

# **OREGON TOWNSHIP**

## **ZONING ORDINANCE**

### **ORDINANCE NO. 100**

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**(With Zoning Amendments through 2019)**

**TOWNSHIP OF OREGON ZONING ORDINANCE**

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# ZONING ORDINANCE

## TOWNSHIP OF OREGON

### ORDINANCE NO. 100

AN ORDINANCE to regulate the use of land within the Township of Oregon, Lapeer County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Public Act 110 of the Public Acts of 2006, as amended.

#### THE TOWNSHIP OF OREGON ORDAINS:

#### ARTICLE 1

##### Title

Section 1.01. This Ordinance shall be known and cited as the Oregon Township Zoning Ordinance No. 100.

#### ARTICLE 2

##### Activities Covered By Ordinance

Section 2.01. No building or structure, or part thereof, shall be erected, constructed, reconstructed, 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.

#### ARTICLE 3

##### Administration

Section 3.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 3.02. ZONING PERMITS. A zoning permit shall be acquired from the Zoning Administrator before any construction of a structure is undertaken, any structure is moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township. The term "change in use" shall mean a land use which is a new land use on the property and which is not accessory to an existing land use which conforms to the ordinance.

- A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township and shall include a plot plan of the proposed land use.
- B. PERMIT ISSUANCE. A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.
- C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

- D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.
- E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.
- F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

**ARTICLE 4  
Zoning Districts**

Section 4.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AR	Agriculture - Residential
R-1	Single Family Residential
RM	Medium Density Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Oregon Township Zoning Map.

Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval."

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

**ARTICLE 5  
AR Agriculture - Residential District**

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses on parcels of land containing at least two and one-half (2 ½) acres. The keeping of livestock, poultry and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act. In order to keep livestock, there shall be a minimum of 2-1/2 acres for the first head of livestock and one additional acre for each additional head of livestock. There shall be no limit on livestock on parcels of land containing 20 or more acres. **(Amended April 14, 2015, Amendment #136)**
- B. Forestry, conservation areas, game refuges, publicly owned parks, and similar non-commercial uses.
- C. Single-family dwellings (subject to Section 13.05).

- D. Farm roadside stands or sales limited to the selling of produce raised primarily on that farm.
- E. State licensed family day-care homes for children.
- F. State licensed residential facilities for six or fewer residents.
- G. Home Occupations.
  - 1. The property owner shall obtain a zoning permit from the Zoning Administrator prior to commencing to operate a home occupation.
  - 2. The home occupation must be conducted entirely within a dwelling, which can include garages or other existing buildings.
  - 3. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
  - 4. No noise, odor, fire hazard, or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
  - 5. No outdoor storage or display of merchandise or materials shall be allowed.
  - 6. There shall be no employees, other than family members who reside in the home on the property.
  - 7. Permissible home occupations shall include, but not be limited to, crafts and the teaching of fine arts.
- H. Repealed in its entirety May 14, 2019, Amendment #141.
- I. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. SPECIAL LAND USES.

- A. Private parks, recreation facilities and activities, campgrounds, shooting ranges, and golf courses.
  - 1. Minimum site size shall be twenty (20) acres.
  - 2. All development features shall be located so as 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.
  - 3. Activities shall be adequately screened from abutting property.
  - 4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
  - 5. 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.
- B. Dog kennels and the raising of fur bearing animals.
  - 1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.

2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6') feet in height.
  3. Dog kennels shall be set back a minimum of fifty (50') feet from each property line and one hundred fifty (150') feet from the road.
  4. For purposes of this section, a dog kennel is defined as any property on which five (5) or more dogs over the age of four (4) months are kept or harbored.
- C. Mining, removal or quarrying of soil, sand, clay, gravel or other earthen materials, except that no special approval shall be required for excavations and incidental grading for building construction purposes, pursuant to a duly issued zoning and building permit, or for removal of less than five thousand (5,000) cubic yards per year from a single parcel of land.
1. Each application for special approval shall, at a minimum, contain the following information:
    - a. Names and addresses of parties with ownership interest in the premises and the proposed operators of the site.
    - b. Legal description of the premises.
    - c. Detailed statement as to the method of operation, type of machinery or equipment to be used, estimated period of time that the operation would continue, and the acreage and proposed method for removal.
    - d. Detailed statement as to the type of deposit proposed for extraction.
    - e. Topographical survey map and aerial photograph of property.
    - f. Reclamation plan and detailed statement showing the proposed use of the land after quarrying off fill operations are complete.
    - g. Such other information as may be reasonably requested by the Planning Commission or required by ordinance.
  2. Pursuant to the requirements of Public Act 113 of 2011, a proposal which complies with all the requirements of the Zoning Ordinance shall be approved if the applicant can demonstrate the following:
    - a. There are valuable natural resources to be extracted. Under the statute, valuable natural resources are defined by whether the operator can receive revenue and can reasonably expect to operate at a profit and that there is a need for the natural resources by the applicant or on the open market.
    - b. There are not any very serious consequences which would result from the extraction of the natural resources. In determining whether very serious consequences would result, the following factors may be considered:
      1. The relationship of extraction and associated activities with existing land uses.



2. The impact on existing land uses in the vicinity of the property.
  3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  5. The impact on other identifiable health, safety, and welfare interests in the Township.
  6. The overall public interest in the extraction of the specific natural resources on the property.
3. Operational Requirements for Operations.
- a. Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.
  - b. The operator shall acquire a haul permit from the Road Commission.
  - c. The use of explosives is prohibited.
  - d. In operations involving excavations over five (5') feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs and greenbelts where appropriate.
  - e. The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.
  - f. The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3') feet to one (1') foot (three foot horizontal to one foot vertical).
  - g. No cut, excavation or stockpiling of material shall be allowed closer than two hundred (200') feet from the centerline of the nearest road right-of-way nor closer than one hundred and fifty (150') feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.
  - h. The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.
- D. State licensed residential facilities for seven or more residents.
- E. State licensed group child day-care homes.
- F. Township and other governmental buildings, structures and facilities.
- G. Schools, churches, and cemeteries.

- H. Bed and breakfast establishments.
- I. Communications and wind generation towers (subject to Section 13.12).
- J. Two family dwellings (subject to Section 13.05).
- K. Veterinary clinics.
- L. Cluster Housing and Open Space.
  - 1. Open space. Land qualifying as open space shall be land set aside for recreational conservation or agricultural uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road right of way, county drain easements or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation or agriculture purposes shall be prohibited.
  - 2. Minimum site size. The clustering of single family dwellings may only be permitted on parcels of land containing at least ten (10) acres.
  - 3. Open space minimum. A single family cluster development must preserve open space equal to a minimum of forty (40%) percent of the total area of the parcel on which the cluster housing is constructed.
  - 4. 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:
    - a. Natural stands of large trees.
    - b. Natural habitat for wildlife.
    - c. Unusual topographic features.
    - d. Productive farmland.
    - e. Water or wetland areas.
  - 5. 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 unit per two (2) acres, based on the total land area of the parcel on which the cluster housing is constructed. The maximum 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.
  - 6. 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 minimums:
    - a. The minimum side yard and rear yard setbacks shall be at least fifteen (15') feet.
    - b. The minimum lot width shall be at least one hundred (100') feet.
  - 7. Road access. All dwelling units within a cluster housing development shall enter only onto an internal road and not onto an existing public road.

8. 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 of the open space would be held in common by the owners of all dwelling units in the cluster development.
  - b. That a 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 open space.
  - d. That the restrictions could be enforced by all property owners and by the Township.
  
9. 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 restriction could be enforced by all property owners and by the Township.
  
- M. Solar farms (defined in Section 13.19(B)(4)(c)).

**ARTICLE 6**  
**R-1 Single Family Residential**

Section 6.01. PRINCIPAL USES PERMITTED.

- A. Single family dwellings (subject to Section 13.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations within dwellings (subject to the requirements of 5.01(G)).
- F. Keeping of livestock, providing that there shall be a minimum of 2½ acres for the first head of livestock and one additional acre for each additional head of livestock. There shall be no limit on livestock on parcels of land containing 40 or more acres.
- G. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

A. Site condominium developments.

Single-family detached condominium developments are subject to the following requirements:

1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
  - a. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items (a), (b), and (c) of the submission requirements in subsection (2) below.
  - b. Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items (a through g) of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 17 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
  - a. A survey of the condominium subdivision site.
  - b. A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
  - c. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
  - d. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
  - e. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
  - f. A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.
  - g. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.

3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
  4. Streets. All streets for a site condominium project shall conform to the Lapeer County Road Commission standards for subdivision streets and shall be dedicated as a public road.
  5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and storm water retention areas.
  6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.
- B. Platted subdivisions in compliance with the Michigan Land Division Act.
  - C. Two family dwellings.
  - D. Golf courses in compliance with the requirements of 5.02(A).
  - E. Communications and wind generation towers (subject to Section 13.12).

**ARTICLE 7**  
**RM Medium Density Residential**

Section 7.01. PRINCIPAL USES PERMITTED

- A. Single and two family dwellings (subject to Section 13.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations within dwellings (subject to the requirements of 5.01(G)).
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 7.02. SPECIAL LAND USES.

- A. Multiple family dwellings on parcels at least five (5) acres in size.
  1. There shall be no more than six (6) dwelling units per acre unless the units are served by municipal sewer and water systems.
  2. Each dwelling unit shall contain the minimum number of square feet specified in Section 11.02.

- B. Hospitals, convalescent homes, and assisted living facilities.
- C. Site condominium developments in compliance with the requirements of Section 6.02(A).
- D. Bed and breakfast establishments.
- E. Platted subdivisions in compliance with the Michigan Land Division Act.
- F. State licensed residential facilities for seven or more residents.
- G. State licensed group child day-care homes.
- H. Golf courses in compliance with the requirements of Section 5.02(A).
- I. Communications and wind generation towers (subject to Section 13.12).

**ARTICLE 8  
MHP Manufactured Housing Park**

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
  - 1. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
  - 2. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- B. Single family dwellings (subject to Section 13.05).
- C. Crop production.
- D. State licensed family day-care homes for children.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

**ARTICLE 9  
C Commercial District**

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building, except those uses specified in Section 9.02.
- B. Personal service establishments which operate within a completely enclosed building such as restaurants (without drive-through services or alcoholic beverages), laundromats, barber shops, beauty shops, photographic studios, bowling alleys, theaters, and dry cleaning establishments.
- C. Repair or service shops for consumer items such as watches, shoes, furniture, and appliances.

- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Mini-storage facilities which provide storage space for personal use.
- H. Schools, churches, and publicly-owned buildings or facilities.
- I. Single-family dwellings (subject to Section 13.05).
- J. Crop production.
- K. Medical, dental or veterinary clinics.
- L. Facilities for electricians, plumbers and similar trades within a completely enclosed building.
- M. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, building supply operations, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, washing, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Recycling facilities (not including junk yards).
- D. Communications and wind generation towers (pursuant to Section 13.12).
- E. Taverns, bars, clubs, or other facilities serving alcoholic beverages.
- F. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.
  - 1. No two (2) uses listed in this subsection shall be located within one thousand (1,000') feet of each other.
  - 2. No use listed in this subsection shall be located within one thousand (1,000') feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000') feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.

3. No use listed in this subsection shall be located within one thousand (1,000') feet of any church, school, park, or township hall.
  4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".
  5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
  6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1<sup>7</sup>) foot candle measured at floor level.
- G. Drive-Through Restaurants.
1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
  2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.
- H. Wholesale business operations.
- I. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments which do not serve alcoholic beverages.
- J. Communications and wind generation towers (subject to Section 13.12).

**ARTICLE 10**  
**I Industrial District**

Section 10.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial or commercial production.
- B. Truck terminals.
- C. Public utility service yards.
- D. Repair facilities.
- E. Laboratories.
- F. Warehousing, storage, or wholesale facilities.
- G. Building material sales operations.
- H. Crop production.
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.



Section 10.02. SPECIAL LAND USES.

- A. Junk or recycling yards.
  - 1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
  - 2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100') feet.
  - 3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8') feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
  - 4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.
- B. Recycling facilities.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications or wind generation towers (as defined in Section 13.12).
- F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- G. Airports.
- H. Solar farms (as defined in Section 13.19).

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**ARTICLE 11**  
Area, Setback and Height

Section 11.01. COMPLIANCE.

- A. All lots, structures and ponds shall comply with the area, setback, and height requirements of Section 11.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

Section 11.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area	Minimum Lot Width (In feet) (a) & (b)	Minimum Front Yard Setback (In feet) (c)	Minimum Side Yard Setback (In feet) (d)	Minimum Rear Yard Setback (In feet) (d)	Minimum Floor Area Per Dwelling (In sq. ft.) (g)	Maximum Building Height (In feet) (e)
AR	2½ acres	300	83	20(f)	50(f)	960	35(k)
R-1	32,500 sq ft	130	83	15(f)	30(f)	960	35(k)
RM	2½ acres (h)	300	83	25	50	500 (i)	35
MHP	(j)	(j)	83	25	50	800	25
C	1 acre	200	83	25	50	-	50
I	1 acre	200	83	25	50	-	50

- (a) Measured at minimum front yard setback.
- (b) In no case shall the width of any parcel be less than one-fifth of the length of the parcel.
- (c) Measured from center of the road right-of-way, except that in the case of a cul-de-sac frontage, the setback shall be fifty (50) feet from the right-of-way line.
- (d) No building shall be constructed within eighty three (83') feet of the centerline of any public or private road.
- (e) Not applicable to farm structures such as barns, silos, or grain elevators, or to church steeples or transmission towers.
- (f) Minimum side and rear yard setbacks for garages and other accessory buildings shall be 10 feet. However, minimum setbacks on certain legal nonconforming lake lots which are less than sixty-five (65) feet in width shall be seven and one-half (7.5') feet for side yards and fifty (50') feet for front yards. This provision shall only apply to lots which front on Bronson, Skinner, Pero, Pleasant, McKeen, and West Lakes. These reduced setbacks shall apply to accessory buildings as well as dwellings.
- (g) A dwelling with two or more levels shall have a minimum floor area of one thousand two hundred (1,200) square feet.
- (h) In the case of multiple family dwellings, there shall be no less than four thousand (4,000) square feet of land area per dwelling unit.
- (i) An additional 150 square feet shall be required for each bedroom beyond the first.
- (j) The minimum size of the mobile home park property shall be twenty (20) acres and the minimum width of the property shall be six hundred (600') feet. Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. Any land uses in the district other than manufactured housing parks shall meet the requirements for the R-1 zoning district.
- (k) Unattached accessory buildings shall comply with the height limitations of Section 13.20.

**ARTICLE 12**  
**Parking and Loading Requirements**

Section 12.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10') feet wide and twenty (20') feet long, exclusive of drives.
- B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. The minimum width of access lanes for parking spaces shall be twenty-five (25') feet.
- C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500') feet of the permitted uses requiring the parking.
- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24") inches of bench or other seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- I. HARD SURFACING. All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.

Section 12.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, and Theaters	1	Two (2) seats based upon maximum seating capacity in the main place of assembly therein, plus one (1) space for each employee.
B. Churches	1	Four (4) seats based upon maximum seating capacity.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
C. Automobile Service Stations	1	Each gasoline pump and lubrication stall plus one (1) space for each employee.
D. Banks and Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area plus one (1) space for each employee.
E. Barber Shops and Beauty Parlors	2	Each barber or beauty operator plus one (1) space for each employee.
F. Drive-In Restaurants	1	Twenty-five (25) square feet of usable floor area, plus one (1) space for each employee and one (1) space minimum of twenty (20) parking for each individual parking unit where service is provided in the vehicle.
G. Golf Courses	1	Each two (2) employees plus one (1) space for every five hundred (500) square feet of usable floor area in the club house, plus a minimum of four (4) parking spaces per hole on the golf course.
H. Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
I. Residential dwellings	2	Each dwelling unit.
J. Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	1	One for each two (2) persons at maximum seating capacity, plus one (1) space for each employee.
K. Retail stores and service establishments other than those specified herein	1	Three hundred (300) square feet of usable floor area, plus one space for each employee. There shall be a minimum of four (4) parking spaces.
L. Sanitariums, convalescent homes and hospitals	1	Two (2) beds plus one space for each employee.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
M. Hotels, motels and similar establishments	1	Each sleeping unit, plus one (1) space for each employee.
N. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred (200) square feet of usable floor area, plus one (1) space for each employee on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each auto serviced.
O. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred (300) square feet of usable floor area plus one (1) space for each employee. There shall be a minimum of four (4) parking spaces.

For purposes of this section, the term “usable floor area” shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms. Also, for purposes of this section, references to “each employee” shall mean the maximum number of employees on the premises at any one time.

**Section 12.03. OFF-STREET LOADING REQUIREMENTS.** On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least twelve (12’) feet by forty (40’) feet, with a minimum fourteen (14’) feet height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space
Over 20,000	One space for each 20,000 square feet.

### **ARTICLE 13 General Provisions**

**Section 13.01. CONFLICTING REGULATIONS.** Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

**Section 13.02. ROAD FRONTAGE.** Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road. In lieu of public road frontage, a parcel may have frontage on an existing private road or private driveway easement approved prior to 2006.

Section 13.03. DEPTH TO WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds five (5) times the width of that parcel.

Section 13.04. RESIDENTIAL OCCUPANCY IN BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, barns, pole barns, accessory buildings, basements or other structures shall not be occupied as dwellings unless the requirements of Section 13.05 are complied with. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 13.09.

Section 13.05. SINGLE-FAMILY AND TWO-FAMILY DWELLING REQUIREMENTS. Any single-family or two-family dwelling shall comply with the following minimum standards:

- A. **MINIMUM SIZE.** Each dwelling unit shall contain the minimum number of square feet specified in Section 11.02, prior to any alterations or additions.
- B. **MINIMUM WIDTH.** Each dwelling shall be no less than twenty-four (24') feet in width in any direction, prior to any additions or alterations.
- C. **FOUNDATION.** Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. **ROOF.** Each dwelling unit shall have a roof with no less than a 4-12 pitch.
- E. **UNIT AGE.** In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.
- F. **STORAGE FACILITIES.** Each dwelling shall have either a basement, garage or storage building containing at least two hundred (200) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling.
- G. **CONSTRUCTION CODE.** Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 13.06. SIGNS. All signs shall comply with the requirements of this section.

- A. The following signs specified in items 1-7 may be erected in the Township without Planning Commission site plan approval, provided the other requirements of this section are complied with and provided (in the case of signs specified in items 1-5) that the signs are located on the property being advertised:
  - 1. Signs advertising real estate for sale or rent. Such signs may not exceed sixteen (16) square feet in sign area.
  - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed sixteen (16) square feet in sign area.
  - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed sixteen (16) square feet in sign area.
  - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed sixteen (16) square feet in sign area.

5. Signs stating the name and/or address of a property owner. Homeowner and farm owner signs shall not exceed sixteen (16) square feet in sign area.
  6. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
  7. Temporary signs advertising non-commercial public events for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event. This shall include events for churches, charitable organizations, and community service groups such as 4H, Kiwanis, Chamber of Commerce, etc.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection (A) above.
  - C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
  - D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays.
  - E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
  - F. No sign shall rotate nor contain any moving parts.
  - G. All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and shall not encroach on any road rights of way.
  - H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
  - I. ON-SITE SIGNS.
    1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
    2. Principal on-site signs shall not exceed one hundred (100) square feet in sign area.
    3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
    4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
  - J. OFF-SITE SIGNS. No off-site signs, including billboards, shall be erected within the Township, except for signs that are thirty-two (32) square feet or less in sign area. Such signs shall not require site plan approval but shall be limited to no more than two (2) such signs for the same enterprise anywhere within the Township.

Section 13.07. PONDS.

- A. Ponds shall be set back at least one hundred (100') feet from all property lines, easement lines, and septic fields.

- B. Ponds shall only be located on parcels of land containing at least two and one-half (2½) acres.
- C. Any spoil or berms remaining from pond excavations shall be graded and contoured so as to blend into the surrounding landscape.
- D. Pond construction, maintenance and operation, including berming or placement of spoils on site, shall not create or increase storm water or other surface water run-off onto adjacent parcels or rights-of-way.
- E. The applicant shall comply with all required reviews and permits from State and County agencies including, but not limited to, the following:
  - 1. Wetlands regulated by the State.
  - 2. County Soil Erosion and Sedimentation Control Permit.
  - 3. State regulation within five hundred (500') feet of any lake or stream.

Section 13.08. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10') feet in width along said borders shall be planted and maintained. The Planning Commission may approve a fence or berm in lieu of a greenbelt.
- C. Detailed landscaping plans for all greenbelts for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 13.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 13.05. A temporary dwelling permit may be issued if the following requirements are complied with:
  - 1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
  - 2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.



3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
  4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
  5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.
- B. Variances to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section 13.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 18. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over ten (10) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons. An Affidavit to that effect shall be provided to the Township as detailed in Section 13.09(A)(3).

Section 13.10. ONE DWELLING PER PARCEL. No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. If a variance is granted for an additional dwelling for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

Section 13.11. PROHIBITED VEHICLES AND OTHER UNITS AS STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose, unless allowed by the Township Blight Ordinance. This section shall not apply to manufactured homes which comply with Sections 13.05 or 13.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 13.12. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

- A. Public Utilities. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article 16. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.

- B. Exempt Antennas and Windmills. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers, homeowners, or business owners, and used for onsite purposes only shall be exempt from the requirements of this section and shall be allowed as a permitted use in all zoning districts, providing that the antenna, windmill or related facilities do not exceed eighty (80') feet in height. Any towers, windmills, or related facilities shall be set back from any property lines, right of ways for power lines, or road right of ways no less than a distance equal to one hundred (100%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade, whichever is taller.
- C. Commercial Communication Towers. All commercial communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, internet and similar communication services, may be allowed as special land uses in all zoning districts except MHP, pursuant to Article 17, subject to the following requirements:  
**(Amended 9-28-17, Amendment #137)**
1. An applicant shall submit a site plan and a written application, which shall include an explanation of the design characteristics and the 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. The application shall be reviewed by the Zoning Administrator, who shall notify the applicant within fourteen (14) days if there is any additional information needed to make the application complete. If no notice is sent to the applicant within the fourteen (14) day period, the application shall be deemed to be complete.
  2. The Planning Commission must act on an application for special approval for a communication tower which does not involve co-location within ninety (90) days of receipt of a completed application.
  3. The minimum setback from any property line, road right-of-way, or right-of-way for power lines, shall be equal to one hundred twenty-five (125%) percent of the height of the tower.
  4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
  5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6') feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
  6. 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, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
  7. Co-location shall be deemed to be "feasible" for the purposes of this section, where all of the following are met:

- a. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  - b. 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, antennas, and the like.
  - c. Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - d. 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 purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C(7)(a)(b)(c) and (d) are met.
  9. No communication tower shall be located within one-point-five (1.5) miles of an existing tower. **(Amended 9-28-17, Amendment #137)**
  10. The unit shall be painted a neutral color such as beige or gray. Alternatively, if the unit is constructed of galvanized metal, the unit may either remain unpainted or be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission. Additionally, the applicant shall maintain the tower in the approved color throughout the lifespan of the tower, meaning that the applicant shall repaint the tower to match its original color in the event that the tower becomes discolored during the lifespan of the tower. **(Amended 9-28-17, Amendment #137)**
  11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top six (6') feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
  12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- D. Commercial Wind Energy Systems. Wind electrical generation towers and electrical generation windmills, other than those exempted under subsection (B), are allowed as special land uses in all zoning districts, pursuant to Article 17 and the following requirements:

1. The applicant shall submit a written explanation of the design characteristics and the 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.
2. The minimum setback from any property line, road right-of-way, or right of way for power lines, shall be equal to one hundred twenty-five (125%) percent of the height of the windmill blades at the highest point.
3. The minimum clearance from ground level to the blade at its lowest point shall be twenty (20') feet.
4. The tower shall not be unreasonably injurious to the safety or market value of nearby properties.
5. All windmill bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6') feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. The towers, windmills, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.
7. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
8. The provisions of subsections 13.12(C)(11) and (C)(12) shall also be complied with as to wind energy systems.

Section 13.13. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- D. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale." Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this Ordinance.

Section 13.14. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.

- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.
- E. If any building, manufactured home or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, legal non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

Section 13.15. OUTDOOR STORAGE AND OCCUPANCY OF RECREATIONAL VEHICLES.

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 13.05. Mobile homes and manufactured homes are not included in the definition of recreational vehicles.
- B. Recreational vehicles may be stored outside on properties containing an occupied single-family dwelling, provided that there are not more than two (2) such units on the property. Only one (1) such recreational vehicle may be occupied and only for a maximum of ninety (90) days in any calendar year.
- C. On properties zoned R-1 which do not contain an occupied single family dwelling, only one (1) recreational vehicle may be stored or occupied. Such storage or occupancy shall not exceed ninety (90) days during any calendar year.
- D. On properties zoned AR and which do not contain an occupied single family dwelling, a maximum of two (2) recreational vehicles may be stored or occupied. Such storage or occupancy shall not exceed one hundred eighty (180) days during any calendar year.
- E. No recreational vehicle shall be occupied or stored outside except in compliance with subsections (B), (C) or (D) of this section.
- F. Any recreational vehicle located on any property shall comply with the setback requirements applicable to structures within the zoning district.

Section 13.16. FENCES AND WALLS. All fences and walls, other than on property used for agricultural purposes in an area zoned AR, shall comply with the following:

1. No residential fence shall exceed six (6') feet in height, measured from the surface of the ground. No fence which obscures visibility shall be erected in any minimum front yard setback area or within any rear yard setback area adjacent to a lake.
2. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
3. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines.
4. Within the limits of clear vision zones established by the Road Commission or the MDOT, there shall be no fences or hedges allowed except for fences which can be easily seen through.
5. Material used in any obscuring fencing shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from standard fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.

Section 13.17. REPEALED in its entirety May 14, 2019, Amendment #14

Section 13.18. BOAT DOCKING AND LAUNCHING.

1. No launching or docking shall be permitted on or from a separate lake frontage of less than one hundred thirty (130') feet unless the separate lake frontage constituted a lot of record prior to the effective date of adoption of this section of the Zoning Ordinance.
2. Not more than four (4) boats shall be launched or docked adjacent to each separate lake frontage, except as permitted below.
3. If the continuous length of a separate lake frontage is greater than one hundred thirty (130') feet, one (1) additional boat may be launched or docked for each sixty-five (65') feet of continuous lake frontage in excess of the first one hundred thirty (130') feet.
4. Any docking or launching of boats shall comply with all applicable State statutes and regulations.

**Section 13.19. SOLAR ENERGY SYSTEMS. (Section 13.19 amended in its entirety August 13, 2019, Amendment #142)**

**A. PURPOSE OF THE SOLAR ENERGY COLLECTION SYSTEM REQUIREMENTS.**

These requirements are designed to protect areas from potential adverse impacts of solar energy collection systems and to consider the health and safety of the public in their placement and usage. Commercial and personal use of either structure-mounted or ground-mounted energy collection systems will be permitted within the jurisdiction.

**B. DEFINITIONS.**

1. On-Site Solar Energy Collector. One or more solar energy collectors that are located on one single parcel of property.
2. Private Use. A solar energy collector for private use shall be utilized primarily to provide generated electricity that is used on the parcel of property where the solar energy collector is located. This definition does not prohibit the landowner from selling electricity generated in excess of the amount used on the parcel back to an energy company, but such sales shall be a secondary purpose and the majority of energy generated on the parcel shall be used on the parcel.
3. Screening. A ground-mounted solar energy collector shall be screened. Solar energy collector screening shall be a minimum of 80% opaque and installed on the front and on all sides or rear of a solar energy collector visible from a public right-of-way. Screening shall consist of fencing, wall, evergreen vegetation, berm or combination thereof. Plant material used for screening shall be a minimum of twenty-four (24") inches tall and of a size, quantity and spacing to achieve a fifty (50%) percent year-round opacity at the time of planting. Diversity and native species are encouraged. Plant material shall comply with ANSI American Standard for Nursery Stock, as amended.
4. 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 distribution to other lands. This includes solar panels but shall exclude solar shingles and temporary, man-portable solar energy collection devices.
  - a. Building-mounted Solar Energy Collector. A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element in whole or in part of a building.
  - b. Ground-mounted Solar Energy Collector. 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.

- c. Commercial Solar Energy Collector (Solar Farm). 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 farm.
- 5. Solar Panel. A panel consisting of an array of solar cells used to generate electricity directly from sunlight.
- 6. 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.
- 7. Racking. Racking is any structure or building material used in the mounting of a solar panel.
- 8. Temporary, Man-Portable Solar Energy Collection Devices. One (1) or more temporary solar energy collectors that are not attached to the ground or a structure, that are man-portable and which generate a total of not more than one (1) kilowatt of power per parcel.

C. ALL SOLAR ENERGY COLLECTOR REQUIREMENTS

- 1. Installation. The applicant shall show how all panels will be secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- 2. Standards. Each system shall comply with the following standards:
  - a. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
  - b. Solar energy collectors and installation and uses shall comply with construction codes, electrical codes, and other state requirements.
- 3. Visual Appearance. Solar energy collectors and racking shall be dull or dark in color, non-glossy, and substantially non-reflective of light. This shall not create a nuisance to adjacent dwelling units.
- 4. Storm Water Runoff. The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

D. SOLAR ENERGY COLLECTORS FOR PRIVATE USE:

The use of solar energy collectors for private use shall be allowed in all zoning districts subject to the requirement that the property owner first obtain a Zoning Permit and comply with the applicable provisions of this Section 13.19.

- 1. Building-Mounted Solar Energy Collector (On-Site Use). The use of building mounted solar energy collectors for private use shall be permitted in all zoning



districts, subject to the requirement that the property owner first obtain a Zoning Permit with the following requirements:

- a. Maximum Height. Solar energy collectors shall not project more than two (2') feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district.
- b. Placement on Structure. Solar energy collectors that are mounted on a roof shall meet the following requirements:
  - i. Solar energy collectors shall not be located within three (3') feet of any peak, eave, or valley to maintain adequate accessibility.
  - ii. Solar energy collectors shall be such a weight to be safely supported by the structure. Building Official approval is required.
  - iii. Solar energy collectors shall be permanently attached to a building or structure. Building Official approval is required.
  - iv. Solar energy collectors shall not project higher than the building height if placed on a wall.
- c. Installation/Review. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.

2. Ground-Mounted Solar Energy Collector (On-site Use).

The use of ground-mounted solar energy collectors for private use shall be permitted in all zoning districts subject to the requirement that the property owner first obtain a Zoning Permit with the following requirements:

- a. Setbacks. Ground-Mounted Solar Energy Collectors are permitted in front, rear and side yards, but shall not be placed in the required setbacks for accessory buildings per Section 13.20 of this Zoning Ordinance.
- b. Maximum Height. Ground-Mounted solar energy collectors shall not exceed twelve (12') 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.
- c. Installation/Review. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.

E. COMMERCIAL SOLAR ENERGY COLLECTOR:

The use of a utility-scale facility for solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity shall be permitted in the AR - Agriculture-Residential District subject to Special Land Use Approval with the following requirements:

1. Installation shall comply with all requirements previously listed based on if it is building-mounted (Section 13.19(D)(1)) or ground-mounted (Section 13.19(D)(2)).
2. Setbacks. Setback requirements for solar farms must meet the minimum building setback requirements for the zoning district it is in, but will be a minimum of two-hundred (200') feet from a residential dwelling unit not located on the property. The setback shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening, or berm.
3. Screening and Financial Guarantee. Commercial solar energy collectors shall be screened from residential dwelling units and/or other land uses required by the Planning Commission. The screening zone shall show the location of fences/landscape buffers and residential dwelling units on contiguous lots. The screening must meet the definition of screening in Section 13.19(B) of this Zoning Ordinance. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to one hundred twenty-five (125%) percent of the costs to meet the required landscaping requirements. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in the Zoning Ordinance.
4. Vegetation. Vegetation requirements and management shall meet requirements of this Section 13.19 related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Planning Commission:
  - a. Restrictions on tree clearing, the removal of mature trees, or mitigation for cleared trees may be required by the Planning Commission. Such restrictions shall be designed to protect neighboring properties from nuisance (audio, visual or otherwise), decline in property value, and to protect the health, safety and welfare of the surrounding community.
  - b. Vegetation ground cover shall be maintained in good condition on the entire site during the operation until the site is decommissioned.
5. Power Communication Lines.
  - a. Power and communication lines running between the banks of the solar panel shall be buried unless the following exception applies:
    - i. Where shallow bed rock, water course, or other elements of the natural landscape interfere with the ability to bury lines.

6. Site Restoration Plan. Include a site restoration plan that shows the use of the site should the panels be removed as well as method and mechanisms to implement the site restoration plan.
7. Review. The solar panels and array of panels shall be reviewed by a fire department representative(s) designated by the Township. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the fire department to isolate the panels in case of fire.
  - a. The fire department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
8. Drive Requirements. Access drives and interior drives for the facility must be designed to allow for appropriate ingress, egress and internal circulation of emergency vehicles, including but not limited to having the capability of withstanding vehicles weighing up to 22,000 lbs. and providing sufficient room for emergency vehicles to turn around as necessary.

F. ZONING PERMIT REQUIREMENTS FOR PRIVATE USE ON-SITE BUILDING-MOUNTED AND GROUND-MOUNTED SOLAR ENERGY COLLECTORS

The following informational requirements shall be included as part of the Zoning Permit Application:

1. Parcel information, including:
  - a. Lot dimensions;
  - b. Dimension and location of the solar energy collection system to be installed;
  - c. Setbacks from the property lines of the proposed solar energy collection system location; and
  - d. A drawing of the entire property showing existing and proposed property lines, structures, buildings, roads, driveways, bodies of water and other significant physical features.
2. An indication that the construction is either not located within five hundred (500') feet of a lake, stream, wetland, county drain, natural or artificial body of water or if the construction is within five hundred (500') feet of such a body of water then either a Soil Erosion permit or a waiver from the Lapeer County Health Department.
3. Location of any existing septic tank and field on the property.
4. Location of any well on the property.
5. Designation of any overhead utility wires on or near the property.
6. Designation of any underground utility wires, gas lines, or other buried utilities.

G. SITE PLAN REVIEW REQUIREMENTS FOR COMMERCIAL SOLAR ENERGY COLLECTION SYSTEMS

1. Required site plan information in Section 16.03.
2. Existing property lines and property lines extending one hundred (100') feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
3. The number of panels to be installed.
4. The mounting heights and total height of panels in an elevated or tilted position.
5. Location and spacing of solar panels.
6. Location of access roads.
7. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
8. Information required in Section 13.19(F).
9. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation, or other electric load.
10. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
11. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to one-hundred twenty-five percent (125%) of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.
12. Aviation Analysis. If the project is within two (2) miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

13. An analysis of the potential visual impacts from the project including solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Zoning Ordinance.

**Section 13.20. ACCESSORY BUILDINGS ON RESIDENTIAL PARCELS.** In the R-1 Zoning District and on non-agricultural parcels in the AR Zoning District, accessory buildings shall be subject to the following regulations:

- A. No accessory buildings shall be constructed on a parcel of land unless a dwelling is also located on that parcel or a dwelling is under construction with at least the foundation completed. Accessory buildings may be constructed on parcels that are adjacent to parcels on which a dwelling is located, provided that the parcel of land on which the accessory building is to be constructed is joined by a recorded deed or affidavit to the parcel on which the dwelling is constructed.
- B. The minimum side yard setback and rear yard setback for accessory buildings shall be ten (10') feet from lot lines. The minimum setback from any road shall be eighty three (83') feet from the center of the road right of way. In the case of accessory buildings which are attached to the dwelling, all setbacks specified in Section 11.02 shall apply to the accessory building.
- C. The height and combined floor area of all accessory buildings shall not exceed the height and allowable floor area designated on the following chart:

<u>Parcel Size</u>	<u>Total Allowable Combined Floor Area For All Accessory Buildings</u>	<u>Maximum Height For Detached Accessory Buildings</u>
1.0 acres or less	1,200 sq. ft.	18'
1.01 to 2.00 acres	1,800 sq. ft.	21'
2.01 to 5.00 acres	2,400 sq. ft.	28'
5.01 to 10 acres	3,000 sq. ft.	28'

1. The minimum distance of an unattached accessory building from any dwelling shall be six (6) feet, unless a fire wall is constructed in compliance with the building code.

## **ARTICLE 14 Non-conforming Lots, Uses, and Structures**

**Section 14.01. NON-CONFORMING LOTS OF RECORD.** A single-family dwelling and customary accessory buildings may be erected on any lot of record shown on the tax roll at the effective date of adoption of this Ordinance, provided that the side yard and rear yard setback distances required by Section 11.02 can be maintained and provided that septic and well approvals are granted by the Lapeer County Health Department. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

**Section 14.02. 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 provisions:

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity.

- B. Should such non-conforming structure be destroyed by any means to an extent of more than sixty (60%) percent of the physical structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 14.03. **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 the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming 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.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted.

## **ARTICLE 15**

### **Planning Commission**

Section 15.01. **ESTABLISHED.** The Oregon Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Oregon Township Planning Commission Ordinance.

Section 15.02. **POWERS.** The Planning Commission shall have the power to review and approve site plans pursuant to Article 16 of this Ordinance, to hear and decide requests for special land uses pursuant to Article 17 of this Ordinance, to hear and make recommendations on re-zonings and zoning amendment requests pursuant to Articles 19 and 20 of this Ordinance, and to prepare and adopt a Master Plan pursuant to the Michigan Planning Enabling Act.

## **ARTICLE 16**

### **Site Plan Review by Planning Commission**

Section 16.01. **SCOPE.** A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 16.02. **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. 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 16.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1") inch equals one hundred (100') feet.
- C. Dimensions of all property lines.
- 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.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article 12).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 13.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 13.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 16.04. 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, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 16.05. DEPOSIT. A cash deposit, performance bond, or bank letter of credit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the deposit shall be released. The amount of the deposit shall be five (5%) percent of the project cost, but in no case less than One Thousand (\$1,000.00) Dollars.

Section 16.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

**ARTICLE 17**  
**Procedures For Special Land Use**  
**Approval By Planning Commission**

Section 17.01. APPLICATION. For all special land uses, 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 scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 17.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of five hundred (500') feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within five hundred (500) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 17.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. 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, lighting, or other causes.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 17.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of 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 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.

Section 17.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.



**ARTICLE 18**  
Zoning Board of Appeals

Section 18.01. MEMBERSHIP. There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term 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 before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 18.02. APPEALS. An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission. The Zoning Board of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of five hundred (500') feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within five hundred (500') feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 18.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board of Appeals shall have the authority to grant only non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties or unnecessary hardships imposed in carrying out the strict letter of the Ordinance. In considering variance requests, the ZBA shall make the following findings:

- A. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
- C. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- D. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
- E. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- F. That the variance requested is the minimum amount necessary to mitigate the hardship.

Section 18.04. DECISIONS. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. 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. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board of Appeals shall meet 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.

Section 18.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 18.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

## **ARTICLE 19**

### **Amendments and Rezoning**

Section 19.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. 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 subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 19.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within five hundred (500') feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within five hundred (500') feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County.

Section 19.04. TOWNSHIP BOARD. After receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment. If a rezoning or amendment is submitted to the County and no recommendation is received from the County within thirty (30) days, the Township Board shall conclusively presume that the County has waived its right for review. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

## **ARTICLE 20**

### **Voluntary Rezoning Agreements**

Section 20.01. 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 the Michigan Zoning Enabling Act.

Section 20.02. 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 rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 20.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article 19, shall be complied with.

Section 20.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 20.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Township.

Section 20.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 17. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 20.07. ZONING REVERSION. In the event that the terms of a zoning agreement 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 21**

### **Violations**

Section 21.01. ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Oregon Township Civil Infraction Ordinance.

Section 21.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance “per se”.

## **ARTICLE 22**

### **Definitions**

Section 22.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

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

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BED AND BREAKFAST ESTABLISHMENTS. A structure which was constructed for single-family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Oregon.

BOAT shall mean a watercraft having a motor or engine powered by gasoline, other fuel, or electricity.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

CLUSTER HOUSING. A housing development which allows for the concentration of houses on small parcels of land in order to preserve open space areas.

COMMUNICATION TOWER OR ANTENNA. A radio, telephone, cellular telephone, internet or television relay structure or antenna attached directly to the ground or to another structure, used for the transmission or reception of radio, television, internet, microwave, or any other form of telecommunications signals. **(Amended 9-28-17, Amendment #137)**

CONDOMINIUM, SITE. A condominium development which includes only detached single-family residences located on individual sites.

CONDOMINIUM, UNIT. That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any "condominium unit" consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance with minimum lot size or lot width.

DAY-CARE HOME, FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY-CARE HOME, GROUP. 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.

DOCK or DOCKING shall mean the mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

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 relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FAMILY. One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, stables, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural

production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half of the basement height is above the finished lot grade.

FORESTRY. Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL. Any property on which five (5) or more dogs, or similar animals, four (4) months of age or older, are kept either permanently or temporarily.

LAUNCH or LAUNCHING shall mean the placing of a boat in a lake.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Lapeer County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

PARKING SPACE. An area of not less than ten (10') feet wide by twenty (20') feet long, designed 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.

PERSON shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity for which the law provides.

PLANNING COMMISSION. The duly appointed Planning Commission of Oregon Township.

PLOT PLAN. A scale drawing showing property lines, driveways and roads, location and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams or drains. A plot plan may be prepared by the owner and need not

be prepared by a surveyor or engineer. Plot plans do not need to comply with the site plan requirements of Article 16.

QUARRYING. 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.

RECYCLING FACILITY. A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.

SEPARATE LAKE FRONTAGE means that portion of a privately owned lot or parcel of land existing on documentation recorded within the Lapeer County Register of Deeds, which abuts or intersects with the normal highwater mark of a lake. This shall include lots or parcels owned by one or more persons as well as lots or parcels commonly owned by several persons. For the purpose of computing the length of frontage, the measurement shall be along the water's edge at the normal highwater mark of the lake as determined by the Department of Environmental Quality (now known as EGLE, Michigan Department of Environmental Great Lakes and Energy). If the Department has not made such a finding, the normal highwater mark location shall be determined by the Township. The measurement shall be made only along a natural shoreline.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SIGN, OFF-SITE (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

SIGN, PRINCIPAL ON-SITE. A sign advertising the name of a facility located on the same parcel of land as the sign.

SIGN, SECONDARY ON-SITE. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STRUCTURE.** Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, swimming pools and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

**TOWNSHIP BOARD.** The duly elected or appointed Township Board of the Township of Oregon.

**TRAVEL TRAILERS** (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

**TRAVEL TRAILER PARK.** Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

**USE.** The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

**VARIANCE, NON-USE.** A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

**VARIANCE, USE.** Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

**WIND ENERGY SYSTEM.** Means any combination of the following:

- A. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- B. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- C. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- D. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

**YARD.** An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.



**ARTICLE 23**  
**Severability and Repeal**

Section 23.01. SEVERABILITY. This Ordinance and the 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.

Section 23.02. REPEAL. The former Oregon Township Zoning Ordinance, adopted on the 13<sup>th</sup> day of February, 1996, and all amendments thereto, are hereby repealed in their entirety.

**ARTICLE 24**  
**Enactment**

Section 24.01. ORDINANCE ENACTED. The provisions of this Zoning Ordinance No. 100 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Oregon.

Section 24.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 24.03, pursuant to the Michigan Zoning Enabling Act.

Section 24.03. CERTIFICATION. The undersigned Supervisor and Clerk of the Township of Oregon hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Oregon Township Board, at a meeting held on the 10th day of December, 2013 and further certifies that a notice of adoption of this Ordinance was duly published in the *LA View* on the 19th day of December, 2013, pursuant to the Michigan Zoning Enabling Act.

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Eldon R. Card  
Oregon Township Supervisor

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H. Paul Spencer  
Oregon Township Clerk