability insurance. The insurance carrier shall be instructed to notify all applicable governmental authorities of any delinquency in payment of premiums. Failure to provide and maintain such insurance shall be considered abandonment and full and sufficient grounds for termination of the special approval and disposal of the equipment as stated herein.

R. Industrial Operations Of WECS (I-WECS).

The purpose of this Section establishes standards and provisions by which the installation and operation of industrial WECS is owned or maintained by the energy company and is involved in the whole sale of electricity to the electrical grid system. All IM-WECSs and IT-WECSs are subject to the following minimum requirements:

1. **Setbacks.** Each I-WECS shall be setback from any adjoining nonparticipating property line, a minimum of four (4) time the total system height of the unit. A one in a half (1.5) time the total system height of the unit setback from roadways, overhead transmission lines, power poles, and any easement. A one (1) times the total system height of the unit setback from all property lines. (See Figure 3-2: WECS Diagram).
2. **Blade Clearance.** The lowest point of the arc of this path of travel created by rotating blades; shall be equal to or greater than the overall length of a blade, being no less than twenty (20) feet from the highest elevation within the thirty (30) feet setback from the base of the tower or structure (See Figure 3-2: WECS Diagram).
3. **Maximum Height.** The maximum height is measured from the existing grade to the tip of the blade at its highest point. The I-WECS shall not exceed five hundred (500) feet. See Section 3.07(R)(1).T, Tower Types for more information as it relates to height and setbacks. The Planning Commission may increase the maximum height allowed if the following conditions are met (See Figure 3-2: WECS Diagram):
 - a. The increased height will result in the preservation of a substantial area of trees, existing land forms, or structures that would otherwise be removed to increase wind velocity.
 - b. The increased height will not result in increased intensity of lighting due to FAA requirements.
 - c. All setbacks can be met for the increased height.
 - d. The overall height includes the height of a structure the unit is mounted on top of, being from grade. The applicant has provided information proving that the above conditions (Q.1 thru Q.3) have been met and the overall height (including the structure the unit is mounted to) will not be taller than five hundred (500) feet.
 - e. Applicant shall demonstrate that the increased height will not cause any WECS to violate any applicable State or Federal laws or regulations.
4. **Tower Separation.** Wind turbine separation shall be based on industry standards, manufacturer's recommendation, and the characteristics (prevailing wind, topography,

etc.) of the particular site location. At a minimum, there shall be a separation between turbines of not less than three (3) times the rotor/blade diameter.

5. **Noise Levels.** The audible noise level due to I-WECS operations shall not exceed L_{EQ} 45dB(A) sound level. The measurement of compliance shall be measured from the property line of the subject parcel.
6. **Vibrations.** Any proposed I-WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
7. **Transmission Lines.** All electrical transmission lines connecting the I-WECS to the public utility electricity distribution system shall be located underground.
8. **Shadow Flicker.** The site plan drawings or other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. The shadow flicker analysis must identify the locations of shadow flicker that may be caused by the proposed project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The amount of shadow flicker affected by any one occupied building on an affected parcel shall not exceed 5 hours per year. The measuring of the shadow flicker on the occupied building total hours of shadow flicker should not include when the shadow flicker is blocked by some structure or object and does not actually affect the occupied building.
9. **Electromagnetic Interference.** Any I-WECS shall be constructed and operated so that it does not interfere with television, telephone (land line and cellular), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator shall be responsible for all mitigation measures necessary to correct the interference problem including relocation or removal of the facility.
10. **State and Federal Standards.** All proposed I-WECS shall meet or exceed all standards or regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures at the time the special approval is granted.
11. **Visual Appearance.** The following are requirements for the appearance of any I-WECS structures:
 - a. An IM-WECS or IT-WECS, including accessory buildings and related structures shall be a non-reflective, nonobtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the IM-WECS or IT-WECS.
 - b. A IM-WECS or IT-WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. IM-WECS or IT-WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items).
 - d. The only allowable light will be in accordance with FAA standards and if possible shall be a red top light that does not pulsate or blink.
 - e. No advertising, company insignia, or graphics shall be on any part of the tower, rotor, or blades.
12. **Type of Tower.** Each I-WECS shall be a self-collapsing monopole or lattice structure style of construction and shall not utilize guy wire. Lattice style tower structures or similar structures used for mounting that are not self-collapsing are ineligible for a height increase unless the WECS is proposed as a CM-WECS.
13. **Safety and Security.**

- a. Each I-WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.
- b. All generator(s) shall be grounded.
 - i. I-WECS shall be designed and constructed in such a manner that access is limited to authorized personnel. All access doors and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present.
- c. A sign shall be posted that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

14. Site Reclamation.

- a. **Inoperable.** A wind turbine shall be declared inoperable if it has not generated power for six (6) months and shall be promptly dismantled and removed from the property.
 - b. **Unsafe.** Any wind turbine that is found to present an imminent physical threat to life or property shall be immediately shut down and repaired or otherwise made safe and certified by a qualified engineer prior to resumption of operation.
 - c. **Removal and Site Restoration.** The owner/operator shall *remove* all equipment, *above* and below ground, and restore the site to its original condition when the wind turbine(s) is considered inoperable.
- 15. Certificate of Insurance:** Owner/operator shall maintain liability insurance for the duration of the use including decommissioning and reclamation of the property. If the owner and operator are different entities than one (1) of those parties is required to maintain liability insurance. The insurance carrier shall be instructed to notify all applicable governmental authorities of any delinquency in payment of premiums. Failure to provide and maintain such insurance shall be considered abandonment and full and sufficient grounds for termination of the special approval and disposal of the equipment as stated herein.

S. Medical Marijuana Primary Caregiver

A registered primary caregiver shall be permitted to grow medical marijuana in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008 Initiated Law, MCL 333.26423(d) and the requirements of this Section. Nothing in this Ordinance, is intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this Ordinance, is intended to grant nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

A registered medical marijuana primary caregiver shall be subject to the following regulations:

1. The primary caregiver shall be required to register the location of the subject activity at the Township on an annual basis and will be subject to an annual inspection for Zoning Ordinance and Special Land Use compliance by the Township. Such registration shall include an application that will remain on file at the Township Clerk's office for twelve (12) months.
2. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act, regulation by the Michigan LARA Marijuana Regulatory

Agency, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

3. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel or within an approved dwelling unit.
4. A primary caregiver shall be required to occupy the site where medical marijuana is grown as their primary residence. A primary caregiver shall provide the Township with a copy of the documentation showing that the primary caregiver has obtained a Principal Residence Exemption for the property where the primary caregiver seeks to assist others with the medical use of marijuana. If the primary caregiver is no longer eligible to obtain a Principal Residence Exemption on the property, the primary caregiver shall immediately cease and desist using the property to assist others with the medical use of marijuana.
5. No person other than the primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivering or handling of the medical marijuana except to the extent that the primary caregiver lawfully transfer medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
6. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius (as measured from the closest property lines) from any church or school, including child care or day care facilities. A registered primary caregiver shall not possess marijuana or otherwise engage in the medical use of marijuana in a school bus, or on the grounds of any preschool, primary or secondary school.
7. All medical marijuana shall be contained within an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed by the Dryden Township Police Department within 14 days after registration of location with the Township Clerk. The property, dwelling, and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, or law enforcement official.
8. The use of the primary caregiver's residential building for medical marijuana related purposes shall be clearly incidental and subordinate to the dwelling's use for residential purposes. Not more than the lesser of 20% of the gross finished floor area or 1200 square feet of the dwelling, including the basement, if any, in single family dwellings shall be used for the growing, processing or handling of medical marijuana. Registered caregivers shall only use residential buildings for medical marijuana related purposes, no registered caregiver shall use any detached, non-residential buildings or structures or accessory buildings for medical marijuana related purposes.
9. The total floor area of the residential buildings devoted to the medical marijuana primary caregiver activity shall not exceed one thousand two hundred (1,200) square feet.
10. That portion of the structure where energy usage and heat exceeds typical use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Dryden Township Fire Department to ensure compliance with the Michigan Fire Protection Code.
11. No medical marijuana primary caregiver activity shall be approved that produces noise, wastes, odors, vehicular traffic or similar side effects which, in the opinion of the Planning Commission, are not customary in a residential district.
12. The growing, processing, dispensing, delivering or handling of medical marijuana shall not be visible or noticeable in any form or manner from outside the walls of the building.
13. All necessary building, electrical, plumbing and mechanical permits and inspections shall be obtained for any portion of the structure or accessory building in which electrical wiring,

lighting and/ or watering devices that support the growing, processing, dispensing, delivering or handling of marijuana are located.

14. Lights utilized in the growing process that are visible from the exterior of a structure, shall not be permitted to operate between the hours of 11:00 PM and 6:00AM.
15. As a condition of obtaining a special land use permit, the property owner shall not be allowed to use any sign on the premises.
16. No one under 18 years of age shall have access to those areas where medical marijuana is grown, processed or stored.
17. A qualified patient shall not visit, come to or be present at the residence of the medical marijuana primary caregiver to smoke, consume, or use marijuana. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
18. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

Article 4 Schedule Of Regulations

Zoning District	Maximum Lot Coverage	Minimum Lot Size	Minimum Lot Width	Maximum Height of Buildings		Minimum Yard Setback In Feet				Minimum Floor Area Per Dwelling Unit in Sq. Ft
				Stories	Feet	Front	At Least One Side	Total of Two Sides	Rear Yard	
AG AGRICULTURAL (a)	15%	3 acres	200	2	30	70	50	100	25	1,200
SE-1 SUBURBAN ESTATES	15%	5 acres	250	2	30	70	50	100	100	1,800
SE-2 SUBURBAN ESTATES	15%	10 acres	330	3	30	70	50	100	100	1,800
R SINGLE FAMILY RESIDENTIAL	30%	1 acre	200	2	25	35	25	50	50	960
RM MULTIPLE FAMILY	30%	See Table 4-1		3	35	30	30	30	30	Table 4-1
RT RESIDENTIAL MOBILE HOME	-	5,500	-	2	30	-	-	-	-	720
C COMMERCIAL	-	3 acres	200	2	25	85	25	50	50	250
C-R COMMERCIAL RECREATION	-	10 acres	400	2	35	50	25	50	50	-
M INDUSTRIAL	-	3 acres	200			85	25	50	50	-

**TABLE 4-1
Standards Relating to the RM District**

Minimum lot area:	<p>Lots or parcels supporting semi detached single family, duplex and two family dwelling units shall have a minimum lot area of 1 acre.</p> <p>For lots containing multi family buildings (three or more dwelling units) there shall be a minimum of 50,000 square feet plus 4,500 square feet for each dwelling unit over three. Additional undeveloped site area based on a factor of four times the area designed for the support of on site well and septic systems shall be required if the development is not served by public sewer and/or public water.</p>	
Minimum dwelling unit size:	<p>Efficiency units: One bedroom units: Two bedroom units: Three bedroom units: Four bedroom units: Semi detached single family, two family and duplex units</p>	<p>500 square feet 600 square feet 800 square feet 1000 square feet 1150 square feet 960 square feet, ea. d.u.</p>
Minimum building to building spacing:	30 feet	

FOOTNOTES FOR SCHEDULE OF REGULATIONS

- a. Maximum height for silos is sixty (60) feet; storage barn is forty (40) feet except where such maximums are prohibited by the Right to Farm Act.

Article 5 Reserved

Article 6 General Provisions

Section 6.01. Purpose Statement

The purpose of this Article is to establish regulation and conditions that are generally applicable to all zoning district unless otherwise indicated. It is to provide uniform regulations applicable within Dryden Township that supplement the specific requirements for each zoning district.

Section 6.02. Scope.

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained; of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

Section 6.03. General Exceptions

No building or structure or part of, shall be erected, constructed or altered and maintained except in conformity with this Zoning Ordinance. The following are exceptions to the zoning district requirements.

- A. **Height.** Penthouses or roof structure for the housing for elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located.
- B. **Porches, Patios and Terraces.** An open, unenclosed porch, paved patio or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet that do not exceed three (3) feet above grade.
- C. **Projections into Yards.** Architectural features, as defined (includes gutters), not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.
- D. **Substandard Lots.** Any lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards, may be utilized for single residence purposes, provided the width and depth and available open space for yards is not less than sixty-six and two thirds (66-2/3) percent of that required by the terms of this Ordinance, accepting that vacant lots having in the aggregate a continuous frontage of one hundred and twenty (120) feet or more, regardless of ownership, shall not be subject to this exception. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.
- E. **Uses.** The following are uses that are excepted from Zoning Ordinance requirements:
 - 1. **Essential Services.** Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any Ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
 - 2. **Voting Place.** The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

Section 6.04. Lot Limitations.

In all residential zoning districts, only one (1) principal building shall be placed on a lot of record with the exception of parcels of record described and designated as “out lots,” which may be so arranged or subdivided as to provide for one (1) or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided in compliance with the Subdivision Control Act of 1967, Act 288, Public Acts of 1967 as amended. Exceptions to the one principal building per lot of record limitation established by this Section include multiple family dwellings and conventional condominiums.

Section 6.05. Frontage.

Every parcel shall have frontage upon either a public street or road, a private road, or a private drive.

Section 6.06. Private Drives

A. Where there is a principal building that does not front upon a public street or road, such building shall front upon either a private road or private drive. Private drives that cross another property to gain access shall only be permitted in the AG and SE-2 zoning districts.

All private drives shall consist of the following:

1. A permanent easement, at least sixty-six (66') feet wide.
2. An aggregate or hard-surfaced driveway, a minimum twelve (12') feet wide and unobstructed between the road and the principal building.
3. A seventy (70') foot wide radius shall be required for all turn-around areas or cul-de-sacs.

B. The following regulations shall apply to private drives:

1. A maximum of one (1) private drive easement shall be permitted on a lot which is an existing lot of record at the time that this provision is amended.
2. A maximum of one (1) principal building shall have frontage on a private drive. Two (2) or more principal buildings must be served by a private road meeting the private road requirements of this Ordinance, Section 6.07 Private Road Requirements.
3. No principal or accessory buildings or structures shall be permitted within the side yard setback from the easement or proposed easement for parcels adjacent to but not fronting on the private drive.
4. The easement shall not be included in the legal contiguous frontage of any property for purposes of the Zoning Ordinance.

Section 6.07. Private Road Requirements.

A. Plans must be prepared for the road that will meet the Drain Commissioner's requirements for the Soil Erosion and Sedimentation Control provisions of Act 451 of 1994. Plans shall be prepared by a licensed engineer or land surveyor.

B. Included in the plans and specifications shall be a maintenance responsibility agreement acceptable to the Dryden Township Planning Commission.

C. Ten (10) copies of such plans and specification shall be presented to the Dryden Township Planning Commission. Such plans shall be approved by the commission before any permits for construction are issued by the Dryden Township Building Official.

D. Such plans shall be recorded with the Lapeer County Register of Deeds within thirty (30) days of acceptance by the Township.

- E. **Right-Of-Way And Dedication.** The right-of-way should be a minimum of sixty-six (66) feet. The right-of-way should be dedicated to the use of all property owners that have to use the road for access to individual parcels of land.
- F. **Utilities.** An easement for public and private utilities such as cable, telephone, gas, etc. shall be provided for all private roads. All private roads shall install essential utilities like cable, telephone, gas, etc.
- G. **Design Standards.** Private roads shall be designed and constructed in accordance with the Board of Lapeer County Road Commissions Policy on Construction of Commercial Driveways, Private Roads Approaches, and Public Roadways and the Township's Planning Commission has the ability to waive the requirements of paving the road if they deem it appropriate. The Township Planning Commission shall consider the following factors in deciding whether to waive the paving requirement:
 - 1. The amount of traffic that is anticipated to use the private road, and whether the proposed surface will be able to handle such traffic without degrading;
 - 2. What arrangements are being made for the maintenance of the private road, and whether they appear to be reasonably sufficient to keep the private road in good repair;
 - 3. Whether the proposed surface would result in unacceptable levels of dust, noise, vibration or other disturbance to the surrounding properties; and,
 - 4. Any other factors that appear relevant to maintain the health, safety and general welfare of the property to be served by the private road as well as other properties in the vicinity.
- H. **Seeding and Mulching.** All earth excavations and private roads have to conform with the County Drain Commissioner's requirements and a permit should be obtained from him before any excavations are started.
- I. If such private road be dead-end, it shall terminate with a one hundred forty (140) foot turn around or cul-de-sac, graveled to a diameter of one hundred (100) feet, and with all other specifications conforming to the requirements above stated for a private road.
- J. A private drive to one dwelling only, so situated on parcel of land large enough that homesites may be sold and further dwellings added; but prior to the addition of further dwellings, such private drive shall meet the requirements of Section 6.07 (Private Road Requirements) of this ordinance..
- K. Prior to inspection, the developer shall furnish and install traffic control and road identification signs as approved by the Lapeer County Road Commission.
- L. The developer shall be responsible for implementation of the maintenance responsibility agreement until all parcels on the private road are sold. The maintenance agreement shall then be continued by the property owners as long as the road is classified as a private road. The applicant must provide proof of recording the approved maintenance agreement with each property accessing the private road at the Lapeer County Register of Deeds Office.
- M. **Inspection.** Upon completion of a private road and before any building permits are issued, the owner must furnish the Dryden Township Building Official, and the Lapeer County Road Commission with a certified inspection report confirming that construction and materials involved in said road conform and comply with the intent of this Ordinance. Inspection is to be contracted for by the owner at his expense, and is to be performed by persons, or companies, certified or approved by the Lapeer County Road Commission for this type of service.
- N. **Permit Fee.** Permit for construction of private road to be issued by the Dryden Township Building Official for a fee.

Section 6.08. Appearance.

A. Architectural Standards. These standards are intended to encourage the realization and conservation of a desirable and aesthetic environment in Dryden Township. Also they are intended to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values. The following standards shall be applied by the Planning Commission as part of site plan review for all development located in the C and M zoning districts.

The following standards shall be applied by the Planning Commission as part of site plan review.

1. Exterior building material shall be composed of high quality, durable, low maintenance material, such as masonry, stone, brick, hardy board, textured or colored split face block, or glass. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited.
2. The front facade of the building should address the main street with entrances, windows and architectural features facing the street. No overhead door or docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
3. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops, it shall also be screened from the public view in a manner that does not draw attention to the placement of the equipment, such as fencing, landscaping, parapet, etc.
4. Lighting shall comply with the requirements of Section 6.19(F) and 6.20 of this Ordinance.
5. Facade colors shall be consistent with the character of the community as determined by the Planning Commission.
6. Building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the facade where practical. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture and material modules. Variations in roof lines to reduce the massive scale of the structure and add visual interest shall be incorporated where appropriate.

Section 6.09. Dwelling in Non-Residential Districts.

No dwelling shall be erected in the C Commercial or M Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

Section 6.10. Dwellings in Other Than Main Structure.

No residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling.

Section 6.11. Occupancy: Temporary Garages, Accessory Buildings, Basement Apartments Prohibited.

Buildings erected after the effective date of this Ordinance as garages or accessory buildings shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or

occupied for dwelling purposes at any time, except a residence designed specifically to be covered partially with earth. It shall be designed by a licensed architect and shall incorporate safety and emergency exits per latest BOCA Code.

Section 6.12. Building Grades.

- A. Building grades on lots smaller than one (1) acre requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- B. A sloping grade, beginning at the roadway surface, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.
- C. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Building Department.
- D. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building; and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.
- E. Final grades shall be approved by the Building Official who may require a "Certificate of Grading and Location Building within Dryden Township," which has been duly completed and certified by a registered engineer or land surveyor.

Section 6.13. Buildings to Be Moved.

Any building or structure which has been wholly or partially erected on any premises located within the Township shall not be moved to and be placed upon any other premises in this Township until a zoning permit and building permit for such removal shall have been secured from the Building Official. Any such building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

Section 6.14. Excavations or Holes.

The construction, maintenance or existence within the Township of any unprotected, unbarricaded open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Official; and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency. (See also Section 3.07.H).

Section 6.15. Restoring Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official, or required to comply with his lawful order.

Section 6.16. Construction Begun Prior to Adoption of Ordinance.

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the

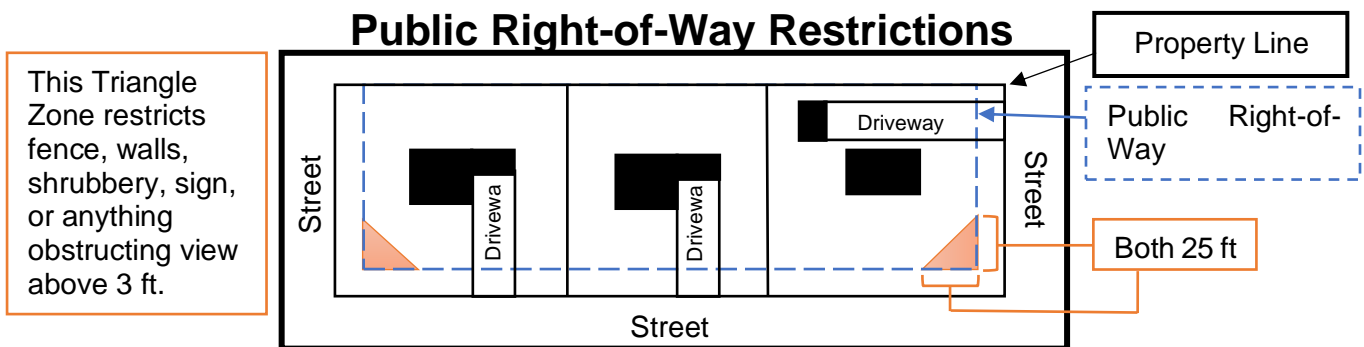
adoption of this Ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

Section 6.17. Approval of Plats.

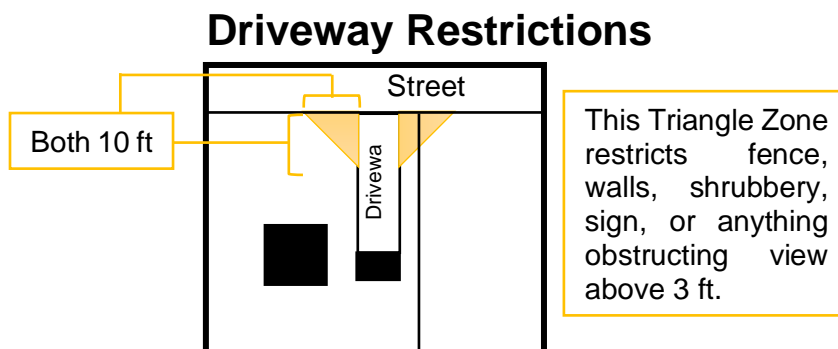
No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and the Subdivision Regulations of the Township, as may be adopted.

Section 6.18. Unobstructed Triangular Area.

- A. No structure, wall, fence, shrubbery or trees or parking space shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection or driveway exceeding three (3) feet in height.
- B. Excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level.
- C. An unobstructed triangular area formed by the street intersection shall start at the right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the street line, or in the case of a rounded corner, from the intersection of the street property lines extended.



- D. An unobstructed triangular area formed by a driveway shall start at the right-of-way and driveway that is ten (10) feet.



Section 6.19. Performance Standards.

Any use permitted by this Ordinance is subject to compliance with the following performance standards. Every use hereafter established shall not exceed the limits herein described, except as provided in this Section.

- A. **Noise.** No operation or activity shall be carried out in any zoning district which causes or creates measurable noise levels exceeding the maximum sound indicated in the Noise Ordinance.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Official deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent zoning districts.

- B. **Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion.** No person, firm or corporation shall operate or cause to be operated or maintained any process for any purpose, a furnace, or combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or airborne solids carried in fumes emitted, directly or indirectly, into the open air to a concentration level (per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit) not exceeding 0.20 grains.

For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent of full load. The foregoing requirements shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned.

The Building Official may require such additional data as deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- C. **Smoke.** It shall be unlawful to discharge into the atmosphere from any single source of emission, any smoke density or equivalent capacity which exceeds the following standards:

For any period or periods of time, smoke, the shade or appearance of which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, except when the emission consists of only water vapors. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this title, shall be the standard. However, the Umbrascope reading of smoke densities may be used when correlated with the Ringelmann Chart.

- D. **Vibration.** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables and/or as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer, preferably the former.

For purposes of the Section, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

1. Maximum Permitted Steady State Vibration in Inches.

Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

2. **Maximum Permitted Impact in Inches.**

Frequency (Cycles Per Second)	Permitted Vibration
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

Between the hours of 8:00 p.m. and 6:00 a.m., all the above maximum vibration levels, as measured at the boundary line of a residentially used area adjacent to non-residentially zoned districts, shall be reduced to one-half (1/2) the indicated permissible values by those activities causing the vibration.

- E. **Odor.** Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment, the fabrication of books, textile weaves or other plants in which operations do not result in a greater degree of odors. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site plan by the Planning Commission.
- F. **Glare and Heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.
- G. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, explosives and highly toxic and highly radioactive materials shall comply with all state rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. 1941, as amended, the Flammable and Combustible Liquids Code (pursuant to Act 154, P.A. 1974, as amended, and Section 1910.106, Federal Register), and the requirements of the State Fire Marshall. Further, all storage tanks for flammable liquid materials, liquefied petroleum cases, explosives and highly toxic and highly radioactive materials above ground shall be located at least one hundred fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes and other types of retaining walls which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than twice the depth at the bottom of the buried tank.
- H. **Open Fires.** No permitted use shall cause to be burned any combustible refuse in an open outdoor fire.
- I. **Sewage Wastes.** No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

Specific conditions controlling sewage wastes are as follows:

- 1. The acidity or alkalinity shall be neutralized within an average PH range of between five and one-half (5 1/2) to seven and one-half (7 1/2) as a daily average on a volumetric basis, with a permissible temporary variation in PH of 4.50 to 10.0.

2. The wastes shall contain no Cyanides. Wastes shall contain no Chlorinated solvents in excess of 0.1 p.p.m.; no Fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of Hydrogen Sulfide; and shall contain no more than 10 p.p.m. of Chromates.
 3. The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (1/2) inch.
 4. The wastes shall not have Chlorine demand greater than 15 p.p.m.
 5. The wastes shall not contain Phenols in excess of 0.05 p.p.m.
 6. The wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or a daily average of 25 p.p.m.
 7. The wastes shall not contain any explosive substance.
 8. The wastes shall not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.
 9. The discharge of Mercury from any single source shall be prohibited.
- J. **Gases.** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m.; Hydrogen Sulfide, likewise, shall not exceed one (1) p.p.m.; Fluorine shall not exceed 0.1 p.p.m.; Nitrous fumes shall not exceed 5 p.p.m.; and Carbon Monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any twenty-four (24) hour sampling period.
- K. **Radio Transmission, Explosives and Radioactive Material.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment. All explosives and radioactive materials stored and/or used shall be in a manner which does not endanger abutting properties. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby made a part of this title.
- L. **Drifting and Airborne Matter, General.** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and shall be summarily caused to be abated.
- M. **Animal Waste.** In any district where more than one (1) hoofed animal is kept, an approved septic system or other provision for the sale, sanitary collection and disposal of animal waste shall be provided.

Section 6.20. Exterior Lighting.

- A. Bare bulbs used in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.
- B. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground into a residential district.
- C. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed foot-candles. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining business and industrial districts or create a traffic hazard on public highways.

Section 6.21. Groundwater Protection

- A. Any project requiring site plan review shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
- B. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank or a system authorized through a state groundwater discharge permit.
- C. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- D. State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- F. Outdoor storage of hazardous substances and polluting materials shall be prohibited, except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
- G. Secondary containment structures, such as out buildings, storage rooms, sheds and pole barns, shall not have floor drains which outlet to soils, groundwater or nearby drains or rivers.
- H. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
- I. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and State Police Fire Marshal Division.
- J. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
- K. Out-of-service, abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division and Michigan Department of Natural Resources.
- L. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect public health and the environment.
- M. Development shall not be allowed on or near contaminated areas of a site, unless information from the Michigan Department of Environment, Great Lakes, and Energy is available indicating that cleanup will proceed in a timely fashion.
- N. No above ground or below ground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any existing property line or officially designated future right-of-way or within one hundred (100) feet of any residentially zoned property.

Section 6.22. Temporary Occupancy of a Mobile Home or Recreational Vehicle (Hereinafter Referred to as a “Mobile Home”) During Repair of a Single-Family Dwelling.

When an occupied one-family dwelling has been rendered unfit for habitation due to damage from fire, windstorm or other catastrophic event, the Zoning Administrator may immediately issue a Temporary Permit to the occupant for the parking, use and occupancy of not more than one mobile home as a temporary dwelling for the occupant family during the rehabilitation of their permanent dwelling, provided that all of the following conditions are met:

- A. The Temporary Permit shall initially be valid for a period of thirty (30) days, but may be renewed as provided in the following paragraphs.
- B. Said Temporary Permit shall be valid only for the occupant family.
- C. Before a Temporary Permit may be issued, the occupant shall file a Temporary Mobile Home Affidavit to certify their understanding of the terms of the Temporary Permit.
- D. The mobile home shall be so located on the lot as to comply with all yard and setback requirements of this Ordinance, unless the Zoning Administrator determines that it is not possible, practical or safe to so place it. In such an instance, the Zoning Administrator shall require placement of said mobile home in a manner that will cause the least disruption to the surrounding neighborhood.
- E. Occupants of the mobile home shall have access to, and unlimited use of, the sanitary facilities (water supply and wastewater treatment systems) of the permanent dwelling on said premises, provided that these sanitary facilities have been approved for such use by the Lapeer County Health Department. **If the sanitary facilities on the premises have been rendered unfit for such use, the Zoning Administrator shall not permit temporary occupancy of a mobile home there.**
- F. The Temporary Permit shall be displayed in or on the mobile home for which it is issued so as to be noticeable from the public street.
- G. A smoke detector system approved by the Zoning Administrator shall be installed and operating in the mobile home.
- H. Said Temporary Permit may be renewed for a period of three (3) months, subject to the following additional conditions.
 1. A fee shall be paid to the Township Treasurer, which may be accepted for processing by the Zoning Administrator.
 2. Occupant shall deposit a cash bond (consistent with Sec. Section 16.10) with the Township Treasurer to guarantee compliance with the conditions of the special approval.
- I. Upon expiration of the first three (3) month extension of the Temporary Permit, if more than fifty (50) percent of the rehabilitation work on the permanent dwelling has been completed, the occupant of said temporary dwelling may apply to the Zoning Administrator for a second extension of three (3) months to the term of the Temporary Permit. The compliance bond shall remain on deposit with the Township Treasurer, but no additional fee will be charged for this second extension. Under no circumstances shall any more extensions be granted.

Section 6.23. Temporary Occupancy of a Mobile Home or Recreational Vehicle (Hereinafter Referred to as a “Mobile Home”) During Construction of a New Single-Family Dwelling.

The Zoning Administrator may issue a Temporary Permit for occupancy of a mobile home on the site of construction of a new single-family home subject to the following restrictions:

- A. Said Temporary Permit shall allow such occupancy for a period of six (6) months only from the date of its issuance and shall clearly state the date of its expiration.
- B. Said Temporary Permit shall be valid only for the family of the owner of the subject property.
- C. The mobile home shall be so located on the lot as to comply with all yard and setback requirements of this Ordinance. Where this is not possible, no such Temporary Permit may be granted.
- D. No such Temporary Permit shall be issued before a valid Building Permit for the home to be constructed has been issued. Both permits may be issued simultaneously if all other requirements for each have been met.
- E. Before said mobile home may be occupied, it shall be connected to water supply and wastewater treatment systems in a manner approved by the Lapeer County Health Department.
- F. A fee shall be paid to the Dryden Township Treasurer. Further, a cash bond (consistent with Sec. Section 16.10) shall be deposited with the Dryden Township Treasurer. The bond shall be used by the Township to defray any costs incidental to forcing the removal of the mobile home at the expiration of the Temporary Permit. The unused portion of the bond shall be returned within thirty (30) days after the mobile home has been removed from Dryden Township.
- G. A Temporary Mobile Home Affidavit, certifying the applicant's understanding and acceptance of the terms of the Temporary Permit and cash bond, shall be sworn to by the petitioner and provided to the Dryden Township Clerk.
- H. A smoke detector system approved by the Building Official shall be installed and operating in the mobile home.
- I. Upon expiration of the first six (6) month Temporary Permit, if more than fifty (50) percent of the construction for the permanent residence has been completed, the occupant may apply to the Building Official for one (1) extension of six (6) months to complete the permanent dwelling. The compliance bond shall remain on deposit with the Township Treasurer, but no additional fee will be charged for this extension. No more than one (1) such extension shall be granted.

Section 6.24. Dangerous Pets

The keeping of dangerous pets shall be prohibited.

Section 6.25. Dumpster Enclosures.

- A. Waste receptacles shall have an enclosing lid or cover and be enclosed on three (3) sides with a gate on the fourth side. The enclosure shall be constructed of brick or decorative masonry block material consistent with the principal building with a maximum height of six (6) feet or at least one (1) foot higher than the waste receptacle and spaced at least three (3) feet from the waste receptacle. Chain-link fencing with vinyl or wood strips is not acceptable screening material. Acceptable gate material could be wood, metal or other obscuring material approved by the Planning Commission.
- B. Waste receptacle enclosures shall be located in the rear yard or non-required side yard, at least ten (10) feet from any nonresidential property line, combustible walls or combustible roof eaves and in no case be less than twenty (20) feet from any residential district.
- C. When positioned to be visible from adjacent roadways or premises, such areas shall be screened by landscape plantings.

- D. The waste receptacle enclosure base shall be at least nine (9) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- E. Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.

Section 6.26. Protection of Natural Features

All structures shall be setback at least twenty-five (25) feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.

Section 6.27. Electrical Service Capacity Restrictions

In order to protect the public health, safety, and welfare of the township regarding overloading local electrical capacity and ensuring appropriate uses are consistent with the character of the zoning district, all amperes electrical services in the AG, SE-1, SE-2, R and R-T zoning districts must comply with the below requirements:

- A. No more than a 200 amperes electrical service may service a single parcel in the above mentioned zoning districts, except as otherwise provided in this section.
- B. For those who request to have an amperes electrical service over 200 amperes, they may apply for a waiver from these restrictions from the Planning Commission. The approval of the additional amperes shall be based on the following findings of fact:
 - 1. Demonstrate that the requested service is necessary for all residential applications on the property
 - 2. Demonstrate that the requested service is necessary for applications on property that has qualified for an agricultural-products exemption under MCL 205.94 (1)(f);
 - 3. Supply an electrical load sheet detailing connected loads for lighting, receptacles, water heater, heat pump, cooking, air conditioning and any other applications at the property.
- C. The Township reserves the right to have comments from entities such as Consumers Energy, DTE Energy, Dryden Township Fire Department, Dryden Township Police Department, and the Township Building Official provide review comments.

Article 7 Parking and Loading Requirements

Section 7.01. Off-Street Parking Requirements.

- A. **INTENT.** In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed. Required parking spaces shall be maintained and shall not be encroached upon building structures, open air businesses or outdoor commercial recreation uses so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. The number of required parking spaces is required to come into conformance whenever there is a change in use, expansion of the building, or intensity of the operation that impact the number of required parking spaces.
- B. **Area For Parking Space.** For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, and shall include necessary drives, aisles, entrances or exits.
- C. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- D. **Location Of Parking Spaces For One- And Two-Family Dwellings.** The off-street parking facilities required for one- or two-family dwellings and all multiple dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage.
- E. **Location Of Parking Spaces For Other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or other lots within five hundred (500) feet in the Township of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served.
- F. **Seating Capacity Or Seats.** As used in this Article for parking requirements, seating capacity or seats shall mean that each twenty (20) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Department specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- G. **Similar Uses And Requirements.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply. When the use is to be reviewed by the Planning Commission as part of Site Plan Review or Special Land Use, it shall be decided by the Planning Commission. In all other situations, the Zoning Administrator may determine the similar use. The Zoning Administrator may also defer to the Zoning Board of Appeals as to an interpretation if it is unclear.
- H. **Existing Off-Street Parking At Effective Date Of Ordinance.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.
- I. **Collective Provisions.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities, for two or more buildings or uses, provided collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table below.

- J. **Restriction On Parking On Private Property.** It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage or use any portion of any private property as parking space without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, lessee, agent or trustee of such property.
- K. **Event Parking.** The Planning Commission has the authority as part of a temporary use approval to allow parking in lawn areas. A temporary use shall not exceed use of lawn area parking for more than six (6) months.
- L. **Joint Use.** Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.

Section 7.02. Parking Lot Design Requirements.

- A. Adequate ingress and egress to the parking lot area shall be provided by a clearly defined driveway and maneuvering lanes. Spaces backing directly onto the street shall be prohibited.
- B. **Parking Lot Lighting.** It is required that parking lot areas are illuminated. Illumination in the parking lot area must meet the requirements of Section 6.20.
- C. **Dimensions.** All parking spaces shall be designed and marked with dimensions described in the below table and in Figure 7-1: Parking Space Dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
Parallel Parking	12 Feet	8 Feet	23 Feet
45	12 Feet	9 Feet	20 Feet
60	15 Feet	9 Feet	20 Feet
90	24 Feet	9 Feet	20 Feet

- D. The parking space length may be reduced by two (2) feet when the space is adjacent to a sidewalk or curbed/bumper block of landscaped area for at least seven (7) feet.

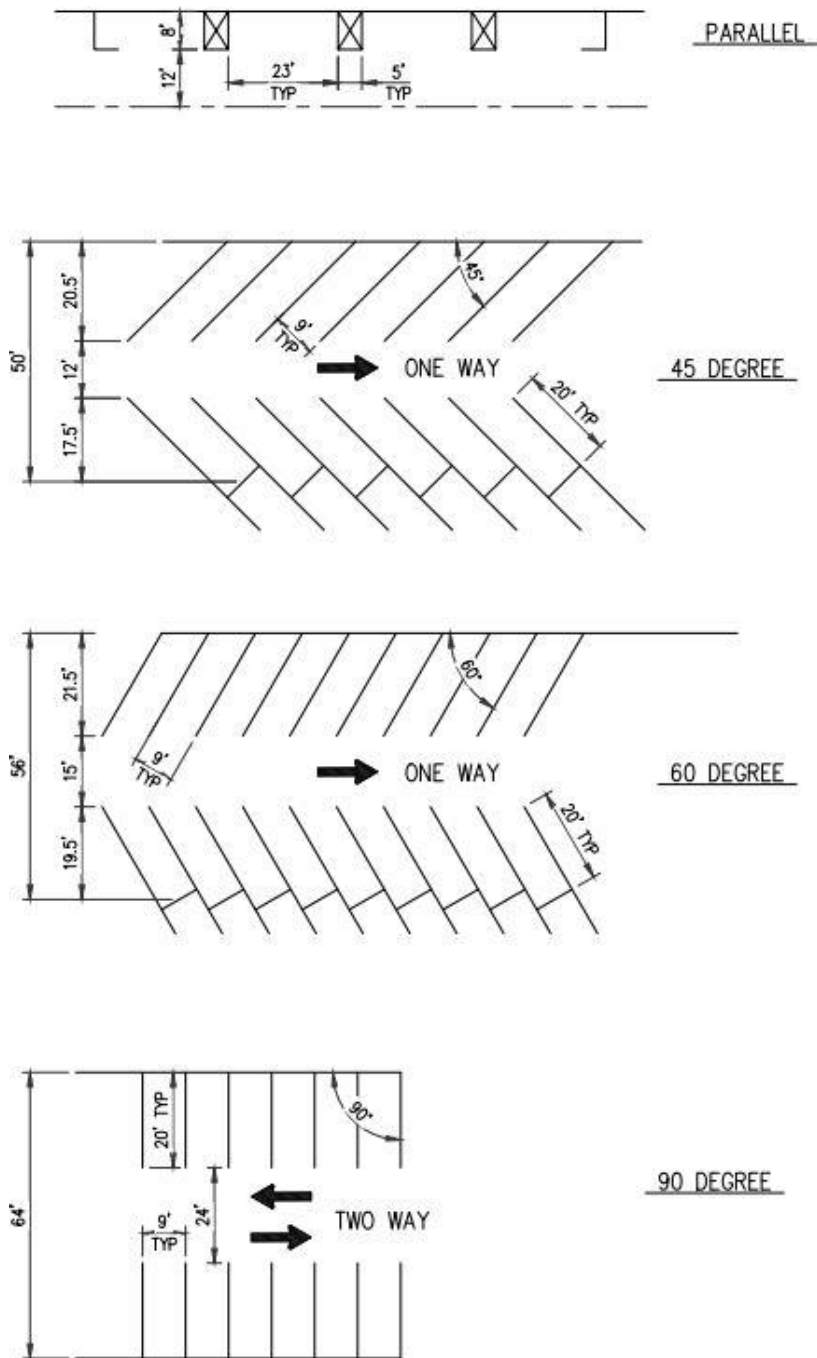
Section 7.03. Barrier-Free Parking Spaces

- A. Each parking lot that serves a building or use, with the exception of single- or two-family dwelling units shall provide spaces for physically handicapped persons in accordance with the Michigan Department of Licensing and Regulatory Affairs (LARA), Barrier Free Design Board.
- B. The required number of accessible parking spaces shall be included with the number of total parking spaces for the use and shall be in accordance with the following table:

Total # of Parking Spaces Required	Minimum # of Accessible Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7

Total # of Parking Spaces Required	Minimum # of Accessible Spaces Required
301 - 400	8
401 - 500	9
501 - 1,000	2% of total
Over 1,000	20 plus 1 space per additional 100 spaces over 1,000 spaces

Figure 7-1: Parking Space Dimensions



Section 7.04. Off-Street Waiting Area For Drive-Through Facilities.

- A. On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided four (4) off-street waiting spaces for each service window.
- B. An off-street waiting space is defined as an area ten (10) feet wide by twenty-five (25) feet long.
- C. Self-service motor vehicle car wash establishments shall provide four (4) off-street waiting spaces for each washing stall. Motor vehicle car wash establishments other than self-service, shall provide twenty (20) waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
- D. The use of public spaces, streets, alleys or sidewalks for waiting places is prohibited.

Section 7.05. Off-Street Loading Requirements.

- A. On the same lot with every building, structure, or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, and with every department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt and/or distribution of merchandise and/or other materials, there shall be provided and maintained adequate space for standing, loading and unloading of vehicles in order to avoid undue interference with public use of the streets, alleys or required access space for off-street parking areas. All off-street loading spaces shall be located in the rear or side yard area of buildings.
- B. Such loading and unloading space shall be provided according to the following schedule, and for the purposes of this schedule, one (1) loading and unloading space shall be an area ten (10) feet by fifty (50) feet or total area of five-hundred (500) squared feet, with fifteen (15) foot high clearance. The loading and unloading space shall be located on an improved surface approved by the Planning Commission.

Gross Floor Area in Sq FT	Loading and Unloading Spaces Required
0-2,000	None.
2,000-20,000	One Space.
20,000-100,000	One space, plus one space for each 20,000 square feet in excess of 20,000 square feet of gross floor area.
100,000-500,000	Five spaces, plus one space for each 40,000 square feet in excess of 100,000 square feet of gross floor area.
Over 500,000	Fifteen spaces, plus one space for each 80,000 square feet in excess of 500,000 square feet of gross floor area.

Section 7.06. Nonconforming Parking Lots.

Parking lot areas and loading spaces that were in existence before the current provisions of the Zoning Ordinance shall be considered legal nonconforming elements. These elements may continue to exist until they exceed the listed requirements below:

- A. Anytime there is proposed new parking lot areas and loading space(s) must meet the new requirements.
- B. Anytime the proposed expansion of the parking lot area exceeds fifty (50) percent of the original site plan.

Article 8 Landscaping

Section 8.01. Intent.

- A. The intent of this Section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.
- B. The standards of this Article are intended to guide and encourage utilitarian functions like screening of lighted areas and unattractive features, prevention of glare from buildings or cars, control air pollution, reduction of noise and stabilization of soils, decrease wind velocity, increase surface water retention, and define access and circulation of site.
- C. The standards of this Article are also to provide aesthetic functional aspects such as enhancement or focusing of attention towards a feature like building or main entrance, provide visual relief from monotonous features like building walls or large parking lots, and adding natural color and attraction of wildlife.

Section 8.02. Right-Of-Way Greenbelt.

- A. For all developments in the C or M zoning district, a minimum grass or other living ground cover shall be neatly maintained and kept weed-free by the owners of property abutting the public right-of-way or private easement as the greenbelt area.
- B. The greenbelt area shall be planted within the required setback and may be placed anywhere within the front yard.
- C. The greenbelt shall contain a minimum of two (2) deciduous canopy trees, two (2) deciduous ornamental trees, four (4) evergreen trees, and four (4) shrubs per one hundred (100) linear feet or fraction thereof of street frontage.

Section 8.03. Buffer Yard Requirements.

All buffer yards shall be planted within ten (10) feet of the adjacent property line. The following table indicates the minimum landscape requirements for buffer yards:

Table 10-1: Landscaping Buffer Yard Requirements

Zoning District	Adjacent To	Minimum Plant Material
C Commercial	SE, R, RT or RM	A minimum one (1) deciduous canopy tree, one (1) deciduous ornamental tree, five (5) evergreen trees, and two (2) shrubs per one hundred (100) linear feet
M Industrial	SE, R, RT or RM	A minimum one (1) deciduous canopy tree, one (1) deciduous ornamental tree, eight (8) evergreen trees, and two (2) shrubs per one hundred (100) linear feet

Section 8.04. Berms

- A. Undulating earthen berms not exceeding six (6) feet in height, as measured from average grade, and three-on-one (3:1) slope are encouraged and may be required within a required buffer yard. Credit of up to twenty-five (25) percent may be granted by the Planning Commission against the required buffer yard plantings through the use of berms three (3) feet in height or greater.
- B. A buffer yard may be used for passive recreation. It may contain pedestrian or bicycle pathways provided that:

1. No plant material is eliminated;
2. The total buffer yard (width and length) is maintained; and
3. All other requirements of this Ordinance are met.

Section 8.05. Stormwater Retention/Detention Facilities in Buffer Yards

The Zoning Official shall be authorized to allow stormwater retention/detention facilities to encroach into buffer yards, where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved and ponding will not jeopardize the survival of the plant materials.

Section 8.06. Parking Areas

Landscaping shall be provided for in areas internal to parking lots so as to provide visual and climatic relief from broad expanses of pavement. Landscape features installed in fulfillment of this requirement should be designed and situated to protect lighting fixtures and to define access and circulation ways.

- A. All of the required parking lot trees shall be placed within ten (10) feet of the edge of the parking lot area.
- B. For parking lots containing less than fifty (50) parking spaces one (1) tree per six (6) parking spaces.
- C. For parking lots containing more than Fifty (50) parking spaces one (1) tree per five (5) parking spaces.
- D. **Minimum Size.** The minimum size of any internal landscaped area shall be eighty (80) square feet with a minimum width of six (6) feet.

Section 8.07. Fences, Walls, And Other Protective Barriers.

All fences of any nature, type or description located in the Township shall conform to the following regulations:

- A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to their conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this Section.
- B. Fence permit applications shall include the following information:
 1. Location of the proposed fence.
 2. Height of the proposed fence.
 3. Type of proposed fence and material.
- C. Fences in other than AG Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 1. No fence shall hereafter be erected along the line dividing lots or parcels of land, or located within any required side or rear yard, in excess of six (6) feet or less than three (3) feet in height above the grade of the surrounding land.
 2. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.
 3. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as permitted in this Section.

4. Barbed wire cradles may be placed on top of fences enclosing public utility installation or wherever deemed necessary in the interests of public safety.
- D. Fences in AG Districts and fences for agricultural uses in other districts may be located on all property or road right-of-way lines of a parcel of land, providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
- E. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. A fence, wall or structure may not be located in the Unobstructed Triangular Area defined in Section 6.18.

Section 8.08. General Requirements

- A. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Entire landscaped areas shall be covered in grass or other ground cover and kept weed-free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Zoning Official.
- B. Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure.
- C. All plants shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen and shall have passed inspections required under state regulations.
- D. When units or measurements determining number of required landscaping result in requirement of a fractional quantity, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be rounded up.
- E. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
- F. Adequate watering systems shall be provided on private property to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.
- G. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
- H. The extensive use of cobble stone crushed stones, or other non-living material as ground cover is discouraged.
- I. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
- J. The overall landscape plan shall not contain more than thirty-three (33) percent of any one (1) plant species. A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation.
- K. Existing plant materials which satisfy the minimum size requirements set forth in this Section and all other requirements or specifications of this Article shall be credited toward satisfying landscaping requirements of the proposed use. Trees and shrubs listed under Prohibited Trees cannot be counted toward the minimum required landscaping requirements.

Section 8.09. Minimum Plant Sizes

New plant materials shall meet the minimum plant size requirements contained in the table below:

TABLE 4.30B
MINIMUM SIZE

Plant Type	Plantings in all Other Required Buffer Yards
Deciduous Canopy Tree	2-1/2" Caliper
Ornamental Canopy Tree	1-1/2" Caliper
Evergreen Tree	5 feet (height)
Shrub (Upright)	24 inches (height)

Section 8.10. Maintenance of Plant Materials

All plant materials in buffer yards shall be maintained in a good condition so as to present a healthy, neat and orderly appearance. The Owner, tenant or their agent shall ensure that:

- A. All plant growth in landscaped areas be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard;
- B. All planted areas be maintained in a relatively weed-free condition and clear of undergrowth; and
- C. All plantings be fertilized and irrigated at such intervals as are necessary to promote optimum growth.
- D. Any dead or diseased plants shall be replaced with the same or similar credited species of similar size in a timely manner.

Section 8.11. Modifications and Waivers.

- A. Unless specifically waived by the Planning Commission, special uses and uses permitted in the C and M Districts shall be landscaped in accordance with a plan and specifications approved by the Planning Commission as part of Site Plan Approval.
- B. If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications to the planting requirements of the Article.
- C. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls and/or a combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

Section 8.12. Prohibited Plant Materials

Plant material that are not permitted, as they are weak, brittle, or easy to break or especially susceptible to disease or insect pests:

- A. Ash
- B. Box Elder
- C. Catalpa
- D. Mulberry
- E. Poplar
- F. Tree of Heaven
- G. Willow
- H. Cotton Wood

Section 8.13. Existing Site Compliance

In any case where there is an expansion, renovation or alteration which increase the size of an existing structure or building cumulatively by at least twenty (20) percent over the gross floor area

of the original site plan shall be brought into full compliance. In instances where the increase of the structure or building is less than twenty (20) percent, the extent of the new landscaping shall be equal to five (5) percent for every one (1) percent increase in structure or building footprint. For example, a structure or building expansion of ten (10) percent requires fifty (50) percent compliance.

Article 9 Nonconformities

Section 9.01. Purpose.

It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue, until they are removed, but to not encourage their survival.

Section 9.02. Legality of Nonconformities.

Nonconformities will be classified as “legal” or “illegal” based on the following guidelines:

- A. Legal nonconformities are those that exist legally before the effective date of this Ordinance, or before some amendment to this Ordinance which resulted in the nonconformity.
- B. Illegal nonconformities are those that have been developed in conflict with the zoning regulations.

Section 9.03. Nonconforming Lots.

In any district, a lot of record with the Register of Deeds at or before the effective date of adaption or amendment of this Ordinance may be developed, provided it complies with any other provisions of this Ordinance.

- A. A legal nonconforming lot cannot be created in error, but only by amending the lot area and/or width of the zoning districts or by rezoning of a lot.
- B. In the case of two (2) or more nonconforming contiguous lots under one (1) ownership, the lots shall be considered as separate lots and shall be considered one (1) lot as a single parcel only once combined as a single tax parcel with the owner’s permission.
- C. In the situation where there are two (2) nonconforming contiguous lots, the property boundary may be adjusted to bring one (1) property closer to conformity or conforming without requiring a variance from the Zoning Board of Appeals as long as it is not increasing the nonconformity of the other parcel.

Section 9.04. Nonconforming Use of Land, Continuation of Use.

The nonconforming use of land, where no building or structure is involved, which exists when this Ordinance becomes effective or amendments thereto, may be continued provided that:

- A. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property. A nonconforming use may not be expanded or extended throughout other portions of a building in which it would increase the gross floor area of the operation. If such nonconforming use in all or part of the building is discontinued or changed to a conforming use, any future use of such building or portion shall be in conformity to the regulations of the district in which such building is located. A nonconforming use cannot be expanded to increase the intensity of the operation such as additional services that result in additional nuisances.
- B. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
- C. If such nonconforming use of land or any portion thereof is discontinued or changed for a period of more than sixty (60) days, any future use of such land shall be in conformity with the provisions of this Ordinance.
- D. **Change of Nonconforming Use.** The Zoning Board of Appeals may allow one (1) nonconforming use to be changed to another nonconforming use following a public hearing complying with the notice requirements in Section 16.05. Standards for approving a nonconforming use to another nonconforming shall include:

1. No structural changes are made in the building.
2. The proposed new use is equally appropriate or more appropriate to the particular neighborhood than the existing nonconforming use.
3. The anticipated off-site impact of the proposed use due to traffic, hours of operation and generation of noise, dust or odor, or general intensity of the proposed use shall be equal to or less than the existing nonconforming use.
4. The intensity of the nonconforming use shall not increase. For example, a nonconforming use allowed in the C zoning district could not be upgraded to a nonconforming use in the M zoning district. For the purpose of this Ordinance, the AG District shall be considered the most restrictive district, followed in turn by the SE, R, R-M, R-T, C, C-R and M Districts.
5. If a use that currently requires a Special Land Use (SLU) in the zoning district it is located was established before the SLU requirement existed, the use is considered a legal nonconformity until it is granted an SLU Permit.

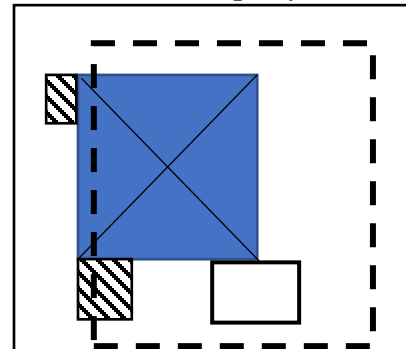
Section 9.05. Moving.

No building in which a nonconforming use exists may be moved to any other part of a parcel of land upon which same was located at the time of the adoption of this Ordinance. No nonconforming building shall be moved for any reason unless it shall then conform to the regulations for the zoning district in which it is located after said moving.

Section 9.06. Nonconforming Buildings.

Figure 9-1: Nonconforming Expansions

- A. A nonconforming building was established prior to the adopted Ordinance or amendments. A nonconforming building can include one (1) or more violation of our building requirements regarding, but not limited to minimum yard setback, minimum floor area, maximum height, or lot coverage.
- B. Nonconforming buildings can be enlarged as long as the addition does not increase the nonconformity of the building, as shown in Figure 9-1: Nonconforming Expansions.



	= Property Lines
	= Setback Lines (Building Envelope)
	= Nonconformity Increased
	= Nonconformity Not Increased

Section 9.07. Repairs and Maintenance.

A. Any nonconforming use or nonconforming building which has been destroyed or damaged by fire, explosion, Act of God or by public enemy to the extent of sixty (60) percent of the State equalized valuation of the building or structure, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the nonconforming use of a building also shall eliminate the nonconforming use status of the land on which said building is located.

1. This provision does not apply to nonconforming single-family homes, which may be replaced even if completely destroyed provided, the new structure does not increase the nonconformity.
2. The construction or repair shall begin within one (1) year of the day that the destruction is officially documented. The Planning Commission may grant up to a one (1) year extension if the applicant can show diligently pursuing reconstruction. If repairs or construction are

not completed in the required timeframe, it may only be reconstructed if in full compliance of Ordinance requirements.

- B. If such damage is less than sixty (60) percent of the State equalized valuation of the building or structure before damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use or nonconforming building as existed before such damage. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.
- C. Any building moved into Dryden Township shall be in full compliance of this Ordinance.

Section 9.08. Abandonment.

If Dryden Township identifies a legal nonconforming use that they believe has been abandoned, it shall submit the property to the Zoning Administrator for a determination of abandonment. A property owner who is dissatisfied with the Zoning Administrator's determination that the property owner's nonconforming use was abandoned may appeal the Zoning Administrator's administrative decision as set forth in Article 17 of this Zoning Ordinance. The Zoning Administrator shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

- A. Report such as from the Building Inspection or Health Department indicating the property is or has not been suitable for occupation.
- B. Disconnection of utilities.
- C. Evidence of a "going out of business" sale.
- D. Signs advertising the business has been removed.
- E. The use has been discontinued for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- F. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
- G. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
- H. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use such as allowing the property to go into foreclosure or statement by property owner or property owner's agent of intent to abandon the nonconforming use.

Section 9.09. Change of Tenancy or Ownership.

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

Article 10 Signs

Section 10.01.Purpose.

The purpose of this Article is to regulate signs to protect the public safety health and welfare, minimize abundance and size of signs to reduce visual clutter, motorist distraction, loss of visibility, promote public convenience, and enhance aesthetic appearance of the Township. The requirements contained in this Article are content neutral.

Section 10.02.General Regulations

A. Signs In All Districts

1. No sign shall be erected or used except in conformity with this Ordinance.
2. In the case of a corner lot, one sign per frontage facing a public right-of-way shall be allowed.
3. Unless otherwise noted, illuminated signs are allowed. The illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or property. There shall be no bare bulbs, flashing, oscillating or intermittent type of illuminated sign or display nor shall there be movement of any nature in the lighting.
 - i. No illumination in excess of one-quarter (1/4) foot-candle power shall spill over onto property used for residential purposes or onto any property zoned for residential use. (Intensity to be measured at the residential property line or the residential zoning district line, whichever is closer to the sign).
 - ii. No colored lighting shall be permitted in zoned districts designated residential, or within two hundred (200) feet of such areas.
 - iii. Specialty lighting, such as neon accent lighting signs, may be permitted by the Planning Commission upon consideration of the following factors:
 - i) Whether the proposal is in character with the use;
 - ii) Whether the proposal is detrimental to other uses in the vicinity;
 - iii) Whether similar specialty lighting is already being used in the Township by similar uses.
 - iv. Illumination shall be positioned so that none of the light spills onto adjacent properties or into the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
4. For all institutions such as religious institutions, Township facilities, and schools, they may exceed the base requirements by twenty-five (25) percent. For example, if the maximum height is six (6) feet, the allowed sign for an institution can have a maximum height of seven and a half (7.5) feet.

B. No signs or other advertising devices shall be permitted which:

1. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, except for official governmental signs.
2. Turn, revolve or have moving parts, have flashing lights, have exposed illumination or are portable in nature; provided however, that permanent electronic changeable copy signs

are permitted provided they meet the requirements of this Ordinance and do not change displays more frequently than one every fifteen (15) seconds.

3. Are not maintained in good condition and repair and kept clear and free from obnoxious and offensive substances, weeds, rubbish and flammable materials at all times.
4. Project into a public right-of-way or easement, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers necessary to safely operate a vehicle or by reflecting light so as to be a safety hazard to drivers. Signs shall be consistent with the unobstructed triangular area requirements in Section 6.18.
5. Signs shall not be located within the public right-of-way, except for: 1) signs erected by or on behalf of a governmental agency to post legal notices, identify public property, convey public information and direct or regulate traffic; 2) bus signs erected by a public transit company; 3) informational signs of a public utility regarding poles, lines, pipes or facilities; and 4) emergency warning signs created and installed by a governmental agency or other entity authorized to do work in the public right-of-way.

C. Prohibited Signs.

1. Signs and billboards, as defined in the "Highway Advertising Act of 1972" (1972 PA 106), as amended, bordering primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such statute and the provisions of this Ordinance. Non-accessory signs (including billboards) shall not be permitted in any district.
2. **Inflatable Signs.** Signs that are comprised in part or wholly of a balloon or any other inflated object or character.
3. **Moving or Animated Signs.** Except as otherwise expressly provided, no sign shall contain any moving or animated parts nor have the appearance of having any movement or animation. No sign shall employ any flashing, moving, oscillating, blinking, or variable-intensity light or intermittent lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles, or lights so bright as to be blinding or distracting to a vehicle driver.
4. **Signs That Obstruct Access.** Signs which obstruct free access or egress from a required door, window, or other required exit.
5. **Roof Signs.** Signs shall not be erected on any part of a building's roof.
6. **Road Furniture Signs.** Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than one half (1/2) square foot.
7. **Unsafe Signs.** As determined by the Zoning Administrator, can be structurally unsafe, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.

D. Signs that Do Not Require a Permit.

1. Signs located within a building or structure and not visible to people outside the building or structure are exempt from the sign requirements in this Ordinance.
2. The following exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Ordinance. These exemptions shall apply to the requirements for site plan review and permitting of signs only, and no sign permit shall be required for the erection of the following signs:
 - i. Signs erected by an official government body or agency and deemed necessary for the protection of the public health, safety or welfare.
 - ii. Signs required to be maintained by law or government order, rule, or regulation.

Signs

- iii. Any single, non-illuminated sign with a gross surface area of four (4) square feet or less, provided no other sign exists on the lot or parcel (excluding signs identified in subsection (D)(2)(i) or (D)(2)(ii) above).
- E. The following are not considered a sign.
- 1. Each property shall be allowed to display information which is not intended to be legible to a person of average eyesight standing on the property line up to a cumulative maximum total of four (4) square feet which shall not be considered as a sign.
 - 2. Any display of official court or public office notices.
 - 3. Awnings or canopies which are completely devoid of any message or symbol.

Section 10.03. Signs In Agricultural, And Residential Districts [AG, SE-1, SE-2, R-1, RM, And RT]

- A. For each lot, or parcel only one sign shall be permitted unless otherwise noted. An applicant can select one of the two options for signage.
- 1. For each lot or parcel, one non-illuminated freestanding sign may be permitted with a gross surface area of four (4) square feet or less and a maximum height of four (4) feet above grade, exclusive of building/house numbers. Such sign shall be temporarily or permanently affixed to the ground. Shall be setback at least ten (10) feet from all property lines.
 - 2. A non-illuminated wall sign may be permitted with a gross surface area not to exceed four (4) square feet and not higher than four (4) feet above grade.
- B. For multi-family, single family complexes and non-residential uses in residential districts, an entrance sign may be permitted with a gross surface area not to exceed a maximum of thirty (30) square feet and a maximum height of six (6) feet. The sign may be placed in addition to other permitted signs as listed above.

Section 10.04. Sign In Commercial Districts [C District]

- A. **Free-Standing Sign.** For each lot or parcel, one sign is permitted unless otherwise noted. If a lot contains more than six hundred (600) feet of frontage on a public road, a second sign meeting the criteria of this Article may be erected.
- 1. The maximum sign area per side shall be determined based of the following formula: one (1) square foot for each two (2) feet of frontage up to a maximum of sixty (60) square feet in total area.
 - 2. The maximum height shall be fifteen (15) feet in height. The maximum height shall be twenty (20) feet for signs fronting on Dryden Road or Rochester Road.
 - 3. **Electric or manual changeable message sign.** Up to fifty (50) percent of gross surface area may be a changeable copy sign.
 - i. No digital/LED sign shall be permitted to scroll or oscillate. No sign shall constitute a distraction/safety hazard to drivers or pedestrians.
 - ii. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or result in a nuisance to the driver. All digital signs shall maintain an auto dimmer for nighttime display. Digital sign light intensity exceeding the following intensity levels (nits) constitutes “excessive intensity or brilliance.” Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level.

INTENSITY LEVELS (NITS)		
Color	Day-time	Night-time
Full Color Permitted	4,690	1,675

4. Shall be setback at least ten (10) feet from all property lines. No sign shall be located closer than one hundred (100) feet to another sign along the same right-of-way.

B. Wall Sign. Each business establishment may have one wall sign, in addition to other signs permitted under this Zoning Ordinance.

1. The maximum sign area shall not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of sixty (60) square feet.
2. To illustrate the requirement, a building with a 12' x 30' wall (360 sq. ft.) facing the front lot line and containing one tenant would get one wall sign up to 36 square feet. If the same building has two tenants, which divide the building in half (equal frontage), each tenant would have one sign up to 18 square feet maximum (36 square feet total).
3. At the discretion of the owner/applicant, up to eighteen (18) square feet on the allotted wall sign space may be used for a projecting sign, provided that the bottom of the sign is at least ten (10) feet above grade and the sign does not project more than five (5) feet from the side of the building, nor more than one (1) foot above the roof of the building.
4. A wall sign that projects from the face of building shall have a minimum clearance of ten (10) feet above grade.

C. Window Signs. This Zoning Ordinance shall permit property owners or occupiers in the Commercial District to display one or more temporary signs for up to fourteen (14) days, however, the aggregate area of such sign or signs shall not exceed twenty (20) percent of the aggregate area of the window glass facing the front lot line.

D. Awning and Canopies Signs. The bottom of the awning or canopy must be at least seven (7) feet above the ground level. This is allowed in addition to a freestanding and wall sign.

1. Lighting of the awning or canopy may be under awning or canopy or indirect illumination from above or below.
2. The lettering shall not cover more than one third (1/3) of the awning or canopy.

Section 10.05. Sign In Industrial District [M Districts]

A. Free-Standing Sign. For each lot or parcel, one free-standing sign not exceeding sixty (60) square feet in total area.

1. The maximum height shall be fifteen (15) feet. The maximum height shall be twenty (20) feet for signs fronting on Dryden Road or Rochester Road.
2. Shall be setback at least ten (10) feet from all property lines. No free-standing sign shall be located closer than one hundred (100) feet to another sign along the same right-of-way.
3. **Electric or manual changeable message sign.** Up to fifty (50) percent of gross surface area may be a changeable copy sign.
 - i. No digital/LED sign shall be permitted to scroll or oscillate. No sign shall constitute a distraction/safety hazard to drivers or pedestrians.
 - ii. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver. All digital signs shall maintain an auto dimmer for nighttime display. Digital sign light intensity exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance." Prior to the issuance of a sign permit, the applicant shall provide written

certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level.

INTENSITY LEVELS (NIT)		
Color	Day-time	Night-time
Full Color Permitted	4,690	1,675

- B. **Wall Sign.** Each industrial establishment may have, in addition to any Free-Standing Sign permitted by Section 10.05(A), one wall sign not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of sixty (60) square feet.
1. At the discretion of the owner/applicant, up to eighteen (18) square feet on the allotted wall sign space may be used for a projecting sign, provided that the bottom of the sign is at least ten (10) feet above grade and the sign does not project more than five (5) feet from the side of the building, nor more than one (1) foot above the roof of the building.
 2. A wall sign that projects from the face of building shall have a minimum clearance of ten (10) feet above grade.

Section 10.06. Temporary Land Development Project Signs.

Certain temporary signs shall be allowed subject to the following conditions:

- A. One or more temporary signs shall be allowed on the property for which a building permit for proposed construction has been issued under the following conditions:
 1. Total surface display of such temporary signs shall not exceed thirty-two (32) square feet.
 2. Sign height shall not exceed eight (8) feet.
 3. Any temporary sign erected shall be wholly within the property boundaries to which the sign pertains.
 4. Any such sign shall not be erected prior to the issuance of a building permit for the proposed construction and shall be removed upon issuance of a certificate of occupancy.
 5. State and federally funded construction project sign requirements shall supersede the requirements of this Zoning Ordinance.
- B. When property is for sale, lease or rent one temporary sign per parcel for each public street frontage shall be allowed under the following conditions:
 1. Such temporary signs shall be set back a minimum of five (5) feet from any property line or public right-of-way.
 2. The maximum height of any such sign shall be four-feet six-inches (4'6") and shall not exceed four (4) square feet in size in all areas.

Section 10.07. Non-Conforming Signs

- A. Any sign which lawfully existed and was maintained at the time the Zoning Ordinance became effective, and which is subject to the regulation of this Ordinance, as amended, shall be deemed a legal, non-conforming sign.
- B. Non-conforming signs may remain provided they are not expanded, enlarged or substantially altered other than routine maintenance and upkeep of the sign itself. It is intended that non-conforming signs be eventually removed or replaced by a conforming sign through natural attrition.
- C. All non-conforming signs that are obsolete due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business activity.

Section 10.08. Temporary Signs In All Districts

Non-Accessory and Accessory Signs, for the purpose of a temporary use may be permitted by the Township Board, subject to the following:

- A. The applicant shall file a complete application form and provide all information required. The Township Board may enact a Temporary Sign Permit fee to defray administrative expenses. This fee will be required for each sign. The fee may be waived by the Township Board.
- B. Temporary signs shall not be displayed longer than thirty (30) days.
- C. No business, group, or person shall display a temporary sign message more than three times per year.
- D. No temporary sign shall exceed sixteen (16) square feet in area.
- E. Temporary signs shall be set back at least ten (10) feet from all property boundary lines.
- F. Written permission from the landowner, where the temporary sign is to be placed, must be provided to the Township.
- G. Temporary signs shall be removed immediately upon expiration of the thirty (30) day permit or ending of special event, whichever is less.
- H. Limit of two signs at a time.

Section 10.09. Permits.

A. **Erection; Alteration; Permit Requirements.** No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the Township of Dryden, or cause the same to be done, without first obtaining approval **AS REQUIRED HEREIN:**

- 1. For signs in the AG, SE-1, SE-2, and R districts, the Zoning Administrator shall review and approve or reject all sign permit applications, based on compliance with the Zoning Ordinance.
- 2. For signs in the R-T, RM, C and M Districts, signs shall require site plan approval by the Planning Commission. A sign permit shall be issued by the Zoning Administrator following site plan approval.

This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the re-painting, clearing and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered. A new permit will not be required for signs heretofore erected in conformity with the Ordinances of the Township of Dryden prior to the date of the adoption of this Ordinance.

- B. **Permit Limitations.** A sign permit issued by the Zoning Administrator or his/her designated agent shall become null and void if the construction permitted thereon is not commenced within 180 days from the date of issuance. If the work which is authorized by such permit is suspended, a new permit shall first be obtained before construction is again commenced.
- C. **Removal.** The Zoning Administrator or his/her designee may order the removal of any sign which is abandoned or erected or maintained in violation of this Ordinance. He or she shall give thirty (30) days' notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance. The cost of removal shall be paid by the owner of the sign or the building, structure or premises on which it is located.

Section 10.10. Application.

- A. An application for sign approval shall be made to the Planning Commission (for signs in the R-T, RM, C and M Districts) or Zoning Administrator (for signs in the AG, SE-1, SE-2 and R

districts). The application may be made on the same form, provided by the Township, and shall contain or have attached thereto the following information. For signs that are accessory to uses which require site plan approval, the following information shall be included on the site plan:

1. Name, address and telephone number of the applicant.
2. Address of building, structure or lot where the sign is to be located.
3. A brief description of the type of proposed sign.
4. Location of building, structure or lot to which the sign is to be attached.
5. A drawing showing location of all other existing signs and of all other proposed or existing structures on the property.
6. Name and address of the person, firm, corporation or association erecting or attaching the sign.
7. Written consent of the owner of the property on which any sign is to be located.
8. A drawing or sketch of the proposed sign indicating specific dimensions, plan and specifications of the material to be used in its construction, sign colors, lettering and content (copy) to be placed on the sign (the actual typeface style should be approximated), method of illumination, if any, and the method of construction and attachment.
9. Where appropriate, details on electrical wiring with sufficient data to determine if building code or other applicable Township codes and regulations are being addressed.

Section 10.11. Inspection.

After a sign permit is issued, the person erecting, constructing, enlarging, altering or converting a sign shall notify the Zoning Administrator upon completion of the work for which permits were required. All free-standing signs shall also be subject to a footing inspection. All electrical signs shall be subject to a final electrical inspection.

Section 10.12. Substitution Clause.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Article 11 Reserved

Article 12 Site Plan Review

Section 12.01. Purpose

The purpose of site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Township, the stability of land values and investments and the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. Prior to the erection of any building or structure in any zoning district in the Township and any land use requiring special land use approval other than single-family detached residences or farm residences and accessory buildings, structures and uses thereto, the following site plan review procedures shall be followed.

Section 12.02. Applicability

The Planning Commission shall review any new construction of a building, expansion of building, expansion of parking lot, condominium, and when reviewing a special land use request through a site plan review, excluding the construction of single family homes.

Section 12.03. Application

- A. Six (6) full size copies (36 by 24) and one digital copy of the site plan.
- B. The Zoning Administrator shall accept the site plan application and site plans. Applications for site plan review are due not less than twenty-one (21) days prior to the next regular or special Township Planning Commission meeting.
- C. The following information shall accompany all plans submitted for review:
 1. North Arrow and a scale not less than one (1) inch equals one hundred (100) feet.
 2. A seal from a licensed architect, engineer, surveyor, or landscape architect.
 3. Property owner, developer, and designer name, contact information, email address, and mailing address.
 4. A legal description of the property under consideration.
 5. Existing or proposed address and/or parcel number.
 6. A map indicating the gross land area of the development, the present zoning classification of subject property, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 7. A fully dimensioned map of the land showing existing topographic information at a contour interval of two (2) feet or less.
 8. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites, and other significant features of the Township where appropriate.
 9. Location of each existing and each proposed structure in the development area, the use or uses onsite, the number of stories, gross building areas, distances between structures and lot lines, setback lines and approximate location of vehicular ingress, egress and loading points.
 10. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces.
 11. All pedestrian walks, malls and open areas for parks, recreation, to be dedicated to the public or to be retained by the developer, manager or acceptable property owner's association.

12. Statistical info such as: number of rooms, bedrooms, employees, etc.
 13. Location of natural features such as: watercourses, water bodies, and wetlands.
 14. The location, intensity, height, shielding, and orientation of all lighting.
 15. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, together with a brief narrative description of the landscaping concept.
 16. Types of surfacing, such as paving, turfing or gravel, to be used at the various locations.
 17. A grading plan of the area.
 18. Existing and proposed utilities.
 19. Indication of system proposed for water supply by a method approved by the Township and the County Health Department.
 20. Indication of system proposed for sewer supply by a method approved by the Township, County Health Department and, if applicable, the State
 21. Indication of proposed storm/ County drainage system and point of outlet by a method approved by the Township and Drain Commissioner.
 22. Wherever there is reason to believe that any part of the site has a high-water table or unstable subsoil conditions that would jeopardize the development, as proposed, the site plan submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer or registered land surveyor.
 23. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
 24. A project description.
 25. Plans and elevations of one or more structures indicating proposed architecture showing all sides visible to the public, showing general design treatment including color and materials of all walls, screens, towers, openings, and signs and the treatment to be utilized in concealing any exposed mechanical or electrical equipment. The Planning Commission may also require information such as samples or swatches indicating the color and texture of the buildings as they will appear following construction or renovation.
 26. The Planning Commission can waive any information they determine to not be necessary to determine compliance with this Ordinance.
 27. Such other information as may be required by the Planning Commission to assist in the consideration of the proposed development.
- D. In addition, the following requirements shall apply to certain businesses and facilities for the protection of groundwater:
1. Applicability. These provisions shall apply to all businesses and facilities, including private and public facilities which use, store or generate hazardous substances and polluting materials in quantities greater than 25 gallons or 220 pounds per month. Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S.

Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.

2. Site Plan Information Requirements

- a. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
- b. Completion of the "Hazardous Substances Reporting Form for Site Plan Review."
- c. Location of existing and proposed service facilities and structures, above and below ground, including:
 - i. Areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances and polluting materials, including interior and exterior areas.
 - ii. Underground storage tank locations.
 - iii. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
- d. Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service.
- e. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

E. Requirements for Solar Energy Collection Systems (SECs)

1. For on-site Building-mounted and Ground-mounted SECs the following requirement shall be included as part of the site plan review:
 - a. Required site plan information in Section 12.03.
 - b. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - c. The number of panels to be installed.
 - d. Required to provide mounting heights and total height of panels in an elevated or tiled position.
 - e. Location and spacing of solar panels.
 - f. Location of access roads.
 - g. Location, number, and caliper of any trees to be removed, for trees with a caliper size that exceed six (6) inches.
 - h. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.

F. Commercial Solar Energy Collection Systems

1. Required site plan information in above Subsection A, and Subsection C.
2. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation, or other electric load.

3. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
4. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Township Board's approval.
5. Aviation Analysis. If the project is within two (2) miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.
6. An analysis of the potential visual impacts from the project including solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Zoning Ordinance.

G. Commercial and Industrial WECS Site Plan Review Requirements

1. Name of property owner(s), address, and parcel number.
2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SM-WECS(s), ST-WECS, CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
3. The proposed type and height of the SM-WECS(s), ST-WECS, CM-WECS(s), CT-WECS, IM-WECS, or IT-WECS to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
4. Documented compliance with the noise requirements set forth in this Ordinance.
5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
6. Proof of applicant's liability insurance.
7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
8. Other relevant information as may be reasonably requested.
9. Signature of the applicant.
10. In addition to the permit application requirements previously listed, the SM-WECS, CM-WECS and IM-WECS application shall also include the following:
 - a. Total proposed number of SM-WECS, CM-WECS, or IM-WECS.

11. In addition to the permit application requirements previously listed, the ST-WECS, CT-WECS and IT-WECS application shall also include the following:
 - a. A description of the methods that will be used to perform maintenance on the ST-WECS, CT-WECS, or IT-WECS and the procedures for lowering or removing the ST-WECS, CT-WECS, or IT-WECS in order to conduct maintenance.

Section 12.04. Site Plan Review Process

- A. The site plan shall be reviewed by the Township Planning Commission and shall be approved, disapproved, or approved with conditions the Township Planning Commission feels should be imposed. The Planning Commission can also postpone a decision upon receiving additional information. Upon resubmission of the modified site plan, the Township Planning Commission shall review the plan and approve, disapprove, or approve with specific conditions as may be deemed necessary to carry out the purpose of this Ordinances and other Ordinances and resolutions of the Township.
- B. Following approval of the site plan by the Township Planning Commission, the Zoning Administrator shall review the site plan to ensure compliance with any necessary condition and be signed by the Planning Commission Chairperson to indicate it is the approved site plan.
- C. The Building Official shall then issue a building permit upon submission of proper construction plans and shall ensure that the development is undertaken and completed in accordance with the approved plans.
- D. The building permit may be revoked by the Building Official in any case where the conditions of the site plan, as approved by the Township Planning Commission, have not been complied with.
- E. The site plan, if 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 unless a change or addition conforming to this Ordinance receives the mutual agreement of the landowner and the Township Planning Commission. Incidental and minor variations listed in Sec. 12.08 of the approved site plan, with written approval of the Zoning Administrator, shall not invalidate prior site plan approval.

Section 12.05. Site Plan Approval Standards

- A. The below list includes the approval standards for the Planning Commission to grant approval for a site plan review. All six standards must be found in support to justify an approval. Failure to comply with at least one standard must be identified to justify a denial of a site plan review application.
 1. The proposed development meets all of the requirements in this Ordinance.
 2. The site plan provides safe and efficient transportation on the site including pedestrian and vehicle movement.
 3. The proposed use/activity on the site plan regarding private/public services and facilities would not significantly affect neighboring properties or exceed the capability of such services or facilities to accommodate adequate services to the surrounding area.
 4. The site plan protects natural environment and conserves natural resources.
 5. The site plan ensures compatibility with adjacent uses of land.
 6. The site plan promotes the use of land in a socially and economically desirable manner.

Section 12.06. Site Plan Conditions

- A. As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. Conditions may also be imposed to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Article.
- C. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.
- D. There is a reasonable connection between the condition imposed and the impact it is mitigating.
- E. The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- F. A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the Township. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.

Section 12.07. Validity of Site Plan

- A. Construction authorized by the site plan shall start implementation within one (1) year of site plan approval and be completed by the time the related building permits expire, otherwise the approval shall be null and void. The applicant will need to resubmit a new site plan review application. The applicant can request a one (1) year site plan extension in writing. The basis for the site plan extension shall meet the three standards below:
 - 1. The site plan would comply with the updated rules and regulation in this Ordinance.
 - 2. The surrounding area to the subject property has not significantly changed where it is necessary to be re-reviewed for compliance with the site plan approval standards.
 - 3. The site plan is likely to be implemented with the extension.

Section 12.08. Amendment to Site Plan

- A. Any incidental and minor variations as determined by the Zoning Administrator will require an administrative approval by the Zoning Administrator shall include, but not be limited to:
 - 1. Movement of building or structure no more than five (5) feet from originally indicated in the site plan (must still meet all required setback requirements unless otherwise noted).
 - 2. Movement of required landscaping no more than five (5) feet from originally indicated in the site plan.
 - 3. Changes required or requested by the county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- B. Any changes more significant than previously mentioned are considered major changes and shall be reviewed as a new application by the Planning Commission for site plan compliance.

Section 12.09. Planned Unit Development (PUD)

A Planned Unit Development (PUD) may be utilized in Dryden Township in areas zoned for residential development, subject to the following, which shall apply to all types of residential development, including, but not limited to condominium or site condominium developments:

- A. **Statement Of Principles.** Consideration by the Planning Commission of a proposed PUD application shall reflect the following basic principles:
1. The PUD is subject to the review and approval procedures for a special land use.
 2. Particular attention shall be given to the effect of a proposed PUD upon the immediate area, where the character of that area has been established by previous development. Consideration shall be given by the Planning Commission to the benefits to be derived by the residents of the proposed PUD and the surrounding area.
 3. The following objectives shall govern the approval or disapproval of the proposed PUD Plan:
 - a. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, water bodies, floodplains, topography, views and open space for enjoyment by residents of the PUD.
 - b. To encourage developers to use a more creative approach in the development of residential areas.
 - c. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs by allowing the developer to bypass natural obstacles.
 - d. To encourage the provision of open space so benefits may accrue directly to residents of the PUD and to further encourage the development of recreational facilities.
- B. **Application Information Requirements.** The PUD Plan shall contain the following in addition to the information required on a complete site plan and by other Sections in this Ordinance.
1. A complete description of the land proposed to be dedicated to the Township or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following as a minimum:
 - a. Legal description of open land, including dedicated easements.
 - b. Topographical survey of open land.
 - c. Types of soil (according to the new American classification system) in open land.
 - d. Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.).
 - e. Other relevant information necessary to show that the proposed development qualifies for approval as a PUD.
 2. The proposed plan of development of the open land shall be submitted with the application and shall include the following as a minimum:
 - a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the PUD.
 - b. The proposed manner of collection of maintenance costs, financing costs or assessments so the non-payment will continue a lien on the property, thus avoiding Township responsibility in the future.
 - c. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the Township.
 - d. The proposed method of notifying the Township when any change is contemplated in plans that would affect the original specifications approved by the Township.

- e. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
 - f. The proposed uses of open land and the proposed improvements which are to be constructed by the proprietor.
- C. **Eligibility Criteria.** To qualify for Planned Residential Development classification, the Planning Commission shall determine that all of the following conditions are present:
- 1. The land is zoned for residential development. The permitted uses shall be restricted to residential development, residential accessory structures, and non-commercial recreation uses.
 - 2. The land (without the PUD) is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
 - 3. The percentage of land area specified in Section 12.09 (F)(1) below must remain in a perpetually undeveloped state.
 - 4. The development will not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the PUD option would also depend upon such an extension.
 - 5. The PUD option has not been previously exercised with respect to the land in question.
 - 6. Unified Control. The PUD site shall be under the control of one (1) owner or group of owners acting jointly and shall be capable of being planned and developed as one (1) integral unit.
 - 7. Recognizable Benefits. A PUD shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the Township.
 - 8. Qualification Requirements. The proposed development shall provide at least one (1) of the following benefits:
 - a. Significant Natural Features or Provision of Substantial Recreational Facilities. The site contains significant natural assets such as woodlots, topography with slopes exceeding 15%, significant vistas, natural drainageways, water bodies, floodplains, and wetlands (regulated or non-regulated), which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. If the site lacks significant natural assets, it can qualify if the development will preserve substantial existing or provide substantial new recreational facilities and open space. Such facilities include areas such as neighborhood parks, trails, athletic fields, non-motorized trails and similar facilities which enhance the residential development. Such facilities shall be accessible to residents of the development or Township as a whole.
 - b. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive community neighborhood through a network of spaces such as parks, trails, paths, sidewalks, and common open space areas for passive recreation opportunities. All open space shall be equally accessible to all residents of the PUD.
 - c. Density Impact. The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, utilities, or roads in relation to the uses otherwise permitted by this Ordinance. The proposed use shall not place an unreasonable impact on the subject or surrounding property.
 - d. Landscaping. Landscaping shall be provided so as to ensure that the development will be adequately buffered from surrounding property.

- e. Circulation. Safe, well-defined and convenient vehicular and non-motorized circulation shall be provided.
- f. The minimum size of the development shall be 40 acres.

D. Dwelling Density

- 1. The number of dwelling units allowable within the PUD shall be determined through the preparation of a “parallel plan.”
- 2. The applicant shall prepare a parallel plan for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required for the relevant Districts.
- 3. The Township shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the PUD. The applicant may be allowed to cluster the dwellings on smaller lots, provided the overall density shall not exceed the number determined in the parallel plan.

E. Area And Bulk Regulations

- 1. Basic Regulations. All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met. Lot sizes and lot widths may be reduced below the minimum requirement of the zoning district, provided that lot sizes shall not be reduced to less than one (1) acre in size and lot widths shall not be reduced to less than one hundred (100) feet.
- 2. Regulatory Flexibility. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning methods.

F. Open Space Requirements

- 1. Minimum Requirements. A PUD shall maintain a minimum of fifty percent (50%) of the gross area of the site as open space and such open space (hereafter “dedicated open space”) shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land, as described by the Zoning Ordinance. As used in this Section 12.09(F)(1), the phrase “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural uses; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. As used in this the term “greenway” shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in subsection (2) or (3) below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of 50% of the minimum required open space shall be upland area that is accessible to all residents of the PUD.
- 2. Common Open Space. Common open space, other common properties and facilities, individual properties, and all other elements of PUD district should be so planned that they

will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside in an undeveloped state, such as common land for community use, recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.

3. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Section:
 - a. Area proposed as single family residential lots.
 - b. Area proposed as limited common elements of condominium developments, general common elements of condominium developments (except to the extent they reflect land which will remain in a perpetually undeveloped state), or land within a condominium development which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements or units.
 - c. The area of any street right-of-way or equivalent private road easement.
 - d. Any submerged land area of a pond, lake, river or stream, except as follows: A submerged land area of a pond, lake, river, or stream may constitute no more than fifty percent (50%) of the total dedicated open space in the development.
4. Location of Open Space. Common open space shall be planned in locations generally visible and accessible to all residing within the PUD (i.e. centrally located and not isolated corners of the development). The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
5. Open Space Corridors. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Such connections shall be of barrier-free design.
6. Protection Open Space
 - a. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, restrictive covenants, conservation easements, plat dedication, or other legal means that runs with the land. As used in Section 12.09, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
 - b. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

- 1) Indicate the proposed allowable use(s) of the dedicated open space. The Township may require the inclusion of open space restrictions that prohibit the following:
 - a. Dumping or storing of any material or refuse;
 - b. Activity that may cause risk of soil erosion or threaten any living plant material;
 - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - d. Use of motorized off road vehicles;
 - e. Cutting, filling or removal of vegetation from wetland areas;
 - f. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
 - 2) The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation agricultural purposes, or uses inconsistent with its status as property to be maintained perpetually in an undeveloped site shall be strictly prohibited. Open space may include a recreational trail, children's play area, greenway or linear park.
7. Allowable Development in Open Space Areas. Development in dedicated open space areas may include a recreational trail, picnic area, children's play area, greenway, or linear park, but any structures constructed incidental to such uses shall not exceed, in the aggregate, one percent (1%) of the required open space area.
8. Natural Features
- a. Preservation of Natural Features. The development shall be designed so as to preserve natural resources and natural features. Compliance with this requirement shall be determined by the Township after review of a Site Analysis Plan, prepared by the applicant, that inventories these features. The limits of tree clearing and grading shall be clearly shown on the preliminary and final PUD site plans.
 - b. Habitat. If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
 - c. Open Space Setback. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any, lake, pond, river, stream or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- G. **Landscaping.** The following landscaping requirements shall be met in addition to other landscaping requirements contained in the Zoning Ordinance, Township Subdivision Regulations Ordinance and other applicable Township Ordinances.
1. Street Trees. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For Sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every forty (40) feet of road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.
 2. Frontage Greenbelt. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road

frontage. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement.

H. Lighting

1. Limitations on Intensity. Exterior lighting shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses. All lighting shall be limited to twenty (20) feet in height. The intensity of light fixtures shall be limited to two hundred fifty (250) watts. Any lighting other than ornamental streetlights shall be downward directed cut-off type fixtures. Floodlight type fixtures shall be prohibited except for building accent and sign lighting approved by the Township.
2. Ornamental Lighting. The Township may require a consistent type of pedestrian scale ornamental lighting along the streets, and sidewalks within any off street parking lots.

I. Circulation

1. Internal Roads. All streets within the PUD shall meet the minimum construction and other requirements of Township Ordinances, unless modified by the Township Board.

- J. Applicability of Other Regulations. Except as otherwise provided in this Section 12.09, the owner of the proposed PUD must comply with all other applicable Ordinances, laws and rules, including but not limited to rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules related to suitability of soils for on-site sewage disposal for land not served by public sewers.

Section 12.10. Street Access Standards.

The Planning Commission shall review site plans according to the following standards relating to vehicle access and circulation. The purpose of specific access standards is to promote traffic safety, minimize congestion, provided adequate access, promote community character and ensure orderly development.

- A. The Planning Commission shall have the authority to require a frontage road or service drive for contiguous parcels along Dryden Road, as recommended in the Thoroughfare Plan for Dryden Township and other streets as deemed necessary. The Planning Commission shall also have the authority to:
1. limit the number of driveways for a site,
 2. require that parking lots on contiguous parcels be connected,
 3. require that driveways for contiguous parcels be shared, and
 4. require that opposite driveways be directly aligned.
- B. In determining the degree of access control measures necessary, the following factors shall be considered:
1. The type and location of uses on the site.
 2. The location, size and design of existing and proposed parking areas.
 3. The existing and projected traffic volume on adjacent roadways.
 4. Compatibility between adjacent land uses.
 5. Land ownership and location of lot lines.
 6. Topography and sight distance along adjacent roadways and on the site.
 7. Distance from intersections.
 8. Location of driveways opposite the site.
 9. Width of roadway and number of lanes.

C. For uses along Dryden Road, the following regulations shall apply:

1. A parcel shall not be denied reasonable access.
2. A maximum of one (1) driveway shall be provided to an individual parcel or to a contiguous parcel under the same ownership from Dryden Road when the property in question has no other reasonable access to another abutting street or access road.
3. Cross easements connecting parking lots of contiguous parcels and/or front or rear service drives providing access between parcels shall be required where appropriate. Such cross access shall be illustrated on approved site plans.

Temporary direct access to Dryden Road may be granted in instances where access roads or adjoining parcels are not yet developed. A temporary driveway permit shall specify the future means of access, location if known and date or circumstances under which the change will be made. This temporary access agreement shall be recorded with the County Register of Deeds.

Additional driveways shall not be provided upon the dividing of a parcel(s) which has existing driveway(s) unless anticipated traffic volumes are projected to be more than five thousand (5,000) vehicles per day and/or anticipated to cause traffic congestion during the morning or afternoon peak hour of roadway travel. Traffic projections and peak hour analysis shall be based on a professional traffic study and accepted trip generation rates.

4. Driveways for a parcel shall be permitted based on the amount of Dryden Road frontage for that parcel as follows, except that the Planning Commission may modify this in the interest of public safety based on the criteria in Section 12.10.B

Frontage	Driveways Permitted
Less than 300 feet	1
300 to 600 feet	2
More than 600 feet	3

5. A right turn lane and taper shall be required for driveways with anticipated right-turn inbound traffic volumes in excess of forty (40) vehicles during the hours of 4:00 PM and 6:00 PM or one thousand (1,000) vehicles per day. The lane shall be constructed in accordance with the requirements of the Lapeer County Road Commission.
6. The placement of a driveway shall be determined by the following criteria if it is to be located near an intersecting street.
 - a. The tangent point of the driveway radius along the highway shall be at least one hundred thirty-five (135) feet from the tangent point of an intersecting street's curve radius, or one hundred forty-six (146) feet to the center line of the intersecting street if such street is not hard surfaced.
 - b. At no time shall a driveway be located in the clear vision area of an intersection as established by the Lapeer County Road Commission or Michigan Department of Transportation.
7. Driveways shall be spaced as follows with measurements taken from the centerline of each driveway. The Planning Commission shall have the authority to waive or modify the following spacing requirements when strict adherence to them would result in unreasonable access to the site. In waiving or modifying the spacing requirements, the factors of Section 12.10.B shall be considered.
 - a. A driveway serving a multi-family, commercial, office or industrial use shall be spaced at least one hundred seventy-five (175) feet from another driveway serving the same or similar use.

- b. A driveway shall not be constructed along the taper of a right-turn lane or the acceleration or deceleration lane and taper connecting to an interchange ramp terminal.

Article 13 Special Land Use

Section 13.01. Purpose

This Article is intended to provide regulations for special land uses, which may be compatible with permitted uses in zoning district, under specific locational and site criteria. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use covering factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Establishment or major expansion of any special land use requires a special land use approval under this Article.

Section 13.02. Procedure

- A. **Application.** An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in Article 12 and shall be in such form and accompanied by such information as shall be established from time to time by the Township Planning Commission. Any application for special land use approval shall be filed simultaneously with an application for site plan review for the subject use. The Zoning Administrator shall accept completed applications and associated fee. Applications are due at least thirty (30) days prior to the regular or special Planning Commission meeting.
- B. The Planning Commission shall hold a public hearing and follow the public hearing procedure outlined in Section 16.05.
- C. **Approval.** Township Planning Commission may deny, approve or approve with conditions requests for special approval of a land use. The decision on a special land use approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
- D. **Appeal.** Should either petitioner or any person or persons owning land or occupying structures within three hundred (300) feet of subject premises object to the decision of the Township Planning Commission, they may appeal to the Zoning Board of Appeals provided such appeal is made within fifteen (15) days of the date of the Planning Commission's action. Before the Zoning Board of Appeals acts to affirm or overturn the Planning Commission's decision, the Board must hold a public hearing pursuant to notice requirements in Section 16.05 and consider the standards set forth in Section 17.05.B.
- E. **Record.** The conditions imposed with respect to the special land use approval of a land use or activity shall be recorded in the record of the special land use approval action and shall remain unchanged, except upon the mutual consent of the Township Planning Commission and the landowner. The Township Clerk/Zoning Administrator shall maintain a record of changes granted in conditions.

Section 13.03. Approval Standards

- A. No special land use approval shall be granted by the Township Planning Commission unless the special land use is found to comply with the following:
 1. Will conform to the requirements in this Ordinance.
 2. Provides safe and efficient transportation on and off the site including pedestrian and vehicle movement. It would not appear the proposed use would change the traffic that is typical for the surrounding area.
 3. Would not significantly affect private/public services and facilities to neighboring properties or exceed capable to accommodate adequate services to the surrounding area.

4. Would protect the natural environment and conserve natural resources.
5. Will ensure compatibility and be harmonious with the adjacent uses of land to not provide off-site impacts such as odor, smoke, noise, air quality, or other nuisances.
6. Will promote the use of land in a socially and economically desirable manner.

Section 13.04. Amendments

In any case where a use that requires special land use approval proposes a change that requires a site plan review in Article 12, a special land use shall require a new application and review by the Planning Commission, other than an incidental or minor variation as noted. A change to another special land use shall require submittal of a new application for special land use and follow the review procedure contained in this Ordinance. A separate special land use permit shall be required for each use which requires special land use review on a parcel.

Section 13.05. Validity

- A. Construction or use of the property authorized by a special land use shall start within one year of special land use approval and any construction must be completed by the time the related building permit expires otherwise the approval shall be null and void. The applicant will need to resubmit a new special land use review application. The applicant in writing can request a one (1) year special land use extension. The basis for the special land use extension shall meet the below three (3) standards:
 1. The special land use would comply with the updated rules and regulation in this Ordinance.
 2. The surrounding area to the subject property has not significantly changed where it is necessary to be re-reviewed for compliance with the special land use approval standards.
 3. The special land use with the extension is likely to be implemented.

Section 13.06. Revocation of Approved Special Land Use

- A. The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable Sections of this Ordinance, or conditions of the special land use approval.
- B. The Planning Commission shall conduct a public hearing following the notification process for the original approval shall follow the procedure in Section 16.05. The applicant shall be notified of the public hearing and provided an opportunity to present information and to answer questions at the public hearing. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied.

Article 14 Condominium Development

Section 14.01. Condominium Design Standards

- A. The design standards set forth herein are development guides and all developments of more than one lot or condominium building site must be reviewed and meet the approval of the Township.
1. **Streets.** Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance, the Township Master Plan and any other requirements of the Lapeer County Road Commission.
 - a. Location and Arrangement:
 - i. The proposed plan shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfare and collector streets; and streets shall be developed in the location and the width indicated on the Master Plan.
 - ii. The street layout shall provide for continuation of collector streets in the adjoining developments or subdivisions or of the proper projections of streets when adjoining property is not subdivided or otherwise developed.
 - iii. For residential developments, the street layout shall include local streets so laid out that their use by through traffic will be discouraged.
 - iv. Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require a side lot relationship to the Major thoroughfare with an approved screen planting contained in dedicated nonaccess reservation along the side property lines having a minimum width of 12 feet, or such other treatment as may be necessary for adequate separation of the residential properties from the major thoroughfare. Planning Commission may also require reverse frontage, marginal access streets or other such treatments necessary for smooth and safe traffic flow.
 - b. Street Layouts: The following design standards shall be used:
 - i. Major and secondary thoroughfare minimum right-of-way width = 120 feet.
 - ii. Residential collector streets minimum right-of-way = 86 feet.
 - iii. Non-residential collector streets minimum right-of-way =70 feet.
 - iv. Local street minimum right-of way width =66 feet.
 - v. Cul-de-Sac streets minimum right-of-way = 66 feet, with a vehicular turnaround with a minimum diameter of 150 feet and with a paved roadway of not less than 112 turn-around.
 - vi. Cul-de-Sac street maximum length = 660 feet measured from the center of the intersecting street to the center of the turn around.
 - vii. Half streets are prohibited.
 - viii. Alleys = 20 feet.
 - c. Grade Standards, Vertical Alignment, Street Intersections, and Horizontal Alignment shall be to County Road Commission specifications.

2. **Blocks.** If blocks are proposed, they shall conform to the following standards:
 - a. **Sizes.**
 - i. Maximum length for blocks shall not exceed 1,400 feet in length, except where in the opinion of the Planning Commission, with the advice of the Township Planner and the Township Engineer, conditions may justify a greater distance.
 - ii. Width of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the development.
 - b. **Public Walkways.**
 - i. Public walkways or crosswalks or easements for same shall be required by the Planning Commission to obtain satisfactory pedestrian circulation within the development and the periphery to public or private facilities.
 - ii. Right-of-way widths of public walkways, when not adjacent to or a part of street rights-of-way, shall be at least 15 feet long and shall be dedicated to the use of the public. Walkways, when required, shall be made of concrete, 4 inches thick and five feet wide.
 - c. **Easements.**
 - i. Location of utility line easements shall be provided in a uniform location approved by the Planning Commission. Every lot/building site, park or public grounds shall have access of not less than 12 feet wide.
 - ii. Recommendations on the proposed layout for telephone, electric and gas utility easements shall be obtained from the utility companies serving the Township.
 - iii. Easements three (3) feet in width shall be provided, where needed, along side lot lines so as to provide for street light drop outs. Prior to the approval of the plan for a proposed development, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the plan indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the Detroit Edison Company." Note that for condominium building sites, the condominium unit and limited common elements together shall equate to the requirements of a lot and lot's required elements.
 - iv. Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a storm easement of drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose. Such easements shall meet the approval of the Township and the County.
3. **Lots/Building sites.** Lots/building sites within developments shall conform to the following standards:
 - a. **Sizes and Shapes.**
 - i. The lot/building site size, width, depth and shape in any development proposed shall be appropriate for the location and the type of development contemplated.
 - ii. Lot/building site areas, widths and setbacks shall conform to be at least the minimum requirements of the Zoning Ordinance for the district in which the development is proposed.

- iii. Excessive lot depth in relation to width shall be avoided. A building site depth-to-width ratio of not more than 3 to 1 shall be desirable.
 - iv. Corner lots/building sites shall be designed at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
 - v. Lots/building sites intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provisions for off-street parking setbacks and other requirements in accordance with the Zoning Ordinance.
- b. Arrangement:
- i. Every lot/building site size shall front or abut upon an approved street, except those involving a development of multifamily housing, commercial development or industrial development where, in the opinion of the Planning Commission, such requirements would not serve the best interests of the Township.
 - ii. Side lot/building site lines shall be at right angles or radial to the street lines.
 - iii. Residential lots/building sites abutting major thoroughfares or collector streets shall be designed for reverse frontage with side lot lines parallel to the major traffic streets, or with marginal access streets.
 - iv. Lots/buildings sites shall have a front-to-front relationship across all streets where possible.
 - v. Wetlands, lands subject to flooding or lands otherwise deemed by the Planning Commission to be uninhabitable shall not be shown as available for development purposes or for uses that may, in the judgment of the Planning Commission, diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a development shall be set aside for other uses, such as open space or parks.
4. **Trees and Natural Features.** The natural features and character of lands must be preserved wherever practical.
- a. Due regard must be shown for all natural features, such as large trees, natural groves and similar community assets, that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible, removal must be justified to the Planning Commission.
 - b. Areas identified as wetlands on the National Wetlands Inventory Maps shall not be filled, drained, developed or otherwise altered in any way. This Ordinance intends to protect and preserve wetlands. Protection of such areas shall not be used for density credits or bonuses.
5. **Greenbelts.** Greenbelts acceptable to the Planning Commission may be required to be placed next to incompatible features, such as highways and commercial or industrial uses, in order to screen the view from residential properties. Such screens or greenbelts shall be a minimum of fifteen (15) feet wide and shall not be a part of the normal roadway right-of-way or utility easement.
6. **Flood Hazard Areas.** Any areas of land within the proposed development which lie either wholly or in part within the floodway of a street, creek or drain, or any other areas which are subject to flooding or inundation by storm water, shall require specific compliance with the applicable State Law.

7. **Topsoil.** Removal of topsoil from areas to be developed shall be prohibited, except in those areas to be occupied by buildings, roads or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor and shall be approved by the Township.
8. **Utility Improvements/Erosion Control/Stormwater.** A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements, stormwater control and erosion control measures. The plan shall show, and conform to, all Ordinance requirements and the standards in Sections 701, 802, 803, 804, 900, and 901 of the Dryden Township Subdivision Regulations.
9. **Other Improvements**
 - a. **Street Signs.** An appropriate street sign shall be erected at each street intersection within the development. The type of sign and location thereof, shall be subject to the approval and direction of the County Road Commission. If any proposed streets are private, signs shall conform to County standards and Michigan Manual of Uniform Traffic Control Devices. Temporary signs shall be installed by the developer before construction in the subdivision is begun to facilitate the location of given lots by emergency vehicles.
 - b. **Pedestrian Walkways, Open Spaces and Trees.** Pedestrian walkways, open spaces and trees shall be installed and preserved in accordance with this Ordinance.

Section 14.02.Subdivision/ Condominium Site Plan Information

- A. For developments of more than one lot or condominium building site not subject to the requirements of the Subdivision Control Act:
 1. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the width and location of alleys, existing easements and public walkways.
 2. Layout, numbers and dimensions of lots/building sites, including building setback lines showing dimensions.
 3. Indication of parcels of land intended to be dedicated or set aside for public use and /or for the use of property owners in the development and any lands to be preserved in their natural state.
 4. An indication of the status of the petitioner's ownership and existing and proposed use of any parcels identified as "excepted" on the site plan. If the proprietor has an interest or owns any parcel so identified as "excepted," the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to proposed site plan.
 5. The Township shall require of the proprietor, as a condition of approval, a deposit in the form of cash, certified check or irrevocable bank letter of credit running to the Township for the full cost, as estimated by the Township Engineer, of the public improvements under Township jurisdiction to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the plan by the Township Board. The Township shall rebate to the proprietor, as work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project provided; however, that no amount shall be reimbursed until the Township Engineer approved the same and a percentage shall be retained pro-rata from the entire project for each payment until one (1) year after completion of the improvements to insure against any repairs that may be necessary.
 6. An indication of the type and location of required underground utilities.

Section 14.03. Condominium Approval.

The following standards are adopted to insure that Condominium Subdivisions comply with the Condominium Act, the Zoning Enabling Act and requirements of the Township.

- A. **Review And Meeting Minimum Requirements.** All condominium developments (including site condominiums) shall be submitted to the Dryden Township Planning Commission for review and approval pursuant to the terms of this Ordinance; and all building sites and condominium units created from the subdivision or development of land under the Condominium Act shall, at a minimum, contain the required square footage, dimensions, ratios, setbacks and other requirements of a lot as provided in the Zoning Ordinance.
- B. **Variance.** A variance from the terms and conditions herein may be obtained, as provided for in the Zoning Ordinance, from the Zoning Board of Appeals.
- C. **Condominium Plan And Document Requirements.**
 - 1. All condominiums submitted for review by the Planning Commission shall contain all required information for site plan review, as set forth in Section 12.03 of this Ordinance. Nothing in this Section shall be construed as requiring a condominium subdivision (site condominium) to obtain plat approval under the Subdivision Control Act.
 - 2. A copy of the proposed Master Deed and By Laws shall be submitted to the Planning Commission for review.
 - 3. All condominium plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:
 - a. A survey Plan of the Condominium Development.
 - b. A flood plain plan when appropriate.
 - c. A site plan showing the location, size, shape, area and width of all condominium units and building sites, including building setback lines showing the width of each lot/building site at the front setback line.
 - d. The boundaries of all wetlands as determined by an individual recognized by the Michigan Department of Natural Resources as a Wetlands Consultant.
 - e. A utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
 - f. A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision. For public streets, a plan showing conformance with the requirements of the County Road Commission.
 - g. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
 - h. Easements for utilities. The Condominium shall include all necessary easements granted to the Dryden Township for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or moving pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively call "Public Structures") for the purpose of providing public utilities, including conveyances of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of such structures.
- D. **Interpretation By The Planning Commission.** Where there is no equivalent term or phrase defined in this Ordinance, the Planning Commission shall interpret the appropriate equivalent term in the Zoning Ordinance and/or Subdivision Ordinance for the purpose of applying the standards and requirements of those Ordinances to the proposed site condominium so as to

carry out the purpose of the Ordinance as set forth in the introductory paragraph in this Ordinance.

- E. **Minimum Building Separation Requirements.** Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following separation requirements between individual units and from individual units to the center of all streets:

Minimum Building Separation From:

Zoning District	Front to Center of Street	Side to Side	Side to Rear	Rear to Rear	Side to Center of Street	Rear to Center of Street
AG	103'	100'	75'	50'	83'	58'
SE-1	103'	100'	150'	200'	83'	133'
SE-2	103'	100'	150'	200'	58'	133'
R- 1	68'	50'	75'	100'	83'	83'
R-M	58'	25'	50'	80'	58'	68'
R-T	58'	40'	45'	50'	58'	58'
C	118'	50'	75'	100'	98'	83'
M	118'	50'	75'	100'	98'	83'

- F. **Encroachment Prohibited.** Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium By Laws and shall be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.
- G. **Mobile Home Condominium Project.** Mobile Home Condominium Project shall conform to all requirements of this Ordinance and shall be located only in mobile home park districts.
- H. **Private Streets.** If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design and construction standards and maintenance requirements of the Private Road Ordinance. If a Private Road Ordinance has not been adopted by the Township, private roads will not be permitted.
- I. **Master Deed Required Provisions.** The Master Deed for condominium subdivisions shall be approved by the Planning Commission and shall contain a provision that the Master Deed shall not be amended without the prior approval of the Dryden Township Planning Commission.
- J. **Approval/Amendment.** Approval by the Planning Commission of a condominium subdivision plan shall confer upon the applicant the right to a building permit for a period of twelve months from and after approval. Upon receipt of a building permit, reasonable construction shall be commenced within six months and reasonably continued or the site plan and the building permit shall be declared invalid, unless the applicant requests and obtains a new approval from the Planning Commission.
- K. **Amendments And Renewals.** Any amendments or renewals to a condominium plan, including its Master Deed, shall require the approval of the Planning Commission. The Planning Commission shall apply, as its standards in determining whether to grant a renewal or amendment, the Township's then existing condominium standards and requirements.

- L. **Amendment To Zoning Ordinance.** Any amendments to the Zoning Ordinance shall, where applicable, be the Zoning Ordinance provision to be applied under this Section, Condominium Approval.
- M. **Conflicting Regulations.** Where other Sections of the Zoning Ordinance are in conflict with this Article 14, the provisions of this Article 14 shall control with respect to one or more Condominiums.

Article 15 Reserved.

Article 16 Administration and Enforcement

Section 16.01. Purpose

The intent of this Article is to establish roles and responsibilities involving administration and enforcement of the Ordinance.

Section 16.02. Enforcement

The provisions of this Ordinance shall be administered and enforced by the Township Board and the Building Official, the Zoning Administrator or any other employees, inspectors, contractors and officials as the Township Board and the Building Official may delegate to enforce the provisions of the Ordinance. Additionally, upon direction from the Township Board the Township Attorney may take action to enforce this Zoning Ordinance.

Section 16.03. Duties of the Zoning Administrator

- A. The Zoning Administrator is appointed by the Township Board. The duties of the Zoning Administrator shall include:
1. Examine, record and file applications and other documents.
 2. Provide citizens and public officials with information relative to this Ordinance and related matters.
 3. Assist applicants with applications and procedures applicable to zoning permit, site plan review, special land use, rezoning and other matters brought before the zoning board of appeals.
 4. Conduct inspections related to zoning permits, site plans and special land uses and issue approvals when authorized by the Zoning Ordinance.
 5. Receive, investigate and process all complaints.
 6. Order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or take any other lawful action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 16.04. Zoning Compliance Permits

The following shall apply in the issuance of any permit.

- A. **Permits Required.** It shall be unlawful for any person to commence construction of buildings and other structures, excavation for construction of any building or structure over ten (10) cubic feet, make structural changes, or repairs in any existing building or structure, moving of any existing building, or change in use without first obtaining a Zoning Compliance Permit from the Zoning Administrator and a Building Permit from the Building Official.
- B. Required information for Zoning Compliance Permits include:
1. Completed and signed application.
 2. The parcel number, address and legal description.
 3. The actual shape, location and dimensions of the lot and/or plot plan.
 4. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
 5. Setback requirement lines for buildings, structures, parking, signs or natural features.
 6. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

7. Number of employees on largest working shift, gross floor area and room capacity.
8. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- C. Approval Standards. A Zoning Compliance permit shall be approved if the request is compliant with this Ordinance and the applicant has already obtained all necessary approval from the Planning Commission, Township Board, Zoning Board of Appeals, or other entities.
- D. The Zoning Administrator may not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of private contracts, such as covenants or private agreements.
- E. No Zoning Compliance Permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance.
- F. No plumbing, electrical, drainage or other permit shall be issued until the Building Official has determined that the plans and designated use indicate that the structure and premises, have been constructed as planned and proposed, and receive the zoning compliance permit from the Zoning Administrator.
- G. "Alteration" or "repair" of an existing building or structure shall include any changes in structural member, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
- H. Denial. If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
- I. Utilities. Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Building Official and/or Zoning Administrator shall not issue such permit unless the Lapeer County Health Department shall have approved the site for the construction of such facilities.
- J. The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the Township.
- K. Validity. A Zoning Compliance Permit shall be valid for one (1) year from the date it is approved. A permit may be revoked at any time for non-compliance with this Ordinance or due to false statements or misrepresentation of provided information.

Section 16.05. Public Hearing Procedure

When a public hearing is required in this Ordinance the below procedure is to be followed:

- A. The Zoning Administrator shall notify the Township Clerk of an application that requires a public hearing.
- B. The Township Clerk or delegated individual shall prepare the public hearing notice.

- C. The notices shall be included in the below locations at least fifteen (15) days prior to the meeting:
 - 1. The Township shall send notices to property owners and occupants of properties located within three hundred (300) feet of the subject property.
 - 2. The Township shall also send notices to the property owners if there are properties located within the three hundred (300) feet that are located outside of the Township's jurisdiction. The property information shall be from the latest tax assessment roll.
 - 3. All notices shall be published in a newspaper of general circulation.
 - 4. Shall be posted at the Township Hall.
- D. Notices shall include the following information:
 - 1. Description of nature of the request.
 - 2. The address of the subject property. If an address is not available a tax parcel ID and general description of the location shall be used.
 - 3. State when and where a copy of the request can be viewed.
 - 4. State when and where the request will be considered.
 - 5. Indicate when and where written comments will be received concerning the request.

Section 16.06. Duties of Building Official

The Building Official is appointed by the Township Board. The Building Official shall have the power to grant occupancy permits, and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or a building permit for any excavation or construction until they have inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for an occupancy permit be accompanied by a written statement and plans or plats drawn to scale, in triplicate, in sufficient detail, to enable the Building Official to ascertain whether the proposed work or use is in conformance with this Ordinance.

Section 16.07. Certificates of Occupancy

It shall be unlawful to use or permit the use of any land, building or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Official shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

- A. **Certificate Validity.** The Certificate of Occupancy, as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.
- B. **Certificates For Existing Buildings.** Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- C. **Records Of Certificates.** A record of all Certificates of Occupancy shall be kept in the office of the Building Official, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

- D. **Certificates For An Accessory Buildings To Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- E. **Application For Certificates.** Certificates of Occupancy shall be applied for in writing to the Building Official coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and cause thereof within the aforesaid five (5) day period.

Section 16.08.Final Inspection

The recipient of any Building Permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Building Official immediately upon the completion of the work authorized by such permit for a final inspection.

Section 16.09.Fees

- A. Fees for inspections, review of site plans, special approval land uses, the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer or designated Building Official in advance of the inspections, plan review or the issuance of such permits or certificates.
- B. The Township Board shall establish by resolution a schedule of fees and charges and a collection procedure for zoning compliance permits, site plan review, special approval uses, appeals and other matters pertaining to this Ordinance. The amount of such fees shall be established by the Township Board and shall cover the cost of inspection, professional review and supervision resulting from the administration and enforcement of this Ordinance.
- C. The schedule of fees shall be posted in the office of the Township Supervisor and may be altered or amended from time to time by resolution of the Township Board. Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal.

Section 16.10. Performance Guarantee

- A. The Township Board, Zoning Board of Appeals or the Township Planning Commission may, to ensure certain physical site improvements and/or to ensure strict compliance with any regulation contained or required as a condition of the issuance of a permit, require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit or surety bond to be deposited with the Township Treasurer as a Performance Guarantee.
- B. The amount of the Performance Guarantee shall be one hundred ten (110%) percent of the total estimated cost of all physical site improvements, as submitted by the applicant, excluding the principal building. The property owner or applicant may submit the payment for the required Performance Guarantee.
- C. The Performance Guarantee may be posted at the time of application for a building permit but shall be posted prior to the issuance of a Temporary or Permanent Certificate of Occupancy. This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act 288, P.A. 1967, as amended, being Sections 560.101 to 560.293 of the Michigan Compiled Laws.
- D. The Performance Guarantee shall be released upon inspection that all physical site improvements have completed to the Township's satisfaction.

Section 16.11. Violations and Penalties

- A. Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals, Planning Commission, or the Township Board, adopted pursuant hereto, shall upon conviction thereof be subject to a fine up to the statutorily allowed maximum amount and the costs of prosecution including, but not limited to, reasonable attorney fees, clean-up costs and other expenses incurred in enforcing the Ordinance or, in default of the payment thereof, by imprisonment in the County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- B. Uses of land, dwellings, buildings or structures, including tents, trailer coaches and mobile homes used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se.
- C. The Township Board and the Township Attorney acting upon the direction of the Township Board may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate or remove any said unlawful erection, construction, alteration, reconstruction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Article 17 Zoning Board Of Appeals

Section 17.01. Purpose.

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided by Act 110, P.A. 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done.

Section 17.02. Creation of Zoning Board Of Appeals

The Zoning Board of Appeals shall consist of five (5) members as follows:

- A. The Township Board shall appoint members of the Zoning Board of Appeals pursuant to Section 601 of Act 110, P. A. 2006, as amended.
 1. The first member shall be a member of the Township Planning Commission.
 2. The second member shall be a member of the Township Board who may not be the Chairman of the Zoning Board of Appeals.
 3. The remaining members shall be electors of the Township selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, who shall be representative of the population distribution of the Township Board and of the various interests present in the Township. No employee or contractor of the Township Board may serve simultaneously as a member or employee of the Zoning Board of Appeals.
 4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Board of Appeals. The alternates may sit as regular members, as specified in the Zoning Ordinance, when regular members are unable to attend two (2) or more consecutive meetings or for a period of more than thirty (30) consecutive days. The alternate may also serve as a regular member if a regular member has a conflict of interest and abstains from voting.
- B. Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing by the Township Board. A member of the ZBA shall disqualify themselves from a vote in which a member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which they have a conflict of interest shall constitute malfeasance in office.
- C. Terms of members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Township Planning Commission or Township Board, whose terms shall be limited to the time they are a member of the Township Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Section 17.03. Meetings.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such times as the Zoning Board of Appeals may determine. Public notices shall be sent in accordance with the process outlined in Section 16.05 of the Administration and Enforcement Article. All meetings of the Zoning Board of Appeals shall be open to the public, but this sentence shall not prohibit the Zoning Board of Appeals from going into closed session as authorized by the Open Meetings Act. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the

vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present.

Section 17.04.Procedure.

- A. The Zoning Administrator shall accept all Zoning Board of Appeals (ZBA) applications. All applications are due thirty (30) days prior to the ZBA meeting.
- B. The Zoning Administrator shall determine if an application is complete. The applicant shall provide eight (8) copies of the application. All applications shall include:
 - 1. Applicant signature,
 - 2. Site plan or plot plan (digital (ex. PDF) and paper 11" x 17"); and
 - 3. Associated fee paid.
- C. The Township may require comments from the Township consultants (planning and/or engineer), other Township departments, Township attorney, or other jurisdictions.

Section 17.05. Appeals.

- A. **Administrative Decision.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator or Building Official. An application shall be filing with the Zoning Administrator, within thirty (30) days of when the Zoning Administrator or Building Official issued such decision in writing
- B. **Appeal Planning Commission Decision.** An appeal may be taken to the Zoning Board of Appeals by any applicant for a site plan review, or special land use. An application shall be filing with the Zoning Administrator within 15 days after the minutes of the meeting deciding such issue are approved.
 - 1. In the case of an appeal of a Planning Commission decision, the Planning Commission representative on the ZBA may not participate in a public hearing or vote on an appeal of a matter that they voted on as a member of the Planning Commission. They may consider and vote on other unrelated matters involving the same property.
 - 2. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal or request for special approval, and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. The notice procedure shall follow the process outlined in Sec. 16.05. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Township Board and Township Planning Commission shall be notified of any such hearing.

Section 17.06.Powers of Zoning Board of Appeals Concerning Administrative Review And Variances.

The Zoning Board of Appeals, as herein created, is a body of limited powers. The Zoning Board of Appeals shall have the following specific powers and duties:

- A. **Purpose.** To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by the Building Official or Zoning Administrator in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships to the property in the way of carrying out the

strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured and substantial justice done.

B. **Authorization.** In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare is secured and substantial justice done, including the following:

1. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
2. The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
3. Approve non-use variances for off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
4. Approve non-use variances for modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
5. Permit temporary buildings and use for a period not to exceed one hundred eighty (180) days, subject to renewal.

C. **Conditions.**

1. The Zoning Board of Appeals, in acting favorably on any application in connection with a request for a variance, may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the standards set forth in Section 17.07. In addition, the Zoning Board of Appeals shall have the authority to require performance bonds to insure compliance with any requirements deemed necessary for approving any variance or special exception (see Section 16.10). Following establishment of any land use pursuant to a variance or special exception, any change and/or modification, as well as the original provisions of the building and site plan which have not been modified, shall be maintained as a condition of the establishment of any use to which they are appurtenant and applicable. The Board may also deny any appeal but only in accordance with said standards.
2. In exercising the above powers of this Section, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from; and may make such order, requirement, decision or determination as

ought to be made; and to that end, shall have all the powers of the Building Official or Zoning Administrator from whom the appeal is taken.

Section 17.07. Standards.

- A. In consideration of non-use variances, the Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:
 - 1. The variance not being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome;
 - 2. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others;
 - 3. The problem is due to circumstances unique to the property and not to general conditions in the area;
 - 4. The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property; and
 - 5. Issuance of the variance would still ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.
- B. The standards for the basis of a decision of an appeals case shall be based on a finding that the decision appealed from was one or more of the following:
 - 1. was arbitrary or capricious; or
 - 2. was based on an erroneous finding of a material fact; or
 - 3. constituted an abuse of discretion; or
 - 4. was based on erroneous interpretation of the Zoning Ordinance or zoning law.
- C. A majority vote of the regular members of the Zoning Board of Appeals is necessary to approve any appeal.

Section 17.08. Zoning Board of Appeals Approval.

The Zoning Board of Appeals may require the applicant to submit all necessary surveys, plans or other information necessary for the Zoning Board of Appeals to thoroughly investigate the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance or special exception as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Section 17.09. Approval Period.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Section 17.10. Circuit Court Appeal.

- A. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by this Ordinance may appeal to the circuit court. Upon appeal, the court

shall review the record and decision of the Zoning Board of Appeals to ensure that the decision:

1. Complies with the constitution and laws of the State.
 2. Is based upon proper procedure.
 3. Is supported by competent material and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record of the Zoning Board of Appeals inadequate to make the review required by this Section, or that there is additional evidence which is material and with good reason was not presented to the Zoning Board of Appeals, the court shall order further proceedings before the Zoning Board of Appeals on conditions which the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decisions shall be filed with the court.
- C. As a result of the review required by this Section, the court may affirm, reverse or modify the decision of the Zoning Board of Appeals.

Article 18 Amendments

Section 18.01. Purpose.

The purpose of this Article is to identify the procedures for initiation and review of text and map amendments to this Ordinance and provide standards for approval of the proposed amendments.

Section 18.02. Initiation of Amendments.

The proposed amendments to this Ordinance may be initiated by the Township Board, Planning Commission, Zoning Board of Appeals or owner of a property for a parcel or someone else with approval of the owner or under the terms of a purchase agreement by application.

Section 18.03. Text Amendment Process.

The text amendment process shall follow the below process:

- A. Applications shall be provided to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting date. A total of eight (8) copies of the application and additional material such as suggested language shall be provided to the Township. As part of the application, the applicant shall provide the additional information:
 1. Name, address, phone number and email of applicant
 2. Reason for requested text amendment
- B. The Township shall send the necessary notices on the provided timeframe in Section 16.05.
- C. The Planning Commission shall hold the public hearing on the proposed text amendment and provide a recommendation to the Township Board. The standards for approval of the proposed text amendment must satisfy at least one (1) of the below requirements:
 1. The change is necessary to clarify a provision in this Ordinance.
 2. The change is necessary to correct a mistake in this Ordinance.
 3. The change is necessary to implement a goal or policy in the Township Master Plan.
 4. The change is necessary to improve the administration of this Ordinance or to better serve the community.
- D. The proposed amendment shall be submitted to Lapeer County for review. The Township will allow for thirty (30) days or receive written correspondence or waiver of review from the county prior to approving the amendment at the Township Board in accordance with the provisions of Section 307 of Act 110, PA. 2006, as amended.
- E. Immediately after review and action or waiver by Lapeer County, the Township Planning Commission shall submit a summary of comments (minutes from the meeting) received at the public hearing and the proposed zoning amendment to the Township Board. The Township Board, at its option, may hold additional public hearings on the request, but if they do so, they must comply with the notice requirements of Section 16.05. If the Township Board proposes changes to the amendment, it may, but is not required to, submit the proposed changes back to the Planning Commission for their recommendations.
- F. If a property owner submits a request for a hearing on a proposed zoning amendment by certified mail to the Township Clerk, the Township Board shall grant a hearing to that property owner before making a decision on the request. That hearing is not a public hearing and does not require compliance with the notice requirements of Section 16.05, except that notice of the hearing shall be given to the interested property owner.
- G. The Township Board shall act, by majority vote of the Township Board's membership. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree

of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in the Zoning Enabling Act.

- H. Following adoption of an amendment to the Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include:
1. Either a summary of the regulatory effect of the amendment or the text of the amendment.
 2. The effective date of the amendment.
 3. The place and time where a copy of the amendment may be purchased or inspected.

Section 18.04. Map Amendment Process.

Commonly referred to as a rezoning, a map amendment application shall follow the following process:

- A. Applications shall be provided to the Township Clerk at least thirty (30) days prior to the Planning Commission meeting date. A total of eight (8) copies of the application and additional material shall be provided to the Township. One (1) application should be filed per parcel included in the request and pay the associated fee for each. As part of the application, the applicant shall provide the additional information:
1. Name, address, phone number and email of applicant
 2. Signature of owner of subject property or proof of their approval to request the map amendment, or purchase agreement on the property
 3. The tax parcel identification or address (if applicable)
 4. The current zoning classification and the subject parcel
 5. The proposed zoning classification of the subject parcel
 6. Reason for requested map amendment
- B. The Township shall publish and mail the necessary notices as provided in Section 16.05.
- C. The Planning Commission shall hold the public hearing on the proposed text amendment and provide a recommendation to the Township Board. The standards for approval of the proposed text amendment must satisfy at least one (1) of the below requirements:
1. The requested amendment is in compliance with the Township Master Plan, or
 2. A mistake in the Township Master Plan or change in conditions or Township policy have occurred that are relevant to the request, or
 3. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Township Master Plan.
- D. The proposed amendment shall be submitted to Lapeer County for review. The Township will allow for thirty (30) days or receive written correspondence or waiver of review from the County prior to voting on the amendment in accordance with the provisions of Section 307 of Act 110, PA. 2006, as amended.
- E. Immediately after review and action or waiver by Lapeer County, the Township Planning Commission shall submit a summary of comments received at the public hearing and the proposed zoning amendment to the Township Board. The Township Board, at its option, may hold additional public hearings on the request, but if they do so, they must comply with the notice requirements of Section 16.05. If the Township Board proposes changes to the

amendment, it may, but is not required to, submit the proposed changes back to the Planning Commission for their recommendations.

- F. If a property owner submits a request for a hearing on a proposed zoning amendment by certified mail to the Township Clerk, the Township Board shall grant a hearing to that property owner before making a decision on the request. That hearing is not a public hearing and does not require compliance with the notice requirements of Section 16.05 except that notice of the hearing shall be given to the interested property owner.
- G. The Township Board shall act by majority vote of the Township Board's membership. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in the Zoning Enabling Act.
- H. Following adoption of an amendment to the Zoning Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include:
 - 1. A summary of the regulatory effect of the amendment including the geographic area affected, the previous zoning district classification, and new zoning district classification.
 - 2. The effective date of the amendment.
 - 3. The place and time where a copy of the amendment may be purchased or inspected.

Article 19 Reserved.

Article 20 Validity

Section 20.01. Validity.

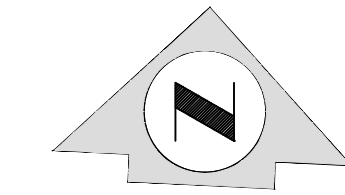
This Ordinance and the various Articles, Section, paragraphs, and clauses thereof, are hereby declared to be severable. If any Article, Section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Article 21 Enactment And Effective Date

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Dryden, Lapeer County, Michigan at a meeting thereof, duly called and held on August 9, 2022 and is ordered to be given publication in the manner prescribed by law.

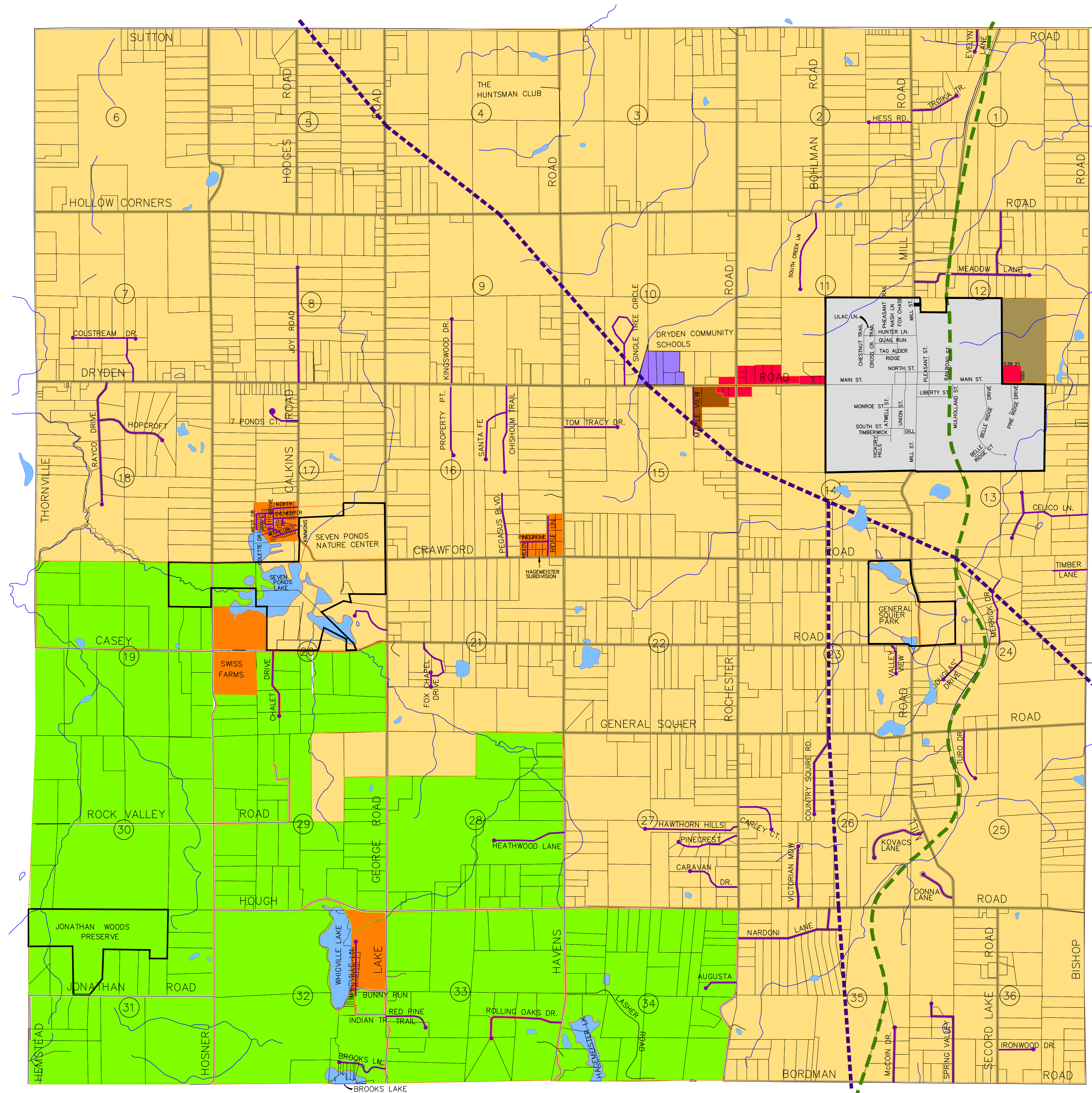
This Ordinance shall become effective on August 28,2022.

On the Dryden Township Board voted at its regular meeting to amend the Dryden Township Zoning Ordinance to delete all prefatory Zoning Ordinance numbering codes in the Zoning Ordinance except Article, Section and subsection numbering, effective.



AUGUST 9, 2022 DRYDEN TOWNSHIP ZONING MAP

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|--|------|---------------------------|
| | AG | AGRICULTURAL |
| | SE-1 | SUBURBAN ESTATES |
| | SE-2 | SUBURBAN ESTATES |
| | R | SINGLE FAMILY RESIDENTIAL |
| | R-T | TRANSIENT RESIDENTIAL |
| | R-M | MULTIPLE FAMILY |
| | C | COMMERCIAL |
| | M | INDUSTRIAL |
| | | ELECTRIC TRANSMISSION |
| | | POLLY ANN TRAIL |
| | | LAKES & PONDS |



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