

North Branch

Township

Lapeer County

Zoning Ordinance

No. 109



Adopted: August 8, 2019



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**Zoning Ordinance
Township of North Branch
Lapeer County, Michigan
Ordinance No. 109**

An Ordinance to regulate the use of land and buildings by dividing the Township of North Branch into Districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence and other specified purposes; regulating and limiting the height and bulk of buildings and other structures' regulating lot size, yards and other open spaces; regulating the density of population; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of Act 110, of the Public Acts of 2006, as amended.

The Township of North Branch Ordains:

Article 1 Short Title

Section 1.01 Short Title

This Ordinance shall be known and cited as the North Branch Township Zoning Ordinance.

Article 2 Definitions

Section 2.01 Rules of Construction

For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

- A. If the meaning of this chapter is unclear in a particular circumstance, the Zoning Board of Appeals (ZBA) shall construe the provision to carry out the intent of this Ordinance.
- B. All words and phrases used in this chapter shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the Law shall be construed and understood according to such peculiar and appropriate meaning.
- C. Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.
- D. The words "person," "proprietor," "property owner," and "operator" shall include any recognized form of legal entity.
- E. The words "property," "lot," "parcel," "real estate," "premises," "plot," and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- F. The word "road" shall also mean "highway," "street," "alley," "drive," "cul-de-sac," "land," or other public thoroughfare.
- G. The words "used" or "occupied," when applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- H. The words "shall" and "required" are always interpreted as mandatory and never as permissive or discretionary.
- I. The word "may" shall be interpreted as permissive or discretionary.
- J. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. "Either or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- K. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the city or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.02 Definitions

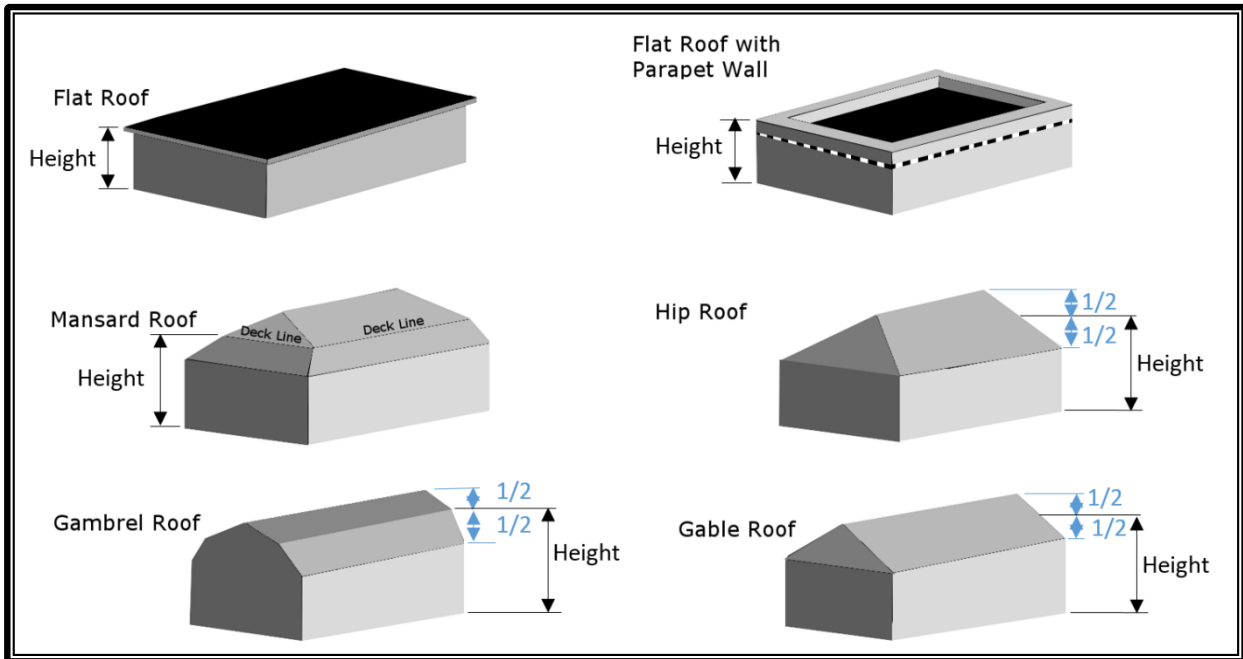
For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Building: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the premises.

- Berm Dwelling:** A dwelling which is constructed so that at least 75 percent of the exterior walls are below earth grade. Floor area for bermed dwellings shall include the entire floor area of the dwelling whether or not it is above or below the finished grade.
- Agricultural Land:** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage, and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
- Alterations:** Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.
- Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback 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. This shall include tents, awnings, vehicles, trailers, or mobile homes and used for purposes of a building.
- Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck lines of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; or to a point equivalent to the foregoing on any other roof. (See Figure 2-1)

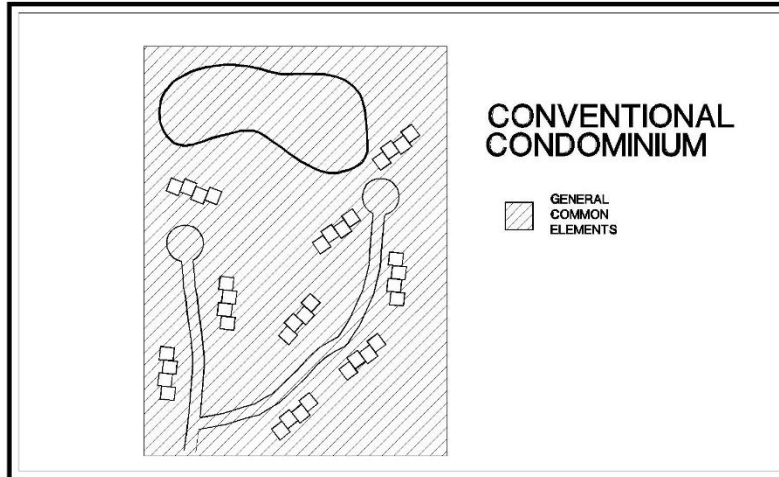
Figure 2-1: Building Height Calculations



- Campground:** Any parcel of land designed, improved, or used for the placement of three (3) or more recreational vehicles or tents (used for recreation, camping or travel use).
- Camper:** Any tent, motor home, travel trailer, van, truck camper, or any similar conveyance or facility which could be used for camping purposes.
- Condominium Act:** The Michigan Public Act 59 of 1978, as amended.

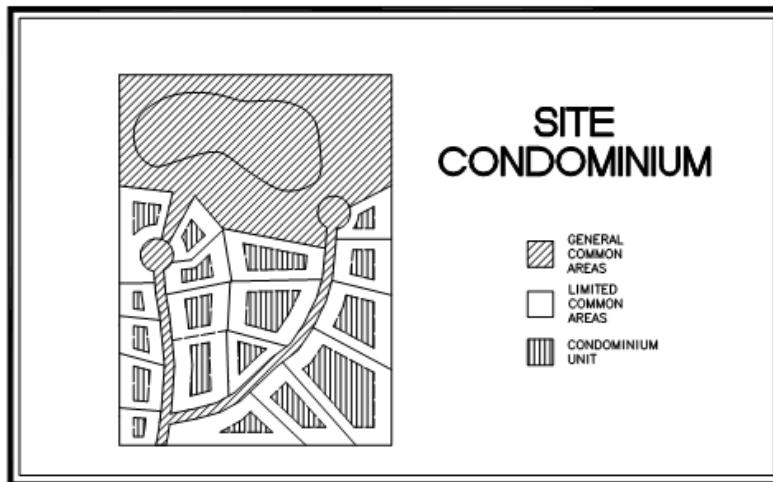
Condominium, Conventional: A conventional condominium is a development in which ownership interest is divided under the authority of the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. (See Figure 2-2)

Figure 2-2: Conventional Condominium



Condominium, Site: A site condominium is a development in which ownership interest is divided under the authority of the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and in which the condominium unit consists of a building site, with or without structures, which, along with associated limited common area, constitutes the equivalent of a lot. (See Figure 2-3)

Figure 2-3: Site Condominium Figure



Condominium Subdivision Plan: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirement of Section 66 of the Condominium Act.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

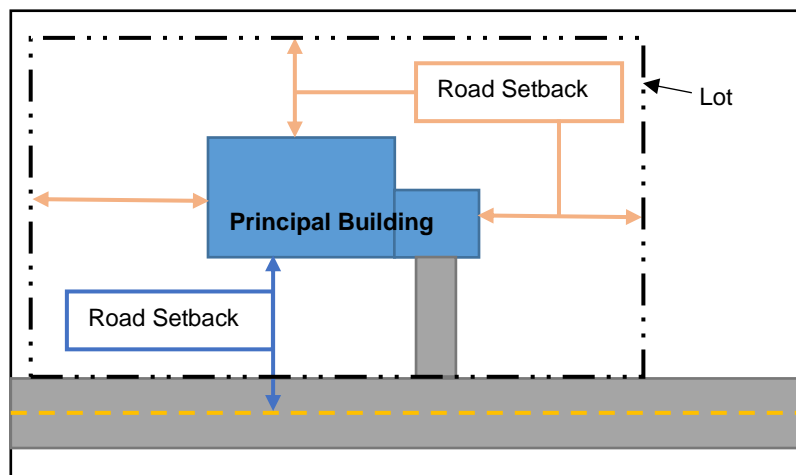
Condominium Master Deed: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and approved condominium subdivision plan for the site.

- Convalescent or Nursing Home:** A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, where in seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.
- Dog Kennel:** Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.
- Decommission:** To remove or retire from active service.
- Drive-in Establishment:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway.
- Dwelling, Multiple:** A building used or designed as a residence for three (3) or more families.
- Dwelling, Single-Family:** An entire building, including a mobile home, designed for or occupied exclusively by one (1) family.
- Dwelling, Two-Family:** A detached building, designed for or occupied exclusively by two (2) families living independently of each other such as duplex dwelling unit.
- Dwelling Unit:** Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarter for person, persons, or family.
- Erected:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage shall be considered a part of erecting.
- Excavating:** The removal of sand, stone, gravel, or dirt from its natural location that includes mining and quarrying activities.
- Family:** One or more persons living together and inter-related by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single non-profit housekeeping unit. A family shall be deemed to include domestic servants, gratuitous guest, and not more than two (2) unrelated persons. A family may also include a functional family of not more than six (6) unrelated individuals with no relationship due to birth, marriage or adoption, who serve as a single household unit, sharing cooking, upkeep, and other household responsibilities.
- Family Day Care Home:** A private home in which at least one (1) but less than seven (7) minor children are received for care or supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- Farm:** The land, plants, animals, buildings, structures including ponds used for agricultural or aqua cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- Fence:** A railing (of wood, wire, etc.) used to enclose an area to keep beasts or intruders out or to simply mark a boundary, in carrying out the requirements of this Ordinance.
- Filling:** The depositing or dumping of matter onto or into the ground.
- Floor Area, Useable:** The sum of the gross horizontal areas of the several floors of the building measured from 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 ($\frac{1}{2}$) of the basement height is above the finished lot grade.
- Floor Area, Main:** The floor area of the first floor of a two-story dwelling or the two lower levels of a tri-level or quad-level dwelling.
- Flood Plain:** The area of land adjoining the channel of a river, stream, watercourse, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for the region.

- Junk:** Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, or other scrap materials that are deteriorated, or are in a condition which cannot currently be used for the purpose that the product was manufactured.
- Junk Yard:** Any area of more than two hundred (200) square feet used for the storage, keeping, or abandonment of junk or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within enclosed buildings.
- Garage, Commercial:** Any premises available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire or sale, where any such vehicles or engine may also be equipped for operation, repaired, rebuilt, or reconstructed, and where vehicles may be greased, washed, or serviced.
- Garage, Private:** A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located.
- Greenbelt:** A greenbelt shall consist of a landscaped yard space not less than twenty (20) feet wide. Said greenbelt shall be a solid landscape barrier and landscaped or planted within six (6) months from the date of issuance of a permit for use and thereafter reasonably maintained with permanent materials to provide a suitable screen.
- Greenhouse:** A structure, either temporary or permanent, primarily of glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants, vegetables, and the like.
- Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- Home Occupation:** An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.
- Laboratory:** A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.
- Livestock:** Horses, cattle, sheep, goats, mules, donkeys, hogs, rabbits, fowl and/or poultry, and other hooved animals.
- 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.
- Lot of Record:** Any parcel of land which is separately described in a document filed with the Lapeer County Register of Deeds.
- Lot Area:** The total horizontal area within the lot lines of a lot.
- Lot Lines:** The lines bounding a lot as defined herein:
- A. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the road/street. In the case of a double-frontage lot, is the line separating said lot from both roads/streets. In the case of a corner lot, it is the line separating the narrower of the two (2) lot lines.
 - B. **Rear Lot Line:** That lot line opposite the front lot line.
 - C. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road/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.
- Master Plan:** North Branch Master Plan, subarea plans, and amendments.

- Mobile Home:** (Includes house trailer, trailer coach, and double-wide mobile homes.) A structure that is transportable in one (1) or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreation vehicles shall not be deemed to be mobile homes.
- Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home
- Mobile Home Site:** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- Modular Home:** A pre-manufactured single-family dwelling of wooden 2- by 4-inch or 2- by 6-inch construction, with a shingled roof, meeting the requirements of the Building Code and placed on a permanent foundation. A mobile home or double-wide mobile home shall not be deemed a modular home.
- Mural:** A work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as commercial advertising. Embellishments to or decoration of architectural elements are not considered a mural. Notwithstanding the above definition, a mural may contain bona fide historic recreations of vintage advertising.
- Onsite:** Within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.
- Parking Space:** An area of not designated for the parking of a 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.
- Planning Commission:** The duly appointed Planning Commission of North Branch Township, as authorized by Michigan Public Act 33 of 2008.
- Racking:** Racking is any structure or building material used in the mounting of a solar panel.
- Recreation Vehicles:** (Including travel trailers, truck campers, and motor homes.) Vehicular-type portable structures primarily designed as temporary living accommodations for recreation camping or travel use. These vehicles can be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a Special Transportation Permit for travel.
- Setback:** The distance between the principal building and the centerline of the roadway or lot lines, except open porches and other structures permitted to encroach into the setback. The

Figure 2-4: Setback Illustration



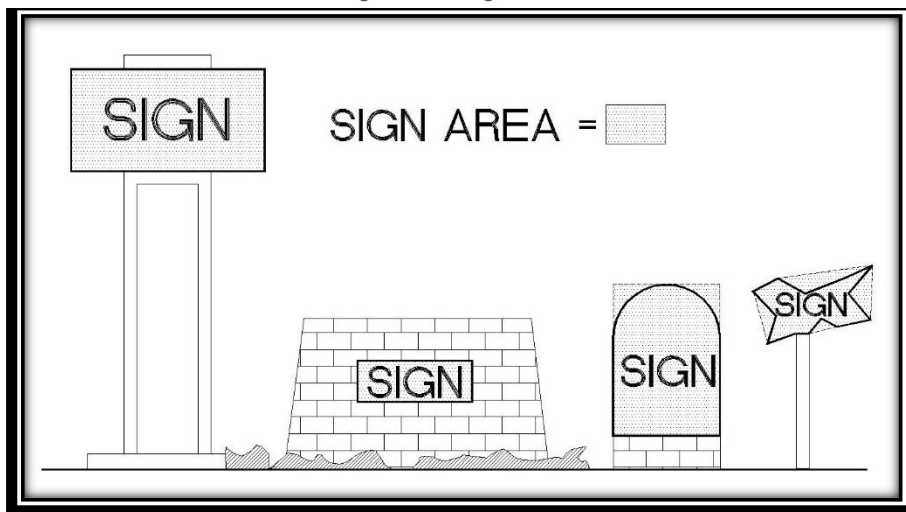
setbacks along a roadway shall be measured from center of the road's right-of-way. Other setback requirements shall be measured from the lot line. (See Figure 2-4)

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sign/Marquee/Billboard: Any device designed to inform, advertise, or attract attention.

Sign Area: The total of the surface of one side of a sign, computed in square feet. The total shall be determined by multiplying the total height of the sign surface by the total width of the sign. (See Figure 2-5)

Figure 2-5: Sign Area



Sign, Permanent: Any sign designed or intended to be placed on a parcel of land of more than six (6) months.

Sign, Temporary: Any sign designed or intended to be placed on a parcel of land of less than six (6) months. Also, any sign which is not permanently attached to real estate in accordance with the construction requirements of the building code.

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.

Solar Panel: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

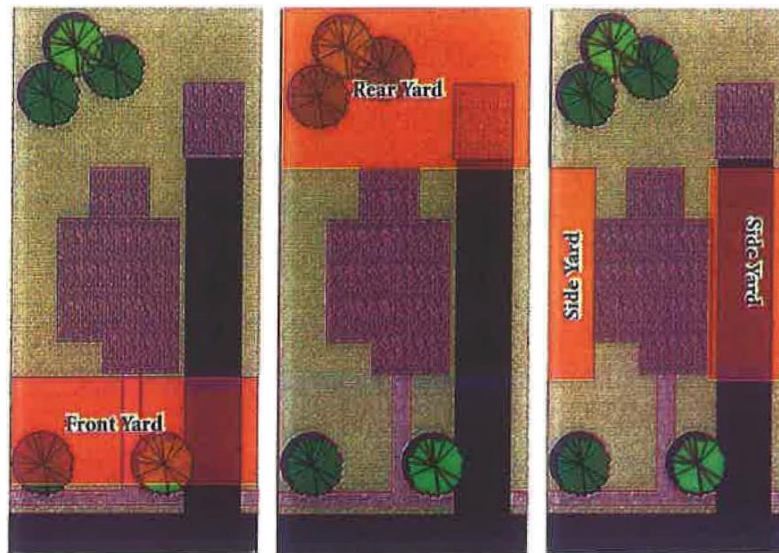
Solar Shingles: A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Structure: Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six (6) months shall be deemed to be permanently located within the meaning of this definition.

Structural Alterations: Restoration of a building to its original condition. Additional or major alterations shall not be deemed to be "repairs".

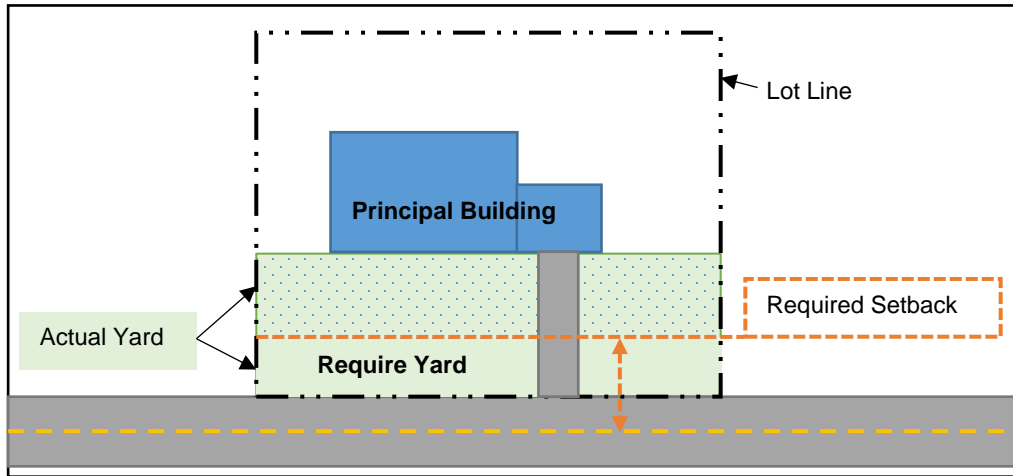
- Swimming Pool:** The term "swimming pool" shall mean any artificial structure or container intended for swimming, above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.
- Temporary** A period of time that does not exceed 180 days.
- Township:** The Township of North Branch in the County of Lapeer.
- Township Board:** The duly elected or appointed governing board of the Township.
- Undeveloped State:** A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
- Use:** The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.
- Yard:** An open space of 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 it unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- Yard, Front:** A yard on the same lot with a building between the front line of the building and the front lot line and/or side street lot line and extending from one side lot line to the other side lot line. (See Figure 2-6)
- Yard, Rear:** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending to the other side lot line. (See Figure 2-6)
- Yard, Side:** A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard. (See Figure 2-6)

Figure 2-6: Yard Setback Areas



Yard, Required: This distance from the lot line to the required setback under the provision of this Ordinance. (See Figure 2-7)

Figure 2-7: Required Yard



Zoning Board of Appeals: The duly appointed Zoning Board of Appeals (ZBA) for North Branch Township.

Article 3 Scope

Section 3.01 Scope

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

Land on which existing buildings are located may not be divided so as to result in the buildings being located any closer to a lot line than the minimum setbacks permitted in Article 14.

Article 4 Administration

Section 4.01 Zoning Administrator

The Provisions of this Ordinance shall be administered by a Zoning Administrator; who shall serve under such terms at such rate of compensation as the Township Board may determine.

- A. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who may delegate his/her responsibilities to other employees, inspectors, or officials of the Township. The Zoning Administrator shall also:
1. Issue Zoning Permits.
 2. Make inspections to determine compliance with the permits.
 3. Respond to questions from citizens.
 4. Receive, investigate, and process all complaints and notify affected parties of the results of the investigation.
 5. Examine, record, and file applications and other documents.
 6. Conduct inspections related to Zoning Permits and site plans.
 7. Make recommendations regarding fee schedule.
 8. Provide staff support to Township Planning Commission, Zoning Board of Appeals, and Board on zoning matters.
 9. Provide formal reports to Township Board.

Section 4.02 Zoning Compliance Permits

A Zoning Compliance Permit shall be acquired from the Zoning Administrator before any construction is undertaken or any structure is moved within the Township and before any change in the use of any land, structure, or building is undertaken. A change in use shall be known as any change in the type of activity, product or service, or a parcel.

- A. **Application.** A Zoning Compliance Permit shall be applied for in writing on an application form provided by the Township.
- B. **Issuance.** A Zoning Compliance Permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance.
- C. **Private Covenants.** The Zoning Administrator shall not refuse to issue a Zoning Compliance Permit due to violations of private covenants, agreements, or deed restrictions.
- D. **Invalid Permits.** Any Zoning Compliance Permit issued in error or pursuant to an application containing any false statements shall be invalid and void.
- E. **Fees.** The amount of any fees charged for Zoning Compliance Permits or inspections shall be established by motion of the Township Board.

Section 4.03 Zoning Compliance Certificate Certificates for Existing Buildings

- A. Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for a building or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity, including but not limited to use type, use intensity, structures, and dimensions.

Article 5 Zoning Districts

Section 5.01 Districts

The Township is hereby divided into the following Zoning Districts:

AR	Agricultural Residential
R	Single-Family Residential
RM	Multiple-Family Residential
C	Commercial
I	Industrial

Section 5.02 Map

The boundaries of the zoning districts are drawn upon the map attached to this Ordinance and made a part hereof. The map shall be designated as the Township Zoning Map.

A. Rules for Interpretation of Official Zoning Map:

1. Where the boundaries follow streets or highways, the centerline of the street or highway shall be the boundary line or lines.
2. Where the boundaries follow the shore line of a stream, lake, or other body of water, such shall follow such shore line, and in the event of change in the shore line, such shall be the actual shore line; where boundaries follow the centerline of streams, rivers, canals, or other bodies of water, such shall follow the centerlines thereof.
3. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
4. A boundary indicated as following the municipal boundary line of a Village or Township shall be construed as following such line.
5. A boundary indicated as following a railroad line shall be construed as following the right-of-way.
6. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
7. A distance specifically indicated on the official zoning map shall be assumed to be the correct distance in question.

Should the above not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the standards.

Section 5.03 Principal Uses Permitted

All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "principal uses permitted" are prohibited in that district, unless they are listed as "uses permitted after special land use" in the district.

Section 5.04 Uses Permitted After Special Land Use

All uses of land or structures listed as "uses permitted after special land use" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article 16.

Section 5.05 Area, Setback, and Height

All uses or land or structures shall comply with the area, setback, and height requirements of Article 14, for the Zoning District in which they are located, unless different requirements are specified as a condition for a use permitted after special land use.

Section 5.06 Table of Uses

The below table is utilized to see based on use which districts each use is permitted by right or requires uses permitted or by special land use.

Table 5-1: Table of Uses		AR	R (SFR)	RM	C	I
Key: P = Permitted SLU = Special Land Use						
Agricultural Uses						
Agri-Business	P/SLU					
Animal Raising	P	P				
Dog Kennels	SLU					
Excavating	SLU					
Farms, Farm Buildings, and Farm Uses	P	P				
Golf Courses	P	P	P			
Landing Strips	SLU					
Rooming Houses, Boarding Houses, and Tourist Homes	SLU	SLU	SLU			
Shooting Ranges and Gun Clubs (Public and Private)	SLU					
Residential Uses						
Adult Foster Care Family Homes, Adult Foster care Small Group Homes (1-6), Foster Care Homes	P	P	P			
Adult Foster Care Large Group Homes (7-12) and (13-20)	SLU	SLU	SLU			
Cluster Housing and Open Space	SLU					
Family Day Care Home (1-6)	P	P	P			
Group Day Care Home (7-12)	SLU	SLU	SLU			
Home Occupations: Class 1	P	P				
Home Occupations: Class 2	SLU	SLU				
Housing for Temporary Farm Labor	SLU					
Mobile Home Parks			SLU			
Multiple-Family, Two-Family			P			
Single-Family Dwellings	P	P	P			
Temporary Dwelling	P	P				
Home for the Aging	SLU		SLU			
Institutional Uses						
Crematorium				SLU	SLU	
Hospitals, Convalescent Homes			P			
Nursery School and Day Care Centers			P			
Public or Parochial Schools and Related Educational Facilities	P	P	P			
Publicly or Privately Owned Children Play Areas	P					
Publicly Owned Buildings or Facilities	P					
Publicly Owned Parks and Conservation Areas	P					
Publicly Owned Parks and Recreational Facilities		P	P			
Recreation Areas and Campgrounds	SLU					
Religious Institutions and Cemeteries	P	P	P			
Schools			P	P		
Commercial Uses						
Any retail business which sells or rents merchandise within a completely enclosed building				P		

Table 5-1: Table of Uses	AR	R (SFR)	RM	C	I
Key: P = Permitted SLU = Special Land Use					
Financial Institution				P	
Funeral Homes and Mortuaries				P	
Hotels and Motels				P	
Indoor Recreational Facilities				P	
Open Air Businesses				SLU	
Personal Service Establishments				P	
Professional and Business Offices				P	
Private Clubs, Lodges, Auditoriums, Catering Halls, and Wedding Barns			P	P	
Repair, Service, or Storage Facilities for Automobiles, Trucks, Construction Equipment, Farm Machinery, and Similar Equipment	SLU			SLU	P
Repair Shops				P	
Drive-Thru Facility				SLU	
Industrial Uses					
Warehousing, Indoor Storage, or Wholesale Facilities					P
Automobile or Machinery Repair Facilities					P
Factories Engaged in Manufacturing, Assembling, Machining, or Other Industrial Production					SLU
Laboratories					SLU
Sanitary Landfills, Sewage Treatment Plants, or Incineration Facilities					SLU
Truck Terminals, Railroad Yards, and Airports					SLU
Mini Storage Facilities and Outdoor Storage of Recreational Vehicles and the like					SLU
Acid manufacture; cement, lime gypsum or plaster of paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain or wood; drilling for/or removal of oil, gas, or other hydro carbon substances; explosives manufacture or storage, fat rendering; fertilizer manufacture; junk yard; smelting of ores; stock yard or slaughter of animals; tannery; or any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise; or which may impose a hazard to health or property					SLU
Other Uses					
Buildings, Structures, and Uses which are Accessory to Any of the Above Permitted Uses	P	P	P	P	P
Communication Towers	SLU	SLU	SLU	SLU	SLU
Private Wastewater Treatment Facility	SLU	SLU	SLU	SLU	SLU
Solar Energy Facility Roof-Mounted Onsite	P	P	P	P	P
Solar Energy Facility Structure-Mounted Onsite	SLU	SLU	SLU	SLU	SLU
Solar Energy Facility Ground-Mounted Onsite	SLU	SLU	SLU	SLU	SLU
Commercial Solar Energy System	SLU				SLU

Section 5.07 Table of Use Design Requirements

The below table is utilized to see based on each use what the definition, parking requirements, and other design requirements. All uses or land or structures shall comply with the area, setback, and height requirements of Article 14, for the Zoning District in which they are located, unless different requirements are specified as a condition for a use permitted after special land use.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Agricultural Uses			
Agri-Business		See Section 5.08	See Section 5.08 Agri-Business (Value Added Farming Operations).
Animal Raising	<p>A branch of agriculture for the raising or nurturing and management of animals, including breeding, pasturing, ranching, and sales of animals. This includes the keeping of domestic animals and exotic animals.</p> <p>Any animal that produces hair or fur. This would include cattle, calves, horses, mules, swine, sheep, goats, and other similar animals.</p>	N/A	<p>A. All animals shall be adequately housed and maintained as to not create a nuisance.</p> <p>B. All gates and fences where the animals are enclosed much have self-closing latches in which to lock may be placed.</p>
Dog Kennels	Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.	One (1) space per employee and one (1) space per five (5) kennels.	<p>A. All animals shall be adequately housed, fenced, and maintained so as not to create a nuisance.</p> <p>B. All gates on fences where the animals are enclosed must have a self-closing latch to which a lock may be placed.</p> <p>C. All pens and runaways shall be screened from view from all directions either by the building or greenbelt plantings. Kennels shall also have restrictive fencing at least six (6) feet in height.</p> <p>D. Kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred and fifty (150) feet from the road.</p> <p>E. All dogs within a kennel shall be vaccinated by a licensed veterinarian for rabies. Each kennel owner shall submit the vaccination record showing record of the date of the vaccinations and tag numbers along with their yearly report.</p> <p>F. The owner of any kennel approved under this Section shall file a report with the Township Clerk in May of each year documenting the number of animals on the premises and certifying compliance with all Ordinance and approval requirements.</p> <p>G. The Planning Commission shall restrict or limit the number of animals for each kennel.</p> <p>H. The Planning Commission shall, to ensure strict compliance with any regulations or required conditions of a permit for kennels, require the permitted to furnish a bond in an amount determined by the Planning Commission to be reasonably necessary to ensure compliance.</p>
Excavating	The removal of sand, clay, gravel, soil, or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located that includes mining and quarrying activities.	One (1) space per employee of the largest shift, plus one (1) space per facility vehicle.	Shall be subject to the provisions of the North Branch Mining/Soil Removal Ordinance, being Ordinance #28, as amended.
Farms, Farm Buildings, and Farm Uses	The land, plants, animals, buildings, structures including ponds used for agricultural or aqua cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.		<p>The construction or conversion of any building, permanent or temporary, on a farm property which is intended to be used for entry by the public and specifically for the sale of goods and materials grown on site, as well as commercial goods not grown on the site, shall be reviewed by the Township Planning Commission under the requirements for special land use approval. The Planning Commission shall ensure that adequate pedestrian access has been provided to all necessary parking areas, that adequate parking has been provided, that safe ingress and egress to and from the parking and building has been provided, that appropriate screening has been provided as necessary, among others.</p> <p>The construction or use of an accessory building, permanent or temporary, for the growing or raising of plants, vegetables, and the like for either private use or traditional farm sales, (not including commercial goods not grown on site) shall be reviewed by the Township Building and Zoning Official. The Building and Zoning Official shall ensure that all applicable building and zoning codes have been met. The farm uses include, but is not limited to, the re-establishment of crop production, even if it was once abandoned.</p>
Golf Courses	A lot or portion of a lot used for the playing of golf and shall include pitch and putt courses but shall not include driving ranges, miniature golf courses, or other similar commercial enterprises.	Five (5) parking spaces required for each hole on a golf course.	None.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Landing Strips	The paved surface of the airport landing strip.	One (1) space per employee of the largest shift, plus one (1) space per facility vehicle.	Must be for private use and only for the landowner.
Shooting Ranges and Gun Clubs (Public and Private)	An area or structure specially designed for the safe discharge and use of firearm and archery for sport shooting or Military/Law enforcement training.	One (1) space per three (3) persons allowed at maximum occupancy load, as established by Township, County, or State fire, building, or safety codes.	<p>A. Every shooting range shall be constructed and maintained in accordance with nationally recognized safe practice standards set forth by the National Rifle Association. Each range shall be of sufficient size and appropriate design to permit the discharge of firearms without endangering the safety of persons within the velocity area of the various firearms utilized.</p> <p>B. Every shooting range shall be posted with signs that indicate the areas as a shooting range. Adequate backstops, bench rests, baffles, and necessary safety features shall be provided. There shall be a greenbelt, or an open area not used for shooting along the perimeter of the shooting range. Such greenbelt or open space shall be a minimum of two hundred (200) feet in width.</p> <p>C. The commission shall consider safety and noise factors and methods of minimizing related problems.</p> <p>D. There shall be no shooting between the hours of 7 p.m. and 9 a.m.</p> <p>E. The application shall be accompanied by plans and drawings showing the area of land, shooting areas, and the backstops or buildings to be used.</p> <p>F. Trap and skeet shooting should be established under the rules and regulations of the Michigan Trap and Skeet Association.</p>
Residential Uses			
Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (1-6)	An adult foster care facility with the approved capacity to receive no more than six (6) adults to be provided with foster care.		A. Facility is licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) as permitted by Act 218 of 1979.
Adult Foster Care Large Group Homes (7-12) and (13-20)	An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twenty (20) adults to be provided with foster care.		A. Facility is licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) as permitted by Act 218 of 1979.
Cluster Housing and Open Space	A form of planned residential development that concentrates buildings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation, common open space, or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity.	Two (2) spaces for each dwelling unit.	See Section 5.09 Cluster Housing and Open Space.
Family Day Care Home (1-6)	A private home in which at least one (1) but less than seven (7) minor children are received for care or supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that give care to an unrelated minor child for more than four (4) weeks during a calendar year.		A. Facility is licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) as permitted by Act 116 of 1973.
Group Day Care Home (7-12)	A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.		A. Facility is licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) as permitted by Act 116 of 1973.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Home Occupations: Class 1	<p>An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes that complies with the provisions of this Ordinance and which there is no obvious visual or operational characteristics that indicate the use is being conducted other than a permitted sign.</p> <p>Not to exceed a floor area of 300 square feet in space.</p>	One (1) space plus those required for single-family residence.	<p>A. The home occupation shall be conducted in an existing building with no structural alterations or construction to accommodate such occupation. Any changes requested after approval which involves the home occupation must be approved by the Planning Commission.</p> <p>B. The home occupation may involve one (1) employee who is other than immediate family residing on the premises.</p> <p>C. The home occupation must be suitable with the existing use of surrounding properties in the immediate area:</p> <ol style="list-style-type: none"> 1. Beauty shops, woodcrafts, etc. may be suitable for both Ag/Res and Residential areas as long as no more than normal traffic was created and normal parking was not exceeded. 2. Welding, farm machinery and auto repair, etc. may be suitable in the Ag/Res districts not heavy to residential use. A minimum of two (2) acres is required. <p>D. Home occupations shall be reviewed individually to determine if the use fits in with the surrounding use of properties.</p> <p>E. All home occupations must have a site plan approval by the Planning Commission and be granted a Zoning Permit.</p> <p>F. An affidavit must be presented annually to the Township stating the current status of the home occupation and certifying compliance with all Ordinance and Planning Commission requirements.</p> <p>G. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal and not to exceed Federal guidelines or be offensive to the surrounding area.</p> <p>H. If a home occupation cannot meet the criteria of this Ordinance, a request shall be denied, and the home occupation must cease to operate in a time limit set by the Planning Commission.</p> <p>I. At-home occupations may be advertised by only one sign, which shall not exceed four (4) square feet and shall not be illuminated. The sign must be located on the same premises as the home occupation.</p> <p>J. No outdoor storage shall be allowed.</p>
Home Occupations: Class 2	<p>An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes that complies with the provisions of this Ordinance and has visual or operational characteristics that indicate the use is being conducted.</p>	Determined by the Planning Commission at time of Special Land Use (SUP) approval.	<p>A. The home occupation shall be conducted in an existing building with no structural alterations or construction to accommodate such occupation. Any changes requested after special land use approval which involves the home occupation must be approved by the Planning Commission.</p> <p>B. The home occupation may involve one employee who is other than immediate family residing on the premises.</p> <p>C. The home occupation must be suitable with the existing use of surrounding properties in the immediate area.</p> <p>D. Home occupations shall be reviewed individually to determine if the use fits in with the surrounding use of properties.</p> <p>E. All home occupations must have a site plan approval by the Planning Commission and be granted a Zoning Permit.</p> <p>F. An affidavit must be presented annually to the Township stating the current status of the home occupation and certifying compliance with all Ordinance and Planning Commission requirements.</p> <p>G. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal and not to exceed Federal guidelines or be offensive to the surrounding area.</p> <p>H. If a home occupation cannot meet the criteria of this Ordinance, a request shall be denied, and the home occupation must cease to operate in a time limit set by the Planning Commission.</p> <p>I. At home occupations may be advertised by only one (1) sign, which shall not exceed four (4) square feet and shall not be illuminated. The sign must be located on the same premises as the home occupation.</p> <p>J. No outdoor storage shall be allowed.</p>

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
<p>Housing for Temporary Farm Labor</p>	<p>Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed, and the premises upon which they are situated.</p>	<p>Two (2) spaces for each dwelling unit.</p>	<p>A. A farm on which the farm labor housing is proposed to be located must demonstrate a legitimate need for temporary farm labor to be housed on the farm.</p> <p>B. The farm labor housing must fully comply with the Agricultural Labor Camp rules issued by the Michigan Department of Public Health.</p> <p>C. Any housing for temporary farm labor approved under this Section shall be occupied only by the temporary farm laborers and shall not be used for any other residential purposes. In no event shall the housing be occupied more than five (5) months during any one (1) calendar year.</p> <p>D. Any housing used under this Section shall contain no less than seven hundred and twenty (720) square feet of living area. Mobile Homes must meet footage requirements prior to any alterations or additions.</p> <p>E. In the event that a mobile home is used for the temporary farm housing, the foundation supports may consist of pillars rather than a full foundation. In the event that cement pillars are utilized, a full skirting shall be placed on the mobile home consisting of aluminum, brick or other non-combustible material. Any skirting shall extend from the ground to the edge of the mobile home and shall completely surround the mobile home.</p> <p>F. Any structure utilized for temporary farm housing shall be subject to all Building Permits and inspection requirements. A written yearly report shall be filed with the Township offices before occupancy each year to include copies of State approvals.</p> <p>G. The single-family dwelling requirements within this table of the Zoning Ordinance shall not be applicable to temporary farm housing constructed under this Section.</p> <p>H. In the event that any temporary farm labor housing is no longer used for that purpose, the ZBA shall determine it is abandoned shall follow steps outlined in this Ordinance:</p> <p>I. If the Zoning Administrator identifies any temporary farm labor housing that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment.</p> <p>J. The ZBA shall hold a public hearing, following notice as required in Section 16.02 in this Zoning Ordinance.</p> <p>K. The ZBA shall be determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:</p> <ol style="list-style-type: none"> 1. Reports such as from the building inspection, health department, or local, County, or State government files or records indicating the property is or has not been suitable for occupation. 2. Disconnection of utilities. 3. Evidence that the use was relocated to a new site. 4. The use has been discontinued for two (2) years, 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. 5. Removal of the equipment or fixtures necessary for the operation of the temporary farm labor housing. 6. Request by the property owner for changes in their property tax designation inconsistent with the temporary farm labor housing. 7. Other actions by the property owner or lessee that demonstrates an intent to abandon the temporary farm labor housing.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Mobile Home Parks	<p>Mobile Home Parks: Any parcel of land which has been designed, improved, or used for the placement of three (3) or more mobile homes for dwelling purposes.</p> <p>Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.</p> <p>Mobile Home: (Includes house trailer, trailer coach, and doublewide mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels as one or more parts. This includes all units which could be licensed as mobile homes under the provisions of Michigan Statutes. Recreation vehicles shall not be deemed to be mobile homes.</p>	Mobile Homes requirements are preempted by the Mobile Home Commission Act.	<p>A. Minimum site size of twenty (20) acres</p> <p>B. Minimum recreation area of one (1) acre.</p>
Multiple-Family and Two-Family	<p>Dwelling, Multiple: A building used or designated as a residence for three (3) or more families</p> <p>Dwelling, Two Family: A detached building, designed for or occupied exclusively by two (2) families living independently of each other such as a duplex dwelling unit.</p>	Two (2) parking spaces per each dwelling unit.	None.
Single-Family Dwellings	An entire building, including a mobile home, designed for or occupied exclusively by one (1) family.	Two (2) parking spaces per each dwelling unit.	<p>A. Minimum size. Each dwelling shall contain the minimum number of square feet specified in Article 14 prior to any alterations or additions. Each dwelling shall be at least twenty-four (24) feet wide in all directions.</p> <p>B. Foundation. Each dwelling shall be attached to a permanent and continuous foundation, constructed on the site, in accordance with the Building Code adopted by North Branch Township. Each dwelling shall be securely anchored to the foundation.</p> <p>C. Storage Facilities. Each dwelling shall have either a basement, garage, or storage building containing at least two hundred (200) square feet of storage area constructed at the same time as the dwelling.</p> <p>D. Roof. Each dwelling shall have a roof with no less than a true 4:12 pitch. This requirement shall not apply to bermed dwellings.</p> <p>E. Construction Code. Each dwelling shall comply with the applicable standards of the Building Code adopted by North Branch Township.</p> <p>F. One (1) dwelling unit shall be permitted on each parcel.</p> <p>G. One hundred (100) additional square feet required for each bedroom beyond the first single family dwellings. Basement area shall not be considered as part of the minimum square footage.</p>
Temporary Dwelling	A space, measured by floor area, which is enclosed by walls (solid, windows, or screens) and covered by a roof, and is measured for each story of a multi-story structure, but does not include basements or garages where the occupant will only live in the dwelling unit for no more than six (6) months at a time.	Two (2) spaces for each dwelling unit.	<p>A. The Zoning Administrator may grant approval for a single temporary dwelling on a site in the instance that new construction or reconstruction is necessary as a result of fire or other force of nature. The issuing of approval of a temporary dwelling shall only be permitted if a Building Permit has been issued for the construction of the principal residence, adequate assurance has been obtained that the temporary dwelling will be removed upon the completion of the main residence, the method of servicing the temporary dwelling with water and sanitary services has been secured, all applicable setbacks have been met, and all other necessary permits have also been obtained.</p> <p>B. To assure the removal of the temporary dwelling, a cash bond or other acceptable financial surety shall be provided to the Township. The amount of the bond or financial surety shall be a minimum of \$5,000 and may be increased by the Zoning Administrator based upon a determination that additional monies are necessary based on the size and configuration of the building.</p> <p>C. The length of occupancy shall be valid up to six (6) months and may be extended by the Zoning Administrator for a period up to six (6) months upon written request by the homeowner. Any additional requests for extensions beyond the initial six (6) months shall require an application to the Zoning Board of Appeals.</p>
Home for the Aging	An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.	One (1) space for each two (2) rooms plus one (1) space for every employee on the largest working shift.	<p>A. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.</p> <p>B. Site access is required on a paved County Primary Road.</p> <p>C. The minimum setback from all property lines is fifty (50) feet.</p>

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Commercial Uses			
Any retail business which sells or rents merchandise within a completely enclosed building	The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.	Retail establishment, except as otherwise specified herein: One (1) parking space per one hundred (100) square feet of usable floor space Furniture, appliances, and household equipment repair shops, showroom of a plumber decorator, electrician, or similar trade, laundry, motor vehicle salesroom, hardware stores, wholesales stores, and machinery sale: One (1) parking space per six hundred (600) square feet of usable floor area, plus two (2) employees.	None.
Drive-thru Facility (excluding restaurants and taverns)	An establishment that dispenses products or services to patrons who remain in vehicles.	One (1) space for each employee on the largest shift, plus sufficient area for eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window.	None.
Drive-thru Facility as an Accessory Use to Restaurants and Taverns	An accessory to a restaurant or tavern establishment that dispenses food and drink products to patrons who remain in vehicles.	Minimum of forty (40) spaces for drive-in restaurants.	None.
Financial Institution	Any building wherein the primary occupation is concerned with such Federal or State-regulated businesses as banking, savings and loans, loan companies, and investment companies.	One (1) parking space per two hundred (200) square feet of usable floor area. Each teller window for drive in banks.	None.
Funeral Homes and Mortuaries	A facility in which dead bodies are prepared for burial or cremation and where funeral services may be conducted.	One (1) space per four (4) seats, plus one (1) space per two (2) employees.	None.
Hotels and Motels	A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy.	One (1) parking space per each guest bedroom and each two (2) employees.	None.
Indoor Recreational Facilities	An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.	One (1) space per three (3) persons allowed at maximum occupancy load, as established by Township, County, or State fire, building, or safety codes.	None.
Open Air Businesses	A business including the sales or display of retail merchandise or services partially or completely outside of a permanent structure, such as drive-in theaters, race tracks, used car sales, farm machinery sales, fruit markets, livestock sale yards, or any retail business activities.	One (1) space for each employee, plus one (1) space for each two hundred (200) square feet stands of actual permanent or temporary area devoted primarily to sales area.	None.
Personal Service Establishments	Establishments with individual services such as laundromats, barber shops, beauty shops, dry cleaning establishments, and other similar personal service establishments.	Barber shops and beauty parlors: Three (3) parking spaces per each barber or beauty operator. Other Personal Service Establishments: One (1) parking space per two-hundred fifty (250) square useable feet of floor area.	None.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Private Clubs, Lodges, Auditoriums, and Catering Halls	<p>Private Club: Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically excluding golf courses.</p> <p>Auditoriums: Building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.</p> <p>Catering Halls: A facility or hall available for lease by private parties.</p>	One (1) parking space per two (2) seats based upon maximum seating capacity in the main place one (1) space for every two (2) employees.	None.
Professional and Business Offices	Work done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants.	One (1) parking space per two hundred (200) square feet of usable floor area. One (1) space per each teller window or drive up ATM for drive through banks, and two (2) stacking spaces per each teller window or drive up ATM for drive-thru.	None.
Repair, Service, or Storage Facilities	An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, construction equipment, farm machinery, 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.	<p>Automobile service stations: One (1) parking space per each gasoline pump and lubrication stall.</p> <p>Service garages, auto salesroom, auto repair, collision or bumping shops, carwash establishments: One (1) parking space per two hundred (200) square feet of usable floor area, plus one (1) space for each two (2) employees plus two (2) spaces for each auto service space.</p>	None.
Repair Shops	Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, furniture repair, or repair of musical instruments.	One (1) parking space per six hundred (600) square feet of usable floor area, plus two (2) employees.	None.
Restaurants and Taverns	A commercial establishment in which the principal use is the preparation and sale of food and beverages.	Fifty (50) square feet of usable floor area, plus one (1) space for each four (4) employees. Designate an additional two (2) parking spaces minimum for "curb side" to go, when applicable.	None.
Industrial Uses			
Acid Manufacture; cement, lime gypsum or plaster of paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain or wood; drilling for/or removal of oil, gas, or other hydro carbon substances; explosives manufacture or storage, fat rendering; fertilizer manufacture; junk yard; smelting of ores; stock yard or slaughter of animals; tannery; or any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise; or which may impose a hazard to health or property	Not permitted.	Not permitted.	Not permitted.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Automobile or Machinery Major Repair Facilities	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.	One (1) parking space per two hundred (200) square feet of usable floor area, plus one (1) space for each two (2) employees plus two (2) spaces for each auto service space.	None.
Factories Engaged in Manufacturing, Assembling, Machining, or Other Industrial Production	The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.	One (1) parking space per one (1) and one-half (1½) employees computed on the basis of the greatest number of persons employed at any one (1) period during the day.	None.
Laboratories	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 for each two hundred (200) square feet of floor area.	None.
Mini Storage Facilities and Outdoor Storage of Recreational Vehicles and the Like	The short-term or long-term parking or storage of motor vehicles by employees rather than customers, equipment, products, and materials outside an enclosed building, but not for the purpose of outdoor sales display.	One (1) space per employee per shift, plus one (1) per two hundred (200) square feet of floor area used for office purposes.	None.
Sanitary Landfills, Sewage Treatment Plants, or Incineration Facilities	A method disposing of nonhazardous waste refuse or material into the land without creating a nuisance or hazard to public health and safety.	One (1) space per employee of the largest shift, plus one (1) space per facility vehicle.	None.
Truck Terminals, Railroad Yards, and Airports	<p>Airport: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.</p> <p>Railroad Yard: A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.</p> <p>Truck Terminals: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate shipment by motor truck.</p>	One (1) space for each six hundred (600) square feet of gross floor area.	None.
Warehousing, Indoor Storage, or Wholesale Facilities	The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities.	One (1) parking space per each employee or one space for every seventeen hundred (1,700) square feet of floor space whichever is greater.	None.
Institutional Uses			
Cemeteries	Land used for the burial of the dead, and dedicated for cemetery purposes, excluding crematories.	None.	None.
Crematorium	A location containing properly installed, certified apparatus intended for use in the act of cremation.	One (1) space per employee, plus four (4) for the public. One (1) loading space is required.	None.
Hospitals and Convalescent Homes	<p>Hospitals: An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Includes sanitariums.</p> <p>Convalescent Homes: A facility that provides nursing services and custodial care on a twenty-four (24)-hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.</p>	One (1) parking space per each guest bedroom and each two (2) employees.	None.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Publicly Owned Parks, Recreational Facilities, and Conservation Areas	<p>Park: Any public land available for recreational, educational, cultural, or aesthetic use.</p> <p>Conservation Areas: Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.</p>	As determined by the applicant and Zoning Administrator.	None.
Public or parochial schools and related educational facilities	<p>Schools: 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.</p>	One (1) parking space per two (2) teachers, employees or administrators in addition to the requirements of the auditorium or assembly hall therein which are shown on page 5-9.	None.
Publicly Owned Buildings or Facilities	Any building held, used, or controlled exclusively for public purposes by any department or branch of government, State, County, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.	One (1) space for every five hundred (500) square feet of floor area, plus one (1) space for each employee.	None.
Nursery School and Day Care Centers	Any facility operated for the purpose of providing care, protection, and guidance to ten (10) or more individuals during only part of a twenty-four (24)-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four (24)- hour period.	One (1) space per teacher / employee on the largest shift, plus one (1) space per six (6) students or off-street waiting spaces to accommodate at least six (6) automobiles.	None.
Recreation Areas and Camp Grounds	<p>Campgrounds: Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.</p>	One (1) space per employee on the largest shift, plus one (1) space per camp vehicle normally parked on the premises, plus one (1) visitor parking space per each, provided that no fewer than five (5) such spaces shall be provided.	<p>A. Minimum site size shall be forty (40) acres.</p> <p>B. All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines and roads.</p> <p>C. All activities shall be adequately screened from abutting property.</p> <p>D. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.</p> <p>E. Other requirements</p> <ol style="list-style-type: none"> 1. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate. 2. Camp grounds shall also be subject to the following: <ol style="list-style-type: none"> i. The number of trailer or camp sites shall be no more than fifteen (15) per gross acre. The minimum area of any space for a travel trailer shall not be less than twelve hundred (1200) square feet with no dimension less than thirty (30) feet. ii. Parking of a camper, travel trailer, recreation vehicle or erection of a tent shall be limited to not more than thirty (30) days. iii. The travel trailer park shall have a central water supply system with potable water under pressure piped to within five hundred (500) feet of each campsite. iv. An enclosed toilet and sewage facility approved by the Health Department with hot and cold running water available therein shall be provided. v. No recreational vehicle, tent, or travel trailer shall be allowed within the park except upon an approved camper site. vi. A minimum of twenty-five (25) percent of the total campground shall be reserved for recreation purposes or open spaces. <p>F. No person shall occupy any camper within the Township for more than thirty (30) days within any calendar year unless approval has been granted pursuant to in this table under Temporary Dwellings. This limitation shall not apply to campers located within properly zoned and approved campgrounds.</p>
Religious Institutions	A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.	One (1) parking space per two (2) seats based upon maximum seating capacity in the main place one (1) space for every two (2) employees.	None.

Table 5-2: Table of Uses Design Requirements	Definitions	Parking	Design Standard
Rooming Houses, Boarding Houses, and Tourist Homes	A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly.	One (1) parking space per each guest bedroom and each two (2) employees.	None.
Schools	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.	One (1) parking space per two (2) teachers, employees, or administrators in addition to the requirements of the auditorium or assembly hall therein.	None.
Other Uses			
Buildings, Structures, and Uses which are Accessory to Any of the Above Permitted Uses	<p>Accessory Building: A building relating to the main use of the premises or to an accessory use.</p> <p>Accessory Use: A use naturally and normally incidental and subordinate to the main use of the premises.</p>		See Section 5.10 Detached Accessory Building/Structure.
Communication Towers	A mast, pole, monopole, guyed, or freestanding framework, or other vertical elements that act as an antenna or to that an antenna is affixed or attached.		See Section 5.11 Communication Towers.
Private Wastewater Treatment Facility	Private waste water treatment utilities, as defined by the State, servicing more than one (1) residence, may be permitted as a special land use by the Planning Commission.	One (1) space per employee.	As a part of the special land use review process, the Planning Commission may require appropriate engineering studies, permits, reports, and information which assure that the construction, operation or discharge from such a utility will not have a detrimental effect on the Township. Further, the Township may require financial guarantees to ensure the appropriate long-term operation and maintenance of such a utility.
Public Services	Any improvement facility or service, together with its associated public site or right-of-way, necessary to provide transportation, drainage, public or private utilities, energy, or similar essential services.	One (one) space for each employee on the maximum work shift.	Facilities provided by any utility company or by the Township government shall be permitted in all zoning districts. Facilities permitted by this Section shall include transmission lines, sewers, mains, pumping stations, sub-stations, towers, poles, and related equipment, except for uses involved in improvements to the right-of-way. Any buildings erected shall be subject to the site plan review requirements of Article 15. Any office, warehouse, manufacturing, or sales building must be located in a zoning district permitting that use.
Solar Energy Facility Roof-Mounted Onsite	A solar energy collector that is attached to a building's roof on the parcel of land the energy is to be provided to including solar shingles and solar panels.	N/A	See Section 5.12 Solar Energy Facility Roof-Mounted Onsite.
Solar Energy Facility Structure-Mounted Onsite	A solar energy collector attached to the wall of a building, or structure such as a fence or sign on the parcel of land the energy is to be provided to.	N/A	See Section 5.13 Solar Energy Facility Structure- Mounted Onsite.
Solar Energy Facility Ground-Mounted Onsite	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	See Section 5.14 Solar Energy Facility Ground- Mounted Onsite.
Commercial Solar Energy System	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.	One parking space per employee on the largest working shift.	See Section 5.15 Commercial Solar Energy System.

Section 5.08 Agri-Business (Value Added Farming Operations)

A. Intent.

The Township recognizes the need for farming and its ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further, to maintain the remaining farms within the Township, it may be necessary to allow ancillary uses connected with the typical farm and farm operations. This Section of the Ordinance is intended to provide a mechanism to allow value added farming while protecting the long-term interests of the Township. As part of the approval process, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. These methods may include tax records, enrollment in State or Federal programs, or other acceptable means. Bona fide farms shall not be subject to the full extent of the site plan review requirements set forth in this Ordinance due to the size and large frontage associated with these parcels. However, a site plan of all ancillary activity areas shall be provided and shall be subject to the site plan review and public hearing requirements for special land use approval as provided below.

B. Permitted Uses.

1. The following uses listed below shall be considered permitted uses in the Agricultural Zoning District on farms of any size and shall not require site plan or special land use approval unless otherwise noted:
 - a. Active farmland
 - b. Sale of agricultural products grown onsite (Farm Market or Stand).
 - c. Cider Mills or Wineries derived from produce grown primarily onsite [a minimum of fifty-five (55) percent grown onsite].
 - d. Bakeries selling baked goods containing produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
 - e. Children play areas (not including motorized vehicles or rides).
 - f. Petting Zoos (limited to farm animals such as horses, cows, pigs, chickens, ducks, sheep, goats, etc.) and pony rides. Animals typically viewed as exotic animals shall not be permitted as a part of a petting zoo.
 - g. Greenhouses that are under two-thousand (2,000) square feet.

For any of the permitted uses listed above which permit the general public within a building, a site plan shall be required to be submitted and all proper permits shall be required.

C. Uses Permitted After Special Land Use Approval.

The following uses may be determined acceptable as part of a bona fide farming operation only after special land use approval:

1. Animated Barns (fun houses, haunted house, or similar).
2. Gift Shops for the sale of crafts and antiques.
3. Kitchen Facilities (only accessory to farm markets or cider mill activities).
4. Sale of ancillary goods not grown onsite.
5. Commercial greenhouses that are two-thousand (2,000) square feet or more.
6. Other uses not listed above as determined by the Zoning Administrator. If any question arises as to whether a use is a permitted use, a permitted use after special land use approval, or not permitted, the use shall be sent to the Planning Commission for their review and determination.

D. Minimum Site Requirements.

1. The above noted ancillary special land uses approval may only be considered for farms with a minimum land area of forty (40) acres or more. The Planning Commission may review and approve smaller farm sites for value added operations provided such operation can provide verification of

current farming activities. Further it is recognized that existing farms within the Township at the time of adoption of this Ordinance shall also qualify under this Ordinance, regardless of farm size.

2. Setbacks:
 - a. Front yard: The minimum requirements for that district.
 - b. Side yard: A minimum of fifty (50) feet.
 - c. Rear yard: A minimum of fifty (50) feet.
3. Pedestrian Circulation
 - a. Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area.
4. Parking
 - a. Permanent parking areas shall be provided for farm stands. Parking shall be provided at a rate of one (1) space for each seventy-five (75) square feet of farm stand area. Such parking areas shall be paved or gravel.
 - b. The applicant shall provide estimates for seasonal parking. Overflow parking areas shall be provided which can accommodate seasonal parking peaks. Such parking areas are not required to be paved or gravel. There shall be no parking within the road right-of-way.
 - c. Parking for other types of uses shall be provided as required by this Ordinance.
 - d. Parking shall be properly screened from adjacent residential uses.
 - e. No parking shall occur within the required side or rear yard setbacks.
5. Conditions
 - a. As a part of the special land use approval, the applicant shall provide an emergency reaction plan if the uses being proposed call for such.
 - b. All proper permitting and licensing records (as required) shall be submitted to the Township for their records.
 - c. Noise emanating from such use shall meet acceptable decibel requirements for the district in which the use is proposed.
 - d. Lighting shall be shielded downward away from adjacent residences.
 - e. No outdoor storage shall be permitted. All storage shall occur within existing buildings.
 - f. Non-agricultural sales or sales not grown on the subject farm shall not exceed fifteen (15) percent of the total sales of the farming operation. The Township may require verification that such requirement is being met.
 - g. Specific to organized event, meeting, or activity uses, upon approval of the Special Land Use of this nature, the North Branch Township Planning Commission reserves the right to set forth additional conditions on such permits. The following is a list of conditions that could be considered:
 - i. Verification of approval from other jurisdictions, such as the Fire Department, Building Official, Road Commission, Health Department, and other interested parties.
 - ii. Traffic Impact Statement as provided for in Section 11.14 even if it does not meet the threshold requirement in that Section.
 - iii. Additional landscaping requirements for buffering or screening.
 - iv. Dust control measures, as necessary.
 - v. Hours of operation set for activities and seasonal operating guidelines, as necessary.
 - vi. Certificate of Occupancy withheld or revoked due to non-compliance once in operation.

E. Signage

1. Permanent Signs

- a. One (1) permanent sign shall be permitted and shall not exceed sixteen (16) square feet in size.

2. Temporary Signs

- a. A total of one (1) temporary sign shall be permitted and shall not exceed sixteen (16) square feet in size.
- b. The temporary sign may only be displayed during the "selling season" for the good being advertised.

F. Exemptions

- 1. If insects, disease, or inclement weather result in the destruction of the crop(s) on site, the provisions of this Article regarding the sale of products on site shall be inapplicable for the calendar year in which the crop(s) were destroyed. Such destruction shall be verified, in writing, by the Michigan Department of Agriculture, a Michigan State University Extension Specialist or a Farm Service Agency Specialist as being greater than fifty-one (51) percent. A copy shall be provided to the Township upon request of the Township.
 - a. If, as a result of the insects, disease, or inclement weather event, fifty-one (51) percent of the crop will remain in a state of destruction or is rendered unproductive for subsequent years, the landowner may request temporary relief from the provisions of this Ordinance by applying to the Township Board of Trustees.
 - b. Such a request shall be considered by the Board of Trustees upon the submission of a written request; including but not limited to the landowner's plan for crop restoration and certification by the Michigan Department of Agriculture, a Michigan State University Extension Specialist or a Farm Service Agency Specialist that the crop destruction is greater than fifty-one (51) percent and will remain so for a specifically stated number of years.
 - c. The Township Board shall notify the landowner, in writing, of its decision within ninety (90) days from the date of the submission of the written request.

Section 5.09 Cluster Housing and Open Space

- A. **Open Space.** Land qualifying as open space shall be land set aside for recreation, conservation, or agricultural uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road rights-of-way, County drain easements, or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation, or agricultural purposes shall be prohibited.
- B. **Minimum Site Size.** The clustering of single-family dwellings may only be permitted on parcels of land containing at least ten (10) acres.
- C. **Open Space Minimum.** A single-family cluster development must preserve open space equal to a minimum of fifty (50) percent of the total area of the parcel on which the cluster housing is constructed.
- D. **Features to be Preserved.** In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - 1. Natural stands of large trees.
 - 2. Natural habitat for wildlife.
 - 3. Unusual topographic features.
 - 4. Productive farmland.
 - 5. Water or wetland areas.
 - a. **Maximum Number of Dwelling Units Allowed and Minimum Lot Area.** Within a cluster housing development, the Planning Commission may allow a dwelling unit density greater

than otherwise permitted in the AR Zoning District. The maximum number of dwelling units within a cluster housing development which may be allowed by the Planning Commission shall be an average of one (1) dwelling units per two (2) acres, based on the total land area of the parcel on which the cluster housing is constructed. The minimum lot area for each dwelling unit required in the AR Zoning District may be reduced by the Planning Commission to no less than one (1) acre to accommodate a cluster housing development.

- b. **Minimum Setbacks and Lot Width.** In areas approved for cluster housing, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following:
 - i. The minimum side yard and rear yard setbacks shall be at least fifteen (15) feet.
 - ii. The minimum lot width shall be at least one hundred (100) feet.
6. **Road Access.** All dwelling units within a cluster housing development shall enter only onto a private road.
7. **Common Ownership of Preserved Areas.** Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
- a. The title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - b. The permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any Building Permits or the sale of any property.
 - c. That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - d. That the restriction could be enforced by all property owners and by the Township.
8. **Preserved Areas Not Owned in Common.** Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions necessary with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
- a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c. That the restrictions could be enforced by all property owners and by the Township.

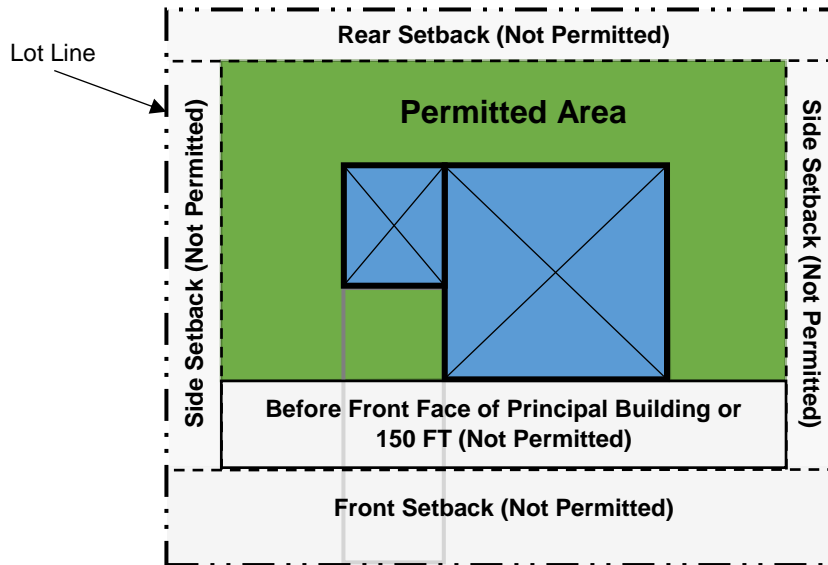
Section 5.10 Detached Accessory Building/Structure

Any accessory building, structure, and uses where the principal building, structure, or use which has been destroyed, damaged by fire, explosion, Act of God, by public enemy, or under major renovation or alterations to the extent of sixty-five (65) percent of the true cash value, exclusion of the foundation at the time, such damage occurred shall, if reconstructed, conform with the provisions within this Ordinance.

- A. In the AR zoning district, one (1) accessory building with continuous foundation or pole construction shall be allowed on vacant land but must meet a 150 feet front yard setback. Temporary structures shall not be allowed on vacant land.
- B. Each residentially utilized shall be permitted one (1) detached accessory building of less than two hundred (200) square feet per acre.
- C. All accessory buildings, regardless of use or which zoning district they are located in, may be located in any side or rear yard but shall not be located in any required setback.

- D. All accessory buildings, regardless of use or which zoning district they are located in, may not be located in the front yard setback, unless over 150 feet from the center of the road.
- E. Accessory buildings in nonresidential districts shall be reviewed and shall meet all requirements for principal structures. (See Figure 5-1)
- F. Accessory structures are also considered solar energy collector on-site that are structure-mounted such as solar panels, solar shingles, and the like are to be treated as an accessory structure.

Figure 5-1: Accessory Building/Structure Setback



Section 5.11 Communication Towers

Including transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable communication may be allowed as a special land use (unless otherwise noted) in conformance with the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, vegetation, or property in the area. The applicant shall also submit a written explanation of the design, characteristics, and ability of the structure(s) and attendant facilities to withstand winds, ice, and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
- B. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower. The setback of the tower may be reduced by the Township, to one half (½) of the overall height of the tower, upon a finding that the tower will collapse upon itself.
- C. The tower or antenna shall not be unreasonable injurious to the safety, aesthetics, or market value of nearby properties.
- D. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to ensure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's rendering of how the tower will appear in the area proposed taking into account the existing buildings and natural features. The development of any such facility, together with accessory uses, shall be in such a location, size, and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas of the community at large.

- E. Monopole antenna structures shall be required in all areas where technologically feasible, "web" or "lattice" type towers shall be prohibited unless absolutely necessary for structural reasons.
- F. Towers shall not exceed the height of three hundred thirty (330) feet.
- G. All tower bases and related equipment shall be fenced and screened for view. The use of barbed wire or other similar wire shall be prohibited unless specifically approved by the Township.
- H. In no event shall any tower be located within three and one half (3½) miles of any existing tower. If sufficient evidence, through the use of propagation maps or other similar data is provided indicating the need for a tower and that no other alternative new build or co-location site is feasible, this spacing requirement may be modified by the Planning Commission.
- I. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location shall be required. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
- J. Co-location shall be deemed feasible for the purposes of this Section, where all the following are met:
 - 1. The site on which co-location is being considered, including reasonable, modification, or replacement of a facility, can provide structural support.
 - 2. The co-location being considered is technologically reasonable i.e. the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antenna, and the like.
 - 3. Existing towers or structures are located with the geographic areas which meet the applicant's engineering requirements.
 - 4. The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purpose of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
- K. Colocations shall be considered a permitted use, rather than a special land use if all the following are applicable.
 - 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - 2. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's Zoning Ordinance or was approved by the appropriate zoning body or official for the local unit of government.
 - 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 4. Increase the area of the existing equipment compound to greater than twenty-five hundred (2500) square feet. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- L. In furtherance of the Township's objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide evidence that the new tower facility can accommodate additional uses as well as a letter indicating a willingness to lease excess space on a facility and commit itself to:
 - 1. Respond to any requests for information from another potential shared use applicant;
 - 2. Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practical; and
 - 3. Make no more than a reasonable charge, based upon fair market value, for a shared use lease.

- M. A condition of every approval of a communication tower shall be adequate provision for the removal of all the facility by users and owners upon the determination that it has not been used for 180 days or more. Removal includes proper receipt of a Demolition Permit from the Building Official, removal of all physical structures on the site including the underground support structure to a depth of at least three (3) feet if not more as determine necessary, and the proper restoration of the site to the satisfaction of the Building Official.
- N. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include description of security to be posted at the time of receiving a Building Permit for the facility. In this regard, the security shall at the election of the applicant, be in the form of (1) a cash bond, (2) irrevocable bank letter of credit, or (3) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the provision that the applicant and owner shall be responsible for the payment of all costs and attorney fees incurred by the Township in securing removal.

The application for anew communication tower or for a collocation shall be processed as required in PA 143 of 2012, as amended in terms of application procedure, cost and timeframes.

Amended June 13, 2013

Section 5.12 Solar Energy Facilities Roof-Mounted Onsite

- A. This shall be an administrative review process requiring a zoning permit from the Township.
- B. General Requirements
 - 1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
 - 2. All solar energy equipment shall have tempered neutral color, non-reflective surfaces, and not used as a means for advertising.
 - 3. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
 - 4. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - 5. 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 Inspector prior to installation. Building Inspector approval is required.
 - 6. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
 - 7. Solar energy collectors shall not project more than two (2) feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
 - 8. Solar energy collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
 - 9. Solar energy collectors shall be such a weight to be safely supported by the structure. Building Inspector approval is required.
 - 10. Solar energy collectors shall be permanently attached to building. Building Inspector approval is required.
- C. Required information as part of the application include:
 - 1. Applicant name and address, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a solar energy facility shall also be dated to indicate the date the application is submitted to North Branch Township;
 - 2. General description of the proposed project including a legal description of the property or properties on which the project would be located.

Section 5.13 Solar Energy Facilities Structure-Mounted Onsite

- A. General Requirements
 - 1. Solar energy collectors shall not project more than two (2) feet above highest point of the structure or exceed maximum building height limitations allowed in that zoning district.

2. Shall be located in the side or rear yard but shall not be located in the required setback. Structure-Mounted solar energy facilities shall be allowed in the front yard if there is a one-hundred and fifty (150) feet setback from the front property line.
3. Solar energy collectors shall be such a weight to be safely supported by the structure. Building Inspector approval is required.
4. Solar energy collectors shall be permanently attached to building or structure. Building Inspector approval is required.
5. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
6. All solar energy equipment shall have tempered neutral color, non-reflective surfaces, and not used as a means for advertising.
7. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
8. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
9. 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 Inspector prior to installation. Building Inspector approval is required.
10. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
11. All electrical lines shall be buried underground, unless it is providing energy to the attached structure. The Planning Commission may waive this requirement if proper safety precautions are being taken with the placement of live wires in a method other than burying the lines.

Section 5.14 Solar Energy Facilities Ground-Mounted Onsite

A. General Requirements

1. Ground-Mounted solar energy collectors shall not exceed sixteen (16) 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.
2. Shall be located in the side or rear yard but shall not be located in the required setback. The Ground-Mounted solar facility shall be allowed in the front yard if there is a one-hundred and fifty (150) feet setback from the front property line.
3. Ground-Mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.
4. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
5. All solar energy equipment shall have tempered neutral color, non-reflective surfaces, and not used as a means for advertising.
6. Solar energy equipment shall be repaired or replaced within three months of becoming nonfunctional.
7. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
8. 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 Inspector prior to installation. Building Inspector approval is required.
9. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
10. All electrical lines shall be buried underground, unless it is providing energy to the attached structure. The Planning Commission may waive this requirement if proper safety precautions are being taken with the placement of live wires in a method other than burying the lines.
11. The installation of any solar panel on-site shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

Section 5.15 Commercial Solar Energy System

A. All Solar Energy Facilities Commercial Requirements

1. Ground-Mounted solar energy collectors shall not exceed sixteen (16) 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.
2. Shall be located in the side or rear yard but shall not be located in the required setback. Commercial solar energy system shall be allowed in the front yard if there is a one-hundred and fifty (150) feet setback from the front property line.
3. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
4. All solar energy equipment shall have tempered neutral color, non-reflective surfaces, and not used as a means for advertising.
5. Solar energy equipment shall be repaired or replaced within three months of becoming nonfunctional.
6. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
7. 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 Inspector prior to installation. Building Inspector approval is required.
8. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
9. All electrical lines shall be buried underground, unless it is providing energy to the attached structure. The Planning Commission may waive this requirement if proper safety precautions are being taken with the placement of live wires in a method other than burying the lines.
10. The installation of any solar panel on-site shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
11. Proof of the applicant's public liability insurance with at least \$3,000,000.00 to cover the Solar Energy Facility, the Township, and the landowner;
12. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process;
13. All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be at located least thirty (30) feet from a fence line.
14. All access roads and storage areas shall be established on a 66-foot minimum easement to a public right-of-way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.
15. All solar energy facilities shall have a greenbelt of one (1) evergreen tree per eight (8) linear feet or a 6-foot privacy fence to screen this use from surrounding properties and public right-of-way. The buffer shall obtain a height of ten (10) feet and above twelve (12) inches from the ground within three (3) growing seasons. The trees or bushes may be trimmed but no lower than a height of ten (10) feet.
16. Each owner, operator, or maintainer of a solar energy facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve (12) inches in height
17. Solar energy facilities shall be surrounded by a four (4) foot tall fence. The fence shall be designed to restrict unauthorized access.
18. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall, at minimum, list the name and phone number of the operator.
19. The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment. This includes non-reflective material of all equipment included.

20. Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing or mitigation for cleared trees may be required by the Planning Commission. Mature trees shall be defined as over six (6) inches in caliper, is discouraged in the development of a solar facility. A replacement ratio for every alive, health, mature tree shall be four (4) mature trees to be removed will be replaced by one (1) tree.
 21. The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
 22. The applicant must conduct and provide the results of a glare study.
- B. Required Information for Review.
1. Require a drainage plan for the site.
 2. Location of PA 116 lands part of the Farmland Preservation onsite.
 3. A description of the method of connecting the array to a building or substation.
 4. Required to provide mounting heights and total height of panels in an elevated or tilted position.
 5. Location and spacing of solar panels.
 6. 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.
 7. 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 municipality 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.

Article 6 Reserved

Article 7 Reserved

Article 8 Reserved

Article 9 Reserved

Article 10 Reserved

Article 11 General Provisions

Section 11.01 Conflicting Regulations

Whenever any provisions or 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 11.02 Road Frontage

Every dwelling or other building shall be located on a parcel of land which shall front upon a public street or upon a private drive or driveway to the specifications of the Township Private Road Ordinance and Driveway Ordinance.

Section 11.03 Moving of Buildings or Structures

Any building or structure shall not be moved upon any premises in the Township until a Building Permit shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. No building or structure shall be moved to any site within the Township until the owner has posted a cash deposit in an amount specified by the Township Board, guaranteeing full compliance with the Building Permit and Township Ordinances. The site, from which the building or structure has been moved, if it is within the Township, shall be graded level and all debris shall be cleared away.

Section 11.04 Occupancy of Buildings

- A. **Minimum Single-Family Dwelling Standards:** Any basement dwellings, garage dwellings, and/or other temporary residential structures are hereby declared to be unlawful for residential purposes. Further, in no case shall a travel trailer, motor home, automobile chassis, tent, or portable building be considered a dwelling unless approved by the Township as a temporary dwelling under Section 5.07 Table of Use Design Requirements; this includes the definition, parking requirements, and other design requirements for all the uses.
- B. **Occupancy of Buildings Other than Completed Dwellings:** Garages, barns, and other accessory buildings shall not be occupied either temporarily or permanently as dwellings. Mixed use developments in the commercial district buildings shall be allowed to be occupied temporarily or permanently as dwellings as a secondary use to the commercial use. No industrial buildings shall be occupied for dwelling purposes.

Section 11.05 Performance Standards

- A. Any use established in any commercial or industrial zoning district or any commercial or industrial use operated in any zoning district shall not be permitted to carry on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures listed below which are hereby determined to be the maximum permissible hazard to humans or human activity.
- B. **Noise.**
The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property line, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, measurable noise emanating from premises may equal, but not exceed such traffic noises. Sound levels in no case shall exceed seventy (70) decibels. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.
- C. **Vibration.**
Machines or operations which cause vibration shall be permitted but no operation shall cause a displacement exceeding three thousandth (0.003) of one (1) inch as measured at the property line.
- D. **Odor.**
The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.

E. Dust dirt and fly ash.

Discharges into the air from furnaces, open burning, etc. shall be managed so that the quantity of gasborne or airborne solids generated shall not exceed two tenths (0.20) grains per cubic foot of the carry medium at the temperature of five hundred (500) degrees Fahrenheit.

F. Method of Measurement.

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 fifty (50) percent at full load. The foregoing requirement 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 zoning administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

G. Smoke.

It shall be unlawful to discharge into the atmosphere for any single source of emission whatsoever any smoke for any source for a period or periods aggregating more than four (4) minutes in any one-half (½) hour which is:

1. As dark or darker in shade as the designed as No.2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascop readings of smoke densities may be used when correlated with the Ringelmann Chart.
2. Of such opacity, as to obscure an observer's view to a degree equal to or greater than the smoke described in (1) above, except when the emission consists only of water vapor.

H. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the North Branch Township, Lapeer County, and with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of retaining wall 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 the greater depth to the bottom of the buried tank.

I. Light.

Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential zoning district boundary and it shall be so arranged to reflect light away from any residential use or adjacent road or street. In no case shall more than one-foot candle power light cross a lot line five (5) feet above the ground into a residential zoning district.

J. Gases.

The scope of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO₂ gas, as measured at the property line shall not exceed an average of three tenths (0.3) parts per million (ppm) over a twenty-four (24) hour period; H₂S shall not exceed an average of one tenth (0.1) ppm; nitrous fumes shall not exceed five (5) ppm CO shall not exceed fifteen (15) ppm.

K. Electromagnetic Radiation.

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of the Ordinance.

L. Drifted and Airborne Matter.

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

M. Open Storage.

The storage of junk, scrap or salvage materials, or other products shall be screened from view from public streets and from adjoining properties by an enclosure consisting of an obscuring fence or hedge.

N. 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 period of construction of the facilities to be used and occupied.

Section 11.06 Signs

All outdoor signs shall be regulated as follows:

- A. A Building Permit and site plan review by the Planning Commission shall be required for the erection, construction, or alteration of any sign, marquee, or billboard except as hereinafter provided.
- B. Unless otherwise stated in this Ordinance, there shall be no flashing, oscillating, or intermittent type of illumination on any sign. No moving parts shall be allowed on any sign.
- C. No sign shall overhang or encroach upon any public right-of-way. All free-standing signs shall be set back at least five (5) feet from all public or private road right-of-way lines and from all property lines.
- D. Temporary signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than sixteen (16) square feet in area. No Building Permit or site plan review shall be required for such sign.
- E. Temporary signs are permitted in all districts which advertise for sale either agricultural produce grown on the premises or personal property owned by a resident of said premises; provided such produce or personal property was not purchased for the purpose of resale. Such signs shall not exceed sixteen (16) square feet in area and shall not require Building Permits or site plan review.
- F. Signs advertising home occupations shall be permitted providing said signs are not illuminated and do not exceed four (4) square feet. No Building Permit or site plan review shall be required for such sign.
- G. Signs advertising commercial, industrial, or other nonresidential facilities located on the same parcel of land as the facility advertised shall be permitted subject to the following conditions:

1. General.

- a. Any direct illumination of the sign shall be shielded from view of persons on public roads or adjacent properties.
- b. No roof signs shall be permitted.
- c. Electronic reader board signs shall only be permitted within the C-Commercial and I-Industrial Districts as well on properties owned by municipal entities and shall be integrated into the overall permanent signage for the property. In addition, such sign shall not exceed one half (½) of the overall size of the sign permitted for the site.

2. Freestanding Signs.

- a. No more than one (1) freestanding permanent sign shall be permitted for each business or building.
- b. Permanent signs shall not exceed sixty-four (64) square feet and shall not be taller than twenty-four (24) feet in total height and shall have a minimum clearance of twelve (12) feet.
- c. For properties over three hundred (300) feet of frontage, additional signs may be permitted up to three (3) total provided the requirements of this Section are met.
- d. For properties located at the intersection of two (2) public roadways, one (1) free standing sign may be permitted on each frontage provided the requirements of this Section are met.

3. Wall Signs.

- a. Each business shall be permitted one (1) wall sign. Such wall sign shall not exceed a total area of one (1) square foot of signage for each one (1) linear foot of building facade or tenant space, whichever is less. The maximum size of a wall sign shall be sixty (60) square feet regardless of building frontage.

- b. Signs painted directly onto the facade of a building shall be counted towards the overall wall signage permitted for the business.
- H. Temporary signs shall be permitted as follows:
 1. No more than one (1) temporary sign shall be permitted at any one (1) time for any business.
 2. Temporary signs shall not be displayed for more than sixty (60) days at a time.
 3. Temporary signs shall not exceed sixteen (16) square feet in area.
- I. Signs located on parcels of land separate from the commercial, industrial, or other nonresidential facilities advertised on the signs shall be permitted only in C-Commercial and I-Industrial Districts, subject to the following conditions:
 1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
 2. No such sign shall be permitted within three hundred (300) feet of any other such sign or of any sign permitted pursuant to paragraph G of this Section.
 3. No such sign shall exceed sixty-four (64) square feet in sign area.
 4. No such sign shall exceed twenty-four (24) feet in height from the finished grade.
 5. Shall have a minimum clearance of twelve (12) feet from the finished grade.
- J. Temporary signs shall be permitted in all districts, provided that such sign shall not exceed thirty-two (32) square feet in area. No Building Permit or site plan review shall be required for such signs.

Section 11.07 Swimming Pools

All swimming pools (temporary or permanent) erected in the Township greater than twenty-four (24) inches in depth shall comply with the following requirements:

- A. **Swimming Pools.** All swimming pools (temporary or permanent) erected in the Township greater than twenty-four (24) inches in depth shall comply with the following requirements:
 1. **Pool Location.** Neither the pool nor its fence shall be located within the required front yard or required corner lot side yard. Setbacks shall not be less than twenty-five (25) feet between the pool outside wall and the rear or side property line or less than ten (10) feet between pool wall and any building on the lot.
 2. **Code Compliance.** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the electrical code adopted by the North Branch Township Board of Trustees. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved or the relocation thereof before a permit shall be issued for the construction of a swimming pool. A no-fault ground unit shall be provided to protect against electrical shock.
 3. **Permit Requirements.** All proper permits shall be obtained from the Township or other applicable agency prior to the construction of the pool or the installation of electrical service.

These provisions shall not be applicable to spas, hot tubs, and other similar recreational water devices.
- B. **Fence.** All swimming pools shall be completely enclosed by a fence. The fence shall be capable of preventing access by small children. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.
- C. These provisions shall also be subject to the most recent requirements of the State Construction Code. The provisions of the State Construction Code, if more stringent shall override these requirements.

Section 11.08 Greenbelts

- A. Whenever any property is developed for any other use than agricultural, single-family, or two-family residential, and such property abuts an agricultural, single-family, or two-family residentially used or zoned property a greenbelt shall be provided along such mutual property line.
 - 1. Natural Greenbelt (this method is the preferred method) (See Figure 11-1 and Figure 11-2)
 - a. The greenbelt shall be a minimum of twenty (20) feet in width.
 - b. The greenbelt shall be planted with a mixture of evergreen and deciduous trees.
 - c. Evergreen trees shall be provided at a rate of one (1) tree for each twenty (20) feet of such greenbelt.
 - d. Deciduous trees shall be provided at a rate of one (1) tree for each thirty (30) feet of such greenbelt.
 - 2. Structural Greenbelt (the Planning Commission may approve this method upon a finding that a natural greenbelt is not appropriate or viable on the site.) (See Figure 11-3 and Figure 11-4)
 - a. The greenbelt shall be a minimum of ten (10) feet in width.
 - b. A six (6) foot high (as measured from the existing grade) decorative poured concrete or decorative brick wall shall be constructed. In special cases, the Planning Commission may approve a six (6) foot high vinyl, pvc, or other similar type fence.
 - c. Deciduous trees shall be provided at a rate of one (1) tree for each thirty (30) feet of such greenbelt.
 - d. Landscape shrubs shall be provided at a rate of one (1) shrub for each five (5) feet of such greenbelt.

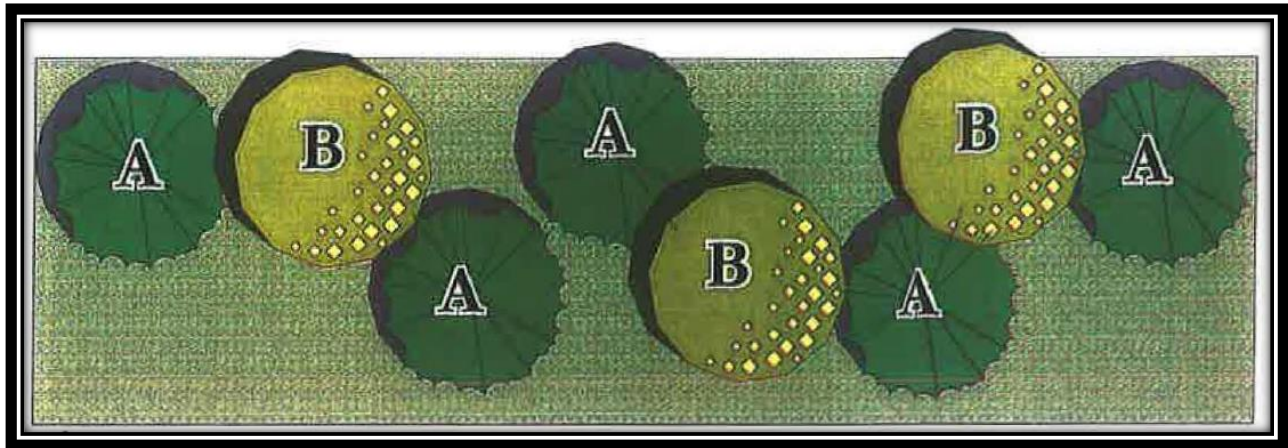
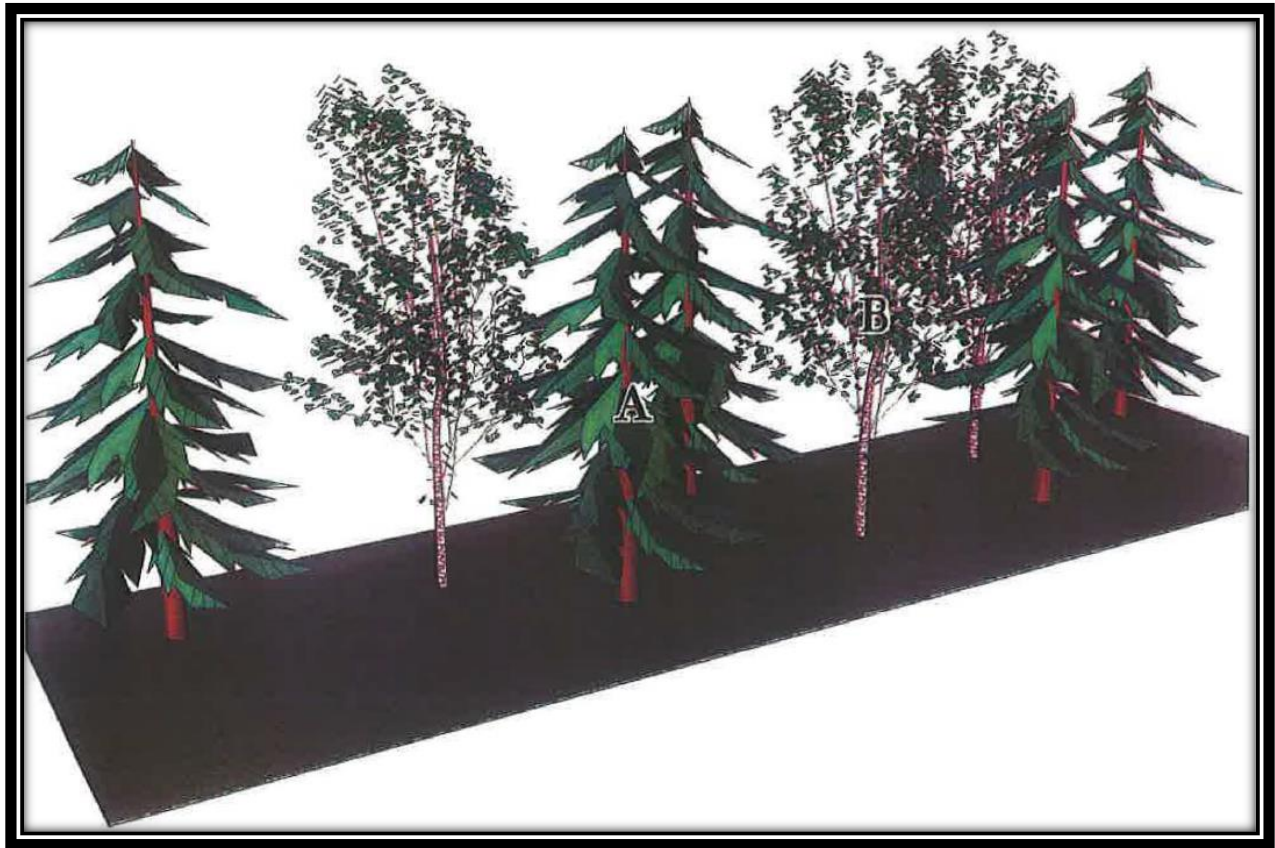


Figure 11-1: Natural Greenbelt Illustration.

Key:

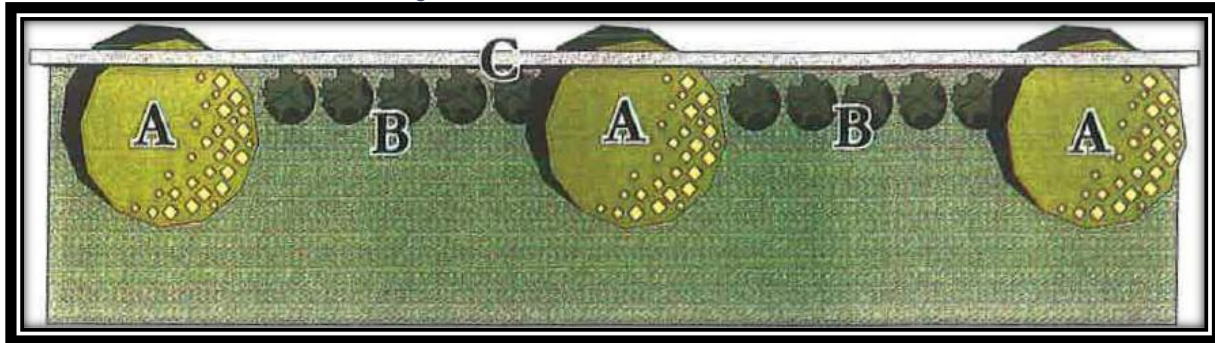
- A. One (1) evergreen tree for each twenty (20) feet.
- B. One (1) deciduous tree for each thirty (30) feet.

Figure 11-2: Natural Greenbelt Isometric Illustration.



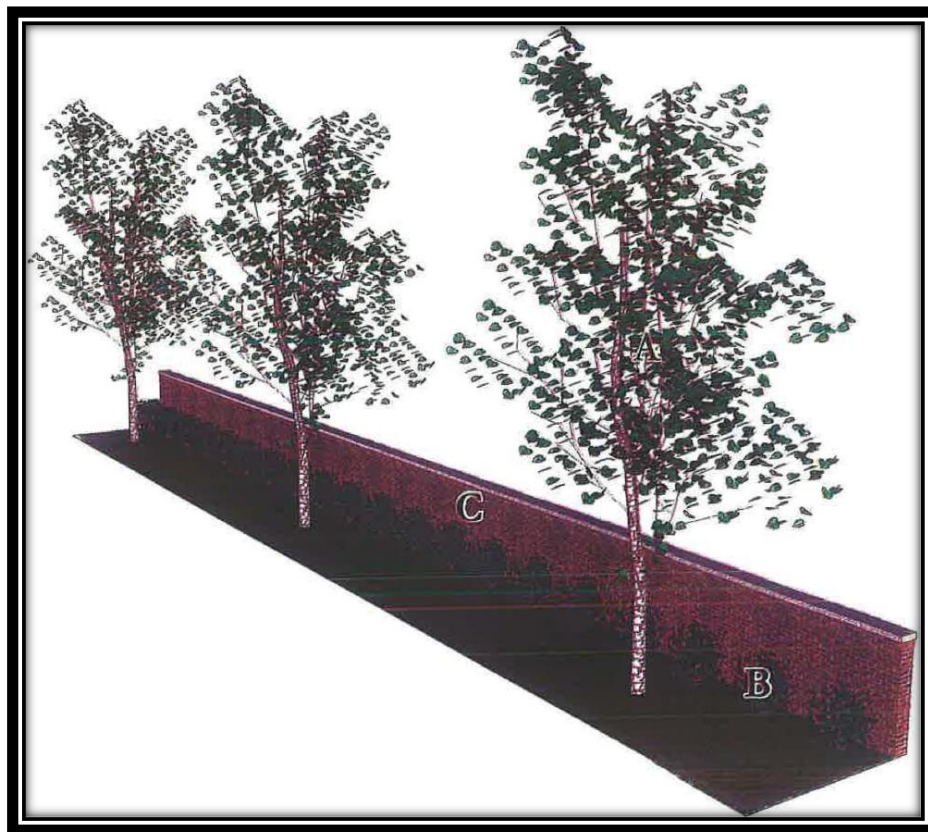
Total number of trees required are encouraged to be planted in a natural manner.

Figure 11-3: Structural Greenbelt Illustration



Key:

- A. One (1) deciduous tree for each thirty (30) feet.
- B. One (1) landscape shrub for each five (5) feet.
- C. Six (6) foot high decorative brick wall along property line.

Figure 11-4: Structural Greenbelt Isometric Illustration

- B. Required trees shall meet the following minimum sizes at the time of planting:
 - 1. Evergreen Trees six (6) feet in height
 - 2. Deciduous Trees two and one half (2½) inches in caliper
- C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of said site plan.
- D. The planting of these trees in a natural manner is encouraged, provided the screening effect is still maintained.
- E. The Planning Commission may approve other alternative landscaping designs upon a finding that the intent of this Section is being met and the adjacent land use is being protected.

Section 11.09 Parking Lot Trees

Parking lot trees shall be provided at a rate of one (1) tree for each five (5) parking spaces. These trees shall be of a deciduous nature unless otherwise approved by the Planning Commission. Such trees shall be a minimum of two and one half (2½) inch caliper at the time of planting. These trees shall be planted in landscape islands at the end of each parking lot row when required by the Commission. In those instances where islands are not available or desirable, the trees may be planted along the edge of the parking area in appropriate areas.

Section 11.10 Frontage Trees

Frontage trees shall be provided at a rate of one (1) tree for each thirty (30) feet of road frontage(s). These trees shall be planted generally along the proposed road right-of-way.

Section 11.11 Prohibited Plant Materials

Plant materials that are not permitted, as they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests are included below:

- A. Ash
- B. Box Elder
- C. Catalpa
- D. Elms (except disease-resistant American Liberty Elm)
- E. Honey or Black Locust
- F. Horse Chestnut
- G. Mulberry
- H. Poplar
- I. Soft Maple (Red and Silver)
- J. Tree of Heaven
- K. Willow

Section 11.12 Non-Residential Driveways

- A. Non-residential driveways, entrances, and exits shall be subject to approval by the Lapeer County Road Commission and/or the Michigan Department of Transportation where applicable, and by the Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic, and the movement of emergency vehicles.
 - 1. All non-residential sites may be permitted one (1) access drive onto the abutting public thoroughfare unless access to the subject property is available from an adjacent parcel through the use of a cross access easement.
 - 2. In the case of a corner lot or double frontage lot, the site may be permitted one (1) access drive for each roadway frontage only after Planning Commission review and the applicant showing the necessity for the second drive.
 - 3. Such drives shall be a minimum of thirty (30) feet in width but in no case shall exceed thirty-six (36) feet in width if permitted by the Lapeer County Road Commission or the Michigan Department of Transportation.
 - 4. Access management techniques, as described in the current edition of "A Policy on Geometric Design of Highway and Streets", AASHTO, shall be employed when reviewing the locations and uses of driveways.
- B. Additional driveways may be permitted by the Planning Commission subject to special land use approval.
 - 1. The Planning Commission shall consider the request for special land use approval after a written rationale is provided as to the necessity of the additional drives.
 - 2. In making the determination as to whether or not additional access drives are necessary, the Planning Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.
- C. Tapers and bypass lanes may be required, as determined by the Planning Commission, subject to the review and approval of the Lapeer County Road Commission and/or the Michigan Department of Transportation, where applicable.
- D. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking areas to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.

Section 11.13 Development Impact Statement

A. Statement of Intent.

The purpose of the Development Impact Statement (DIS) is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, the economy,

environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

Qualification of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.

1. A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
 - a. For any request for special land use approval having an area of five (5) acres or more.
 - b. For any rezoning which is inconsistent with the Master Plan.
2. The Commission may waive any or all the DIS submission requirements if it is determined that the subject information is not necessary to conduct a review of the application Information and Data Required.
3. The Development Impact Statement shall include all applicable information as normally required for the applicable review and, in addition, the following supplemental information shall be required:
 - a. Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
 - b. Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of approximately one half (½) mile, measured from the boundaries of the site.
 - c. Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
 - d. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied a recent aerial photograph.
 - e. Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exists on-site, an official wetlands assessment conducted by the Michigan Department of Environmental Quality (or other appropriate regulatory authority) shall be conducted.
 - f. A woodlands map identifying the location, size, and type of site vegetation.
 - g. Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
 - h. Improvements adjacent to and directly across the street, i.e. driveway approaches, passing lanes, curb-cuts, etc.
 - i. Conceptual Plan, showing how the proposed development relates to the above referenced conditions.
 - j. Any application for commercial rezoning over five (5) acres shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.
 - k. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

C. Impact Assessment.

The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate. (For rezoning requests, the impact assessment shall be based on the most intense use possible under the permitted uses within the zoning district being requested).

1. Land Use Impacts.

- a. Brief description of the proposed land use.
- b. Hours of operation, if applicable.
- c. Identify whether the proposed use will create dust, noise, odor, or glare that may impact abutting property.
- d. Project phasing plan or schedule.
- e. Describe how existing natural features will be preserved.
- f. Describe any impact on ground water quality or quantity.

2. Impact on Public Utilities.

- a. For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Lapeer County Health Department shall be required.
- b. If utilities from the Village of North Branch are to be utilized, appropriate assurance that adequate capacities are available shall be provided to the Township. In addition, correspondence from the Village must be provided indicating that the Village is interested in servicing such property.
- c. Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction, correspondence from the Lapeer County Drain Commissioner stating their initial concerns and recommendation shall be attached.

3. Impact on Public Services.

- a. Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire, and other emergency services. Particular attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.

D. Evaluation Standards.

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

1. Land Use Impacts.

- a. The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
- b. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

2. Public Utilities.

- a. Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer.
- b. For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on site wastewater disposal systems and well(s).

- c. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the watercourses in the area.

3. Public Services.

- a. The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel. The decision by the Planning Commission regarding police and fire services shall be based on information provided to the Commission from the Fire and Police Departments (as applicable).
- b. Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
- c. Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only). The decision by the Planning Commission regarding the ability of the public school system to accommodate a proposed residential development shall be based on information provided to the Commission from the school district.

4. Economic Impacts (for rezoning only).

- a. The project will have a beneficial impact on the local economy by increasing employment opportunities and increasing and diversifying the Township's tax base.
- b. The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area.

5. Natural Resources.

- a. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
 - b. The proposed development does not encroach into floodways or floodplains.
 - c. That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
 - d. The proposed development will not cause soil erosion or sedimentation problems.
6. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

E. Processing Requirements.

1. A Development Impact Statement, when required under this Section shall accompany applications for rezoning and special land use approval as noted.
2. The Development Impact Statement shall be considered, along with other applicable information required for the specific request and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.

Section 11.14 Traffic Impact Statement

A. Statement of Intent.

The purpose of the Traffic Impact Statement is to provide the Township with relevant information on the anticipated impact of a proposed development on traffic in the community. This process recognizes that the traffic pattern of many development proposals has impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

1. **Qualifications of Preparer:** Name(s) and address(es) of person(s) or firm(s) responsible for the preparation of the Traffic Impact Statement and a brief description of their qualifications.
2. A Traffic Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
 - a. The development will generate more than one hundred (100) peak hour directional trips (as defined in Table 1 of Evaluating Traffic Impact Studies prepared by the Michigan Department of Transportation);
 - i. For rezoning requests, in determining the traffic generation rate, the number shall be based on the most intense permitted use for the district being requested);
 - b. MDOT or the Lapeer County Road Commission has reviewed the proposal and has determined that a traffic study is necessary.
 - c. A rezoning of five (5) acres or more which is inconsistent with the Township Master Plan.

C. Information and Data Required.

1. The Traffic Impact Statement shall include all information specified herein:
 - a. **Description of Existing Traffic Conditions:**
 - i. **Traffic Counts.** Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit twenty-four (24) hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years.
 - ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometries, signal timing, traffic control devices, posted speed limits, average running speeds, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
 - iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
 - iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
 - v. Approved developments within the study area shall be part of all calculations for anticipated traffic.
 - b. **Trip Generation.**
 - i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may, at the discretion of the Planning Commission, use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. All approved but not yet constructed developments shall be included in the forecasted trip generation for the area.
 - ii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
 - iii. For projects intended to be developed in phases, the trip generation by phase shall be described.

iv. **Trip Distribution.** The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

c. Impact Analysis.

Level of service or "capacity" analysis at all intersections significantly impacted by the proposed development shall be provided using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

d. Access Design/Access Management Standards.

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of the Lapeer County Road Commission (not required for rezoning application).

e. Other Study Items.

The Traffic Impact Statement, when required under this Section shall include:

- i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- ii. Changes which should be considered to the plat or site plan layout.
- iii. Description of any needed non-motorized facilities.
- iv. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.
- v. If a median crossover is desired, separate analysis should be provided.
- vi. If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- vii. Description of site circulation and available sight distances at site driveways.
- viii. Conflicts with pedestrian traffic within the development and along all site boundaries that require sidewalk access.

f. Mitigation/Alternatives.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

- g. All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

D. Evaluation Standards.

1. Traffic Impacts.

- a. The proposed development has access to a public road capable of supporting the development.

- b. The use will not increase traffic that will effectively result in a level of service of "D" or lower on the abutting road or at intersections proximate to the proposed development.
- c. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
- d. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
- e. Adequate provisions have been made to accommodate pedestrians.
- f. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

E. Processing Requirements.

1. A Traffic Impact Statement shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval, and preliminary condominium approval as required under this Section.
2. The Traffic Impact Statement shall be considered, along with other applicable information required for the specific request and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.
3. The Planning Commission or Township Board may transmit such study to the Lapeer County Road Commission for either their review and comment or for their informational purposes as a part of the application review.

Section 11.15 Filling Operations

- A. No person shall undertake any land filling operations within the Township without first obtaining a permit from the Zoning Administrator approving the location of the filling and the type of material to be used as fill. Any such land filling shall be done in full compliance with the conditions of the permit. Landfills to be used for disposal of garbage, trash, and other refuse may only be approved pursuant to the requirements of Section 5.07.

Section 11.16 Ponds

Ponds may be excavated within the Township providing the following requirements are met:

- A. All ponds shall be set back from road and property lines no less than the minimum setback distances specified in Article 14.
- B. All ponds shall be so designed as to ensure that all water is managed by the owner and will not result in any increased discharge of water across a property line.
- C. All ponds shall be graded and have a finished slope no greater than one-to-five (1:5).
- D. All earth materials from the construction of the pond shall remain on-site, unless prior approval is obtained from the Township Planning Commission. An appropriate grading plan shall be provided to the Township indicating how the site will be graded to maintain appropriate drainage.
- E. No pond shall be constructed within a regulated wetland or flood plain without first obtaining any required approval or permits from the Michigan Department of Natural Resources and Environment (MNDRE).
- F. All pond construction which is within five hundred (500) feet of a lake, stream or other body of water or requires an earth disturbance of greater than one (1) surface acre shall only be done pursuant to a Soil and Sedimentation Permit from the Lapeer County Road Commission.
- G. Prior to any excavation, an approved site plan and Zoning Permit shall be obtained from the Township.
- H. Decorative landscape ponds which are constructed with an artificial lining: and which are a depth of two (2) feet or less or which have an area of three hundred (300) square feet of water surface or less shall be exempt from these regulations.

Article 12 Non-Conforming Lots, Uses, and Structures

Section 12.01 Continued Use Permitted

Within the districts established by this Ordinance, there exists lots, structures, and uses of land and structures, which are lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until there are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 12.02 Non-Conforming Lots of Record

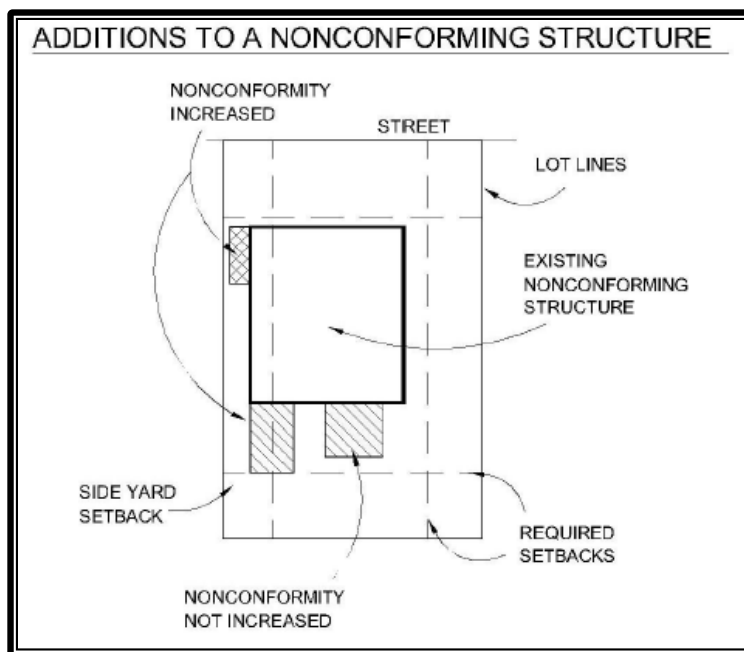
- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot or parcel of record at the effective date of adoption of this Ordinance, provide the applicable setback requirements are complied with.
- B. In any district in which non-residential lots are permitted, is a buildable lot even though it does not meet the lot width or area requirements for the zoning district in which it is located, provided all structures comply with setback requirements required in the zoning district in which it is located.

Section 12.03 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such non-conforming structure be damaged by any means to an extent of more than fifty (50) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Estimated value shall be appraised by a State-licensed appraiser or contract's estimate.
- C. No such non-conforming structure may be moved in whole or in part to any other portion of the lot or parcel in a way which increases its non-conformity. (See Figure 12-1)

Figure 12-1: Non-Conforming Structure Placement



Section 12.04 Non-Conforming Uses of Land or Structures

Where at the time of passage of this Ordinance, lawful use of land or structures exists which would not be permitted by regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance. In the case of quarrying operations, the operations may continue as long as it does not expand beyond the parcel of property on which it was located at the date of adoption of the Mining/Soil Removal Ordinance #28 and so long as the setback requirements of the Mining/Soil Removal Ordinance #28 are complied with.
- B. A use that the ZBA has determined is abandoned following the standards in Section 1.01 of this Ordinance shall not be re-established and any new use must comply with the Zoning Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- D. A nonconforming use of land may be changed to another nonconforming use of land use that the ZBA has determined is not more nonconforming than the current use following the standards in Section 1.01 of this Ordinance and does not require expansion of the area of land used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.
- E. Any nonconforming use may be extended throughout any parts of a building which were designed for such use at the time of adoption of this Ordinance.
- F. Any crop production areas, even if they were once abandoned, may be reestablished as a crop production area.

Section 12.05 Repairs and Maintenance

- A. For any nonconforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months for ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current assessed value of the nonconforming structure or nonconforming portion of the structure, provided that the cubic content existing when it became nonconforming shall not be increased in violation of this Article.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector, unless the property is condemned by the Township.

Section 12.06 Status of Uses Requiring Special Land Use Approval

A use established legally without SA which now requires SA due to a text change or rezoning is a nonconforming use until it receives SA. Any existing use approved as a special exception previously under this Ordinance shall be deemed a conforming use.

Section 12.07 Change in Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

Article 13 Off-Street Parking and Loading Requirements

Section 13.01 Parking Requirements

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main buildings or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

- A. **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, including access aisles.
- B. **Location of parking space for one- and two-family dwellings.** The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot of the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- C. **Location of parking space for Other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured from the right-of-way between the nearest point of the parking facility to the building to be served.
- D. **Seating Capacity of Seats.** As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking spaces.
- E. **Similar Uses and Requirements.** In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- F. **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.
- G. If sufficient evidence is provided that the total number of parking spaces required in this Ordinance is excessive, based on the specific needs of the use, the Planning Commission may reduce the total number of spaces required to be built, provided that the number of spaces which the total is reduced by is shown on the site plan as "reserve parking." If the Township or the owner determine that traffic patterns or a change in use constitutes a need for the reserve spaces to be constructed, such spaces shall be constructed as shown on the site plan.

Section 13.02 Parking Requirements for Off-Street Loading

On the same premises with every building occupied for commercial or industrial uses involving the receipt or distribution of materials or merchandise by truck, there shall be provided and maintained on the lot adequate space for parking and unloading in order to avoid undue interference with public use of the streets and off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by thirty (30) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule (See Table 13-1).

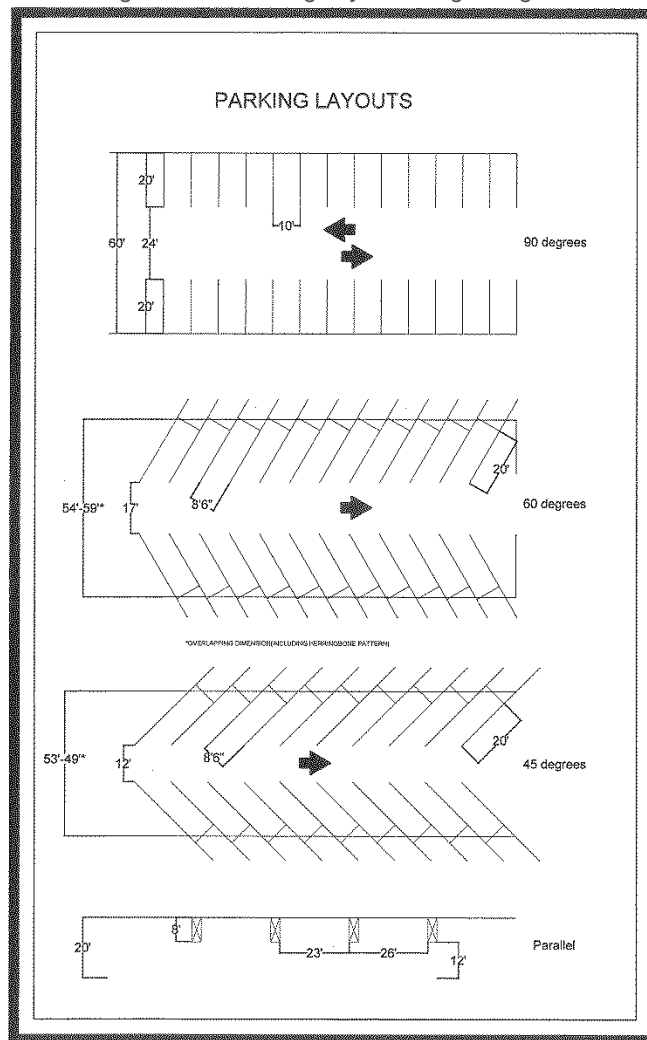
Gross Floor Area	Loading and Unloading Spaces Required in Terms of Square Feet of Grosse Floor Area
0-2,000	None
2,001-20,000	One (1) space
20,001-100,0000	One (1) space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,001-500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen (15) spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

Section 13.03 General Requirements

- A. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- B. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- C. All parking areas, driveways, and required off-street loading shall be hard surfaced with either asphalt or concrete which shall comply with acceptable engineering standards.
- D. Wherever off-street parking is required by the provisions of this Ordinance or is otherwise constructed to meet the requirements of this Ordinance, such lot or facility shall be laid out, constructed, and maintained in accordance with the following requirements:
 - 1. No parking lot shall be constructed without a proper permit issued by the building inspector. The building of a parking lot shall be subject to the requirements of a Zoning Compliance Permit.
 - 2. Adequate ingress and egress to the parking lot shall be provided for vehicles by means of clearly limited and defined drives.
 - 3. The parking facilities design and layout shall meet the following minimum requirements (See Table 13-2 and Figure 13-1)

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 degrees (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45 degrees	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
60 degrees	15 ft.	9 ft.	20 ft.	36 ft. 6 in.	58 ft.
90 degrees	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

Figure 13-1: Parking Layout Design Diagram



4. All parking spaces shall have access from an aisle on the site. Backing directly onto a street shall be prohibited.
5. Except for parallel parking, all parking spaces shall be clearly striped with a minimum of four (4) inch-wide double lines twenty-four (24) inches apart, to facilitate movement and to help maintain an orderly and efficient parking arrangement.

E. Parking Space Standards.

1. All parking spaces shall be nine (9) feet in width, center to center, and twenty (20) feet in length.
2. Off-street parking reserved for the disabled persons shall be provided in accordance with Table 13-3 and identified by signs bearing the international symbol for the handicapped as being reserved for physically disabled persons. A maximum of two (2) spaces may be designed by a single sign when the sign displays arrows specifically delineating each space. Signs shall be installed approximately seven (7) feet above grade. Each reserved parking space shall not be less than twelve (12) feet in width. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically disabled persons shall be located as close as possible to walkways and entrances (See Table 13-3). Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

<i>Table 13-3: Disabled Persons Space Requirements</i>	
Total Parking in Lot	Required Number of Disabled Persons Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	2% of total
501 to 1,000	20 plus 1 for each
Over 1,000	100 over 1,000

Article 14 Area, Setback, and Height Requirements

Table 14-1: Table of Area, Setback, and Height Requirements							
Zoning District	Minimum Lot Area (h)	Minimum Lot Yard Width (in feet) (a)	Minimum Front Yard Setback (in feet) (b)	Minimum Side Yard Setback (in feet) (c)	Minimum Rear Yard (in feet) (c)	Minimum Square Footage – Floor Area Per Dwelling	Maximum Building Height (in feet)
AR- AGRICULTURAL RESIDENTIAL	Two (2) Acres	(f)	100	25	50(i)	1,200 (d)	35 (e)
R- RESIDENTIAL	One (1) Acre	100 (f)	100	15	25	1,200 (d)	35
RM- MULTIPLE RESIDENTIAL	6,220 square feet	100	100	15	25	500	35
C- COMMERCIAL	30,000 square feet	150	100	20	25	-	35
I- INDUSTRIAL	One (1) Acre	150	100	25	30	-	50

- (a) The Minimum Lot Yard Width requirement must be met by a measurement of uninterrupted, unbroken, and continuous frontage at the road right-of-way line. This provision applies to all districts. This provision applies to all districts.
- (b) Measured from the center of the road right-of-way.
- (c) In no case shall a building be constructed within one hundred (100) feet of the centerline of any public or private road right-of-way.
- (d) The main floor area shall contain at least seven hundred twenty (720) square feet.
- (e) Not applicable to farm structures such as silos, barns, or grain elevators.
- (f)

Area in Acres	Minimum Width in Feet.
2.00-2.99	165
3.00-4.99	198
5.00-9.99	295
10.00-19.99	330
20 or More	4 to 1 ratio
- (g) The minimum lot size shall be twenty thousand (20,000) square feet within platted subdivisions, site condominium developments, or on parcels which have been approved by the Health Department as meeting the same septic requirements as required for platted subdivisions or site condominium developments.
- (h) Accessory buildings can be located with 25 feet of the rear setback.

Article 15 Site Plan Review

Section 15.01 Scope

A site plan shall be prepared and submitted for every construction project requiring a Building Permit except that no site plan shall be required for single-family dwellings, two-family dwellings, farm buildings, buildings accessory thereto, or repairs to existing buildings.

Section 15.02 Procedure

All site plans shall be submitted first to the Zoning Administrator who shall review the plans for compliance with the requirements of the Zoning Ordinance. Copies shall also be submitted to the Township Office with appropriate fees. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03 Submission Requirements

- A. A site plan shall be submitted for review by the Planning Commission whenever one or more of the following conditions apply:
1. Whenever a Building Permit is required for the erection or structural alteration of a building (other than single-family homes, farm buildings, or accessory structures to these uses, or addition/addition that is two hundred and fifty feet (250) or less is gross floor area).
 2. For the construction, use, or establishment of a new or expanded parking or storage area.
 3. For all special land uses and amendments to such use as determined necessary by the Zoning Administrator.
 4. For any change in use or class of use as determined significant by the Zoning Administrator.
 5. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations, and similar facilities.
- B. The Planning Commission may delegate authority to the Zoning Administrator to waive the site plan submission requirement when the proposed building or site change is minimal based on the standards of waiving site plan requirements Section 15.05.

Section 15.04 Content

Each site plan shall include the following:

- A. Area of the site in acres and complete legal description and property ID. This information is required in order to check dimensions on the site plan and to confirm the location of the property being developed.
- B. Date, north point, and scale.
- C. Dimension of all property lines. This information is required in order to check dimensions on the site plan of the property being developed.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines. This information is needed to identify any setbacks related to buildings on adjacent property and to evaluate potential impact of uses off-site.
- E. Location and dimensions of all existing and proposed roads, driveways, sidewalks, and parking areas as well as surface materials. This information is required to determine compliance with site plan standards for site access, pedestrian safety, and traffic flow.
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage. This information is required to ensure compliance with the standards requiring adequate water, sewer service, storm drainage, and other necessary similar utilities.
- G. Location, dimensions, and details of proposed plantings and greenbelt and landscaped areas. This information is required to determine if the proposed plantings and greenbelt are in compliance with this Zoning Ordinance.

- H. Existing and proposed grades at two (2) foot contours and proposed drainage patterns including existing and proposed drains and detention/retention basins. This information is required to determine compliance with buffering of adjacent property (grade change), adequacy of slope for proper drainage, and appropriateness of drainage patterns.
- I. Exterior drawings of the proposed new building(s) and major additions to existing buildings as well as generalized interior floor plans.
- J. Location, dimensions, and drawings of existing and proposed signs. This information is intended to ensure compliance with lighting and clear vision requirements of this Ordinance.
- K. All exterior appliances, such as HVAC units, air conditioners, and the like, and method of screening.
- L. Recorded easements and rights-of-way with liber and page numbers. This information is needed to determine the buildable portions of the lot and the setbacks required from rights-of-way.
- M. Identification of fire lanes. This information is required to permit the fire chief the ability to review the proposed location of fire lanes in relation to the building and fire hydrants.
- N. Location and details of dumpster location and method of screening. This information is required to ensure that the dumpster is located in an area where it will not detract from the look of the community and will not impede traffic flow unnecessarily when its being emptied.
- O. Site lighting details (location, height, type, intensity, method of shielding, and a ground level illumination plan, if required). This information is intended to determine compliance with requirements regarding lighting.
- P. Fences, screen walls, or other similar structures (location and details). This information is required to ensure compliance with the standards of this Zoning Ordinance.
- Q. Location of storage, use, and disposal areas, if any, for hazardous substances, and evidence of approval by the applicable Federal, State or local review agency. This information is needed to determine the safety of community, to prevent hazardous substances from leaving or contaminating the site.
- R. Location of all natural features located onsite including floodplains, wetlands, woodlands, etc. This information is needed to determine any environmental review by DEQ or DNR that might be required, as well as identifying unbuildable areas.
- S. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, land surveyor, or professional engineer who prepared it (unless waived by the Planning Commission) and shall consist of one or more sheets necessary to adequately provide the required data.
- T. Other information identified as necessary by the Planning Commission to determine compliance with the requirements of this Ordinance.
- U. The Planning Commission may waive informational requirements by general rule or on a case by case basis when it determines the information is not necessary to determine compliance with this Ordinance.

Section 15.05 Standards

In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulation, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs to prevent highway visibility obstructions, driver distraction, encroachments, and adverse effects on the community environment.
- F. The proposed development is consistent with the character of district and surrounding area in which it is proposed.

Section 15.06 Cash Bond or Irrevocable Letter of Credit

A cash bond or irrevocable letter of credit shall be posted with the Township before any work is to commence as a guarantee that the project will be completed in accordance with the approved site plan. No project shall commence prior to the bond or irrevocable letter of credit being posted with the Township Offices. The bond or irrevocable letter of credit shall be posted within two weeks of the site plan approval. The Township shall be given an expiration date for this bond or irrevocable letter of credit. The Township shall be notified of expiration or cancellation of the bond or irrevocable letter of credit prior to such occurring.

Upon completion of the project in accordance with the approved site plan, the bond or irrevocable letter of credit shall be released. The amount of the bond or irrevocable letter of credit shall be determined by the Planning Commission and shall be based on an acceptable percentage of the total cost of the project to be completed. The bond or irrevocable letter of credit shall be maintained until such time that the site plan conditions are met and approved.

Section 15.07 Approval Period

A site plan approval shall be valid for twelve (12) months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval and diligently pursued to completion, the approval shall be null and void, unless renewed or extended by specific action of the Township. Any request for an extension shall be made in writing. If approval is not extended before expiration of the twelve (12) month period, then a new application and a new approval shall be required before a Building Permit may be issued. Each extension shall be at the discretion of the Township and shall be for no more than twelve (12) months.

Article 16 Uses Permitted After Special Land Use Approval of the Planning Commission

Section 16.01 Application

For all uses permitted after special land use approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description, and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The site plan as provided for in Article 15 is required but, if the request involves the change in use of an existing site without changes to the building or surrounding site, the Planning Commission may require submission of a plot plan instead.

Section 16.02 Public Hearing

Requests for uses permitted after special land use approval (SLU) may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of the public hearing shall be sent by mail or personal delivery to the owners or occupants of property for which approval is being considered. Notice shall also be sent to all persons to whom property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

Section 16.03 Standards

- A. Requests for uses permitted after special land use approval shall be granted or denied based on the following standards:
 - 1. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
 - 2. The proposed use shall not result in the creation of a hazardous traffic condition.
 - 3. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
 - 4. All specific requirements of the Section 5.07 Table of Uses Design Requirements where the proposed use would be located shall be complied with.

Section 16.04 Decisions

The Planning Commission may deny, approve, or approve with conditions any request for a use permitted after special land use approval. A use permitted after special land use approval shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the finding and conclusions on which the decision is based, and any conditions imposed. Any conditions imposed shall meet all the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- D. There is a "rough proportionality" between the scope of the proposed condition in relationship to the impact to be mitigated.
- E. There is a reasonable connection between the condition imposed and the impact it is mitigating as part of "rational nexus".

Section 16.05 Expiration

Planning Commission permission for a use permitted after special land use approval shall expire twelve (12) months from the date of the meeting at which permission is granted, unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one (1) -year period. The work must be completed, and occupancy approved within the time limit of the Building Permit.

Section 16.06 Revocation of Special Land Use

The following procedural remedies shall be available to enforce conditions of approval imposed by the Planning Commission relating to a special land use:

- A. If the Zoning Administrator or his/her designate reasonably believes, based upon available information, that the applicant, property owner, or occupant for whom a special land use has been approved, has failed to satisfy the conditions of approval imposed by the Planning Commission, the Township may, through the authorized official designated below, take any of the following actions in order to obtain compliance with the conditions:
 1. The Building Official, Code Enforcement Officer, Fire Marshal, Police Officer, or other Township authorized to issue appearance tickets or civil infractions may issue an Ordinance complaint or civil infraction to be prosecuted in the District Court based upon his/her observations or investigation, or may ask the Township attorney to request issuance of a warrant for an Ordinance complaint based upon the information or evidence presented to him/her that there has been a violation of the Township Code or Zoning Ordinance.
 2. The Township Zoning Administrator or his/her designate based upon available information may request the Planning Commission to conduct a hearing in accordance with the procedures set forth in paragraph B below to determine whether the conditions of approval have been satisfied and, if not, whether or not the special land use conditions should be enforced or the approval revoked for failing to satisfy the conditions.
 3. After Township Board authorization, the Township Attorney may commence litigation in the Circuit Court to require the responsible party to satisfy the conditions or abate violation of the Township Code or Zoning Ordinance as authorized by Law, or request revocation of the approval.
 4. The Township through the appropriate authorized official may take any other enforcement or remedial action authorized by Law.
- B. If the Planning Commission receives a request from the Township Zoning Administrator or his/her designate supported by credible information that the applicant, property owner, or occupant for whom a special land use has been approved has failed to continuously satisfy the conditions of approval, the Planning Commission may conduct a hearing in accordance with the following procedure to review whether the applicant, property owner, or occupant has satisfied the conditions of approval:
 1. The applicant, property owner, or occupant granted the special land use and other persons entitled to notice of the original special land use hearing shall be advised in writing by the Township administration of the date of the meeting at which the Planning Commission intends to review whether the conditions of approval have been continuously satisfied, which notice shall be not less than fifteen (15) days before the scheduled meeting, except in cases where the public health, safety, or welfare is imminently threatened or endangered, in which case a hearing shall be held no earlier than five (5) days after written notice of the meeting date has been given.
 2. The written notice shall specify the condition(s) of the special land use with which the applicant, property owner, or occupant is alleged to have failed to continuously satisfy.
 3. At the hearing, the Township administration and other interested parties (or their authorized representatives) shall be given an opportunity to present evidence or information showing that the conditions of approval have not been continuously satisfied.
 4. At the hearing, the applicant, property owner, or occupant and other interested parties (or their authorized representatives) shall be given an opportunity to present evidence or information showing whether the conditions of approval have been continuously satisfied.

5. After the Planning Commission concludes the hearing, the Planning Commission may make its determination as to whether the applicant, property owner, or occupant has continuously satisfied the conditions of approval, or whether the applicant, owner, or occupant should be given additional time to satisfy the conditions of approval. Any conditions of approval originally imposed may be changed only with the concurrence of the applicant, property owner, or occupant. The Planning Commission may determine that the applicant, property owner, or occupant has satisfied the conditions of approval, has failed to continuously satisfy the conditions, or if it deems appropriate, grant an additional time period for compliance with the concurrence of the applicant property owner or occupant. In addition, the Planning Commission may revoke the special land use or recommend that the Township Board commence an action in Circuit Court to enforce the conditions of approval or to revoke the special land use if the Planning Commission determines by majority vote of those Commissioners present that the applicant, property owner, or occupant has not continuously satisfied one or more of the conditions of approval. The reasons for the Commission's action shall be recorded into the record, with a written copy furnished to the applicant, property owner, or occupant after certification of the minutes of the meeting at which such action was taken.

Article 17 Zoning Board of Appeals

Section 17.01 Establishment and Membership of the Zoning Board of Appeals

Hereby established is a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. One (1) member shall be a member of the Township Board. One (1) member shall be a member of the Planning Commission. The remaining member and any alternate members shall be electors who are not employees or contractors of the Township. One (1) or two (2) alternate members may be appointed. An alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made. Each member and alternate member shall be appointed for staggered terms of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall elect a chairman, vice chairman, and secretary. The Township Board member may not serve as the chairman. No business shall be conducted unless a majority of the regular members of the Zoning Board of Appeals are present.

Section 17.02 Applications and Notices of Hearings

All applications for variances or appeals shall be applied for in writing on forms provided by the Township. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners or occupants of property for which approval is being considered. Notice shall also be sent to all persons to whom property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three (300) feet of the property regardless of whether the property or occupant is located in the Township. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days prior to the hearing.

Section 17.03 Powers

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning map and Zoning Ordinance text. It shall hear and decide appeals from and review any administrative order, non-use variances, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to uses permitted after special land use and Planned Unit Developments but shall not authorize use variances.

Section 17.04 Decisions

- A. The Zoning Board of Appeals shall decide appeals based on the Standards of Approval for an Appeal in Section 17.05 and variance requests based on the Standards of Approval for an Interpretation in Section 17.06.
- B. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:
 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 4. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.

5. There is a reasonable connection between the condition imposed and the impact it is mitigating.

Section 17.05 Standards for Approval for an Appeal

The Zoning Board of Appeals shall not have the authority to grant use variances. The Zoning Board of Appeals may authorize specific non-use variances from such requirements as: lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all the following standards listed herein shall be satisfied. If one (1) or more of the following standards are not met, the variance shall be denied.

- A. The strict enforcement of the non-use provisions of this Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- B. Granting the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
- C. The plight of the owner is due to circumstances unique to the property.
- D. The problem that the variance is fixing was created by the owner or their predecessor in title.
- E. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance, public safety, or substantial justice.

Section 17.06 Standards for Approval for an Interpretation

- A. Classify, upon receipt of an application therefore, a use which is not specifically mentioned in the use regulations of any district according to the following standards:
 - 1. The unmentioned use shall conform to the purpose and intent of the district in which it is allowed as a permitted principal use or accessory use or as a special land use.
 - 2. The chosen use classification and permitted district(s) shall be that (those) which is (are) most similar to the unmentioned use being classified. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.
 - 3. The ZBA may not find that a specific use is included in a more general land use category in a zoning district if the specific use is identified elsewhere in another district. For example, a drive thru restaurant could not be interpreted as being included as in the use classification "restaurant" in zoning district "A" if drive thru restaurants are specifically permitted in district "B".
- B. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Section 5.07 and Article 13 of this Ordinance according to the parking requirements of the use classification and district to which it is most similar.

Section 17.07 Standards to Appeals of a Decision by the Zoning Administrator

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 of the Township, County, or State affected by a decision of the Zoning Administrator. Such appeals shall be taken within such times as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a "Notice of Appeal" specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action being appealed was taken. An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him, that by reason of the facts stated in such certification, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed except by the issuance of a restraining order by a court of record. The Zoning Board of Appeals shall reverse an order of the Zoning Administrator or other Code Enforcement Officer only if it finds that the action or decision appealed:

- A. The denial was based on arbitrary or capricious behavior/actions.
- B. The denial was based on an erroneous finding of a material fact.
- C. The denial was based on constituted an abuse of discretion.

- D. The denial was based on erroneous interpretation of the Zoning Ordinance or Zoning Law.
- E. Appeals from Denial of Board of Appeals may be taken to Lapeer County Circuit Court.

Section 17.08 Expiration of Approvals

Any variance granted under the provisions of this Zoning Ordinance shall become null and void within one (1) year of the date of issuance of the variance.

Article 18 Amendments

Section 18.01 Amendments

The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of the Ordinance pursuant to the authority and according to the procedure set forth in Act 110 of the Public Acts of 2006, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, Township Board, or an individual petitioner. The individual petitioner must own land within the Township that would be affected by the text amendment. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribed to his petition and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the Township Board with the Township at the time the petition is filed to cover the publication and other miscellaneous cost of such change.

Section 18.02 Conditional Rezoning

- A. **Authority.** The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.3405, being part of the Michigan Zoning Enabling Act.
- B. **Application.** Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a conditional rezoning, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed conditional rezoning may only be initiated by a property owner and not by the Township.
- C. **Pre-Hearing Meeting.** Whenever an application for a conditional rezoning is submitted, a pre-hearing meeting shall be scheduled between the applicant and the Planning Commission. At the pre-hearing meeting, the applicant shall fully explain the agreement being proposed. The Planning Commission and the developer shall then discuss the proposed agreement and put it into appropriate form for a public hearing.
- D. **Public Hearing and Recommendation.** After due notice, a public hearing in compliance with all procedural rezoning requirements shall be conducted by the Planning Commission as to the proposed conditional rezoning.
- E. **Township Board.** Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed conditional rezoning. Any decision by the Township Board which results in a rezoning conditional shall be incorporated in a written document duly executed by the Township Board and the property owner. The proposed agreement shall be reviewed for legal sufficiency by the Township Attorney prior to final approval. Any such agreement shall be recorded with the Register of Deeds and shall run with the land. The Township shall either record the agreement or shall receive verification that the applicant has done the recording.
- F. **Standards for Decision.** In deciding whether or not to approve a proposed conditional rezoning, the Planning Commission and Township Board shall base their decisions on the following factors:
 1. The terms of the offer must be reasonably related to the property covered in the agreement.
 2. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
 3. The proposed land use must be consistent with the goals and policies of the Township, including the Township Master Land Use Plan.
- G. **Limitations on Agreements.** A conditional rezoning shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.
- H. **Zoning Reversion.** In the event that the terms of a conditional rezoning are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

Article 19 Repeal of Prior Ordinances

Section 19.01 Repeal of Prior Ordinances

The former Zoning Ordinance for the Township of North Branch adopted January 9, 1997 and all other amendments thereto are hereby repealed.

Article 20 Violations

Section 20.01 Penalty

Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the regulatory measures or the conditions of the Zoning Board of Appeals or the Township Board, adopted pursuant hereto is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) plus costs and other sanction, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided under the North Branch Township Civil Infraction Ordinance Number 20.

Section 20.02 Nuisance Per Se

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. The Court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se.

Article 21 Severability

Section 21.01 Severability

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

Article 22 Enactment

Section 22.01 Ordinance Enacted

The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township.

Section 22.02 Effective Date

This Ordinance shall be effective seven (7) days after publication of such Ordinance in a newspaper of general circulation of the Township, pursuant to Section 401 of Act 110, Michigan Public Acts of 2006, as amended.

Section 22.03 Certification

I, Amy Bridger Snoblen, North Branch Township Clerk, do hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the North Branch Township Board of Trustees at a meeting held on the ____ day of, 2018. I further certify that a notice of adoption of this Ordinance was duly published in the Lapeer County Press on the ____ day of ____, 2019.

Amy Bridger Snoblen, Clerk
North Branch Township