



# **SANDS TOWNSHIP ZONING ORDINANCE**

**SANDS TOWNSHIP  
987 S M-553  
GWINN, MI 49841**

**MARQUETTE COUNTY**

**ADOPTED FEBRUARY 1995**

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ARTICLE I  
PURPOSE OF ZONING

An Ordinance to establish zoning districts and regulations governing the development and use of land within Sands Township, in accordance with the provisions of Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties, and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

THE TOWNSHIP OF SANDS HEREBY ORDAINS:

Section 101 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of the Township's most valuable natural resources-- its minerals and forests;
3. Promoting the orderly and beneficial development of residential and non-residential areas within Sands Township;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access, and privacy to protect the public health;
5. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
6. Providing for the needs of mining, forest resource production, agriculture, housing, and commerce in future growth;
7. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
8. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
9. Enhancing social and economic stability in the Township;

10. Conserving the taxable value of land, buildings, and structures in the Township;
11. Enhancing the aesthetic desirability of the environment throughout the Township; and
12. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Sands Township Zoning Ordinance.

## ARTICLE II DEFINITIONS

### Section 201 Construction of Language

The following rules of construction shall apply to the text of this Ordinance:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, structures, and buildings associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.



(3) "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

- L. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.
- N. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### Section 202 Definitions

For the purpose of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Point: a) The connection of a driveway at the right-of-way line to a road. b) A new road, driveway, shared access, or service drive.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building or use.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Foster Care Family Home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Agricultural Operation: Any parcel of land which is used for agricultural purposes. It includes the keeping of livestock, the necessary farm structures and the storage of equipment used. It excludes kennels and the raising of fur bearing animals.

Agricultural Roadside Stand: A temporary structure for the seasonal display and sale of agricultural products produced on the property upon which the stand is located.

Airport: Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, right-of-way, or approach zones, together with all airport buildings and facilities located thereon.

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

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amusement Park: A commercially operated park with a predominance of outdoor games and activities for entertainment. These may include, but are not limited to, miniature golf, batting cages, water slides, motorized rides, and the like.

Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.

Arcade, Amusement: A business establishment offering for public or private use four or more of any form of game machine, instrument, or apparatus operated by coin, slug, or similar medium, but not including automatic machines for vending food, soft drinks, and the like.

Asphalt Plant: A use of land, building or structure, or parts thereof, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product/s manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of business.

Assembly Hall: A structure for public and/or membership groups of people to gather for an event or regularly scheduled program. Assembly halls may include, but are not limited to, arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, painting

and undercoating of automobiles. Motor fuels, lubricants, and accessories may also be sold on these premises.

Automobile Sales and Showrooms/Lot: Premises on which new or used passenger automobiles, trailers, motor homes, or trucks in operating condition are displayed in the open or enclosed structure for sale or trade.

Bank/Financial Institution: An institution open to the public, with or without a drive-in window, that engages in deposit banking and that performs closely related functions such as making loans, investments, and fiduciary activities.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast: A use that is subordinate to a single-family detached dwelling unit, in which transient guests are provided with sleeping rooms and limited breakfast meals, for payment.

Billboard: See Standard Outdoor Advertising Structure

Boilers/Units, External Wood Burning: Accessory structures used for the heating of a main dwelling and related structures.

Bottling Works: A plant where beverages are put into bottles with caps.

Bowling Alley: An establishment that devotes more than 50% of its gross floor area to bowling equipment and playing area.

Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory: See Accessory Building.

Building Area: The area covered by a structure, measured from the exterior walls.

Building Frontage: The distance between two parallel lines, drawn perpendicular to the edge of the right-of-way, which intersect with any part of the building. When the building is located upon a curve, the lines shall be drawn perpendicular to a tangent drawn through the nearest part of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

Building Height: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified.)

Building Line: A line parallel to the street touching that part of a building closest to the street.

Building, Principal: See Principal Building.

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

Cabin: A single-family dwelling unit designed and built for temporary (usually seasonal) use that meets building and sanitary codes at the time of construction.

Camp or Hunting Camp: A single building only for temporary human occupancy that is not considered a single-family dwelling unit which, if constructed after the effective date of this Ordinance, shall not have an indoor waste disposal system, pressurized water, or a fixed connection to electrical service.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Canopy: A permanent roof-like structure usually of metal, wood, or glass, extending over an entrance, pedestrian walkway, or window as a shelter.

Cargo Container: A steel-sided container, originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or designed for/or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. Standard sizes are 20 ft. by 8 ft. or 40 ft. by 8 ft.

Car Wash: A lot or building where motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.

Cemetery: A place used for interment of human or animal remains or cremated remains, and may include a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Marihuana Facility: One of the following:

Provisioning Center, as defined in the MMFLA

Processor, as defined in the MMFLA

Secure Transporter, as defined in the MMFLA

Grower, as defined in the MMFLA

Safety Compliance Facility, as defined in the MMFLA

Commercial Tower: A structure including, but not limited to, monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, and which is used commercially for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Common Open Space: Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

Community Residential Care Facility: A facility that provides shelter and care for individuals with special needs in a single family dwelling for six or fewer persons (small) or in a larger facility when more persons are assisted (large). (These are all state-regulated facilities.)

Confined Animal Feeding Operation (CAFO) (Factory Farm): An operation within a confined area and/or structure for the purpose of production of animals, fowl, or fish for meat, eggs, and/or sport, etc.

Contractor Yard: A use of land intended for the storage of materials and equipment used for construction, road building, and forestry operations.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. A convenience store may be operated in combination with an automobile/gasoline service station.

Cul-de-sac: The turnaround at the end of a dead-end street.

Day Care (Private Home): A private residence in which a day care center operator licensed by the State of Michigan permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency.

Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District: A specifically delineated area within the Township, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and structures.

Domestic Animals: As described by the USDA as Companion Animals (birds, cats, dogs, fish, reptiles & amphibians, and small mammals).

Drive-In Use: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway Offset: The distance between the centerline of two driveways on opposite sides of an undivided roadway.

Driveway, Shared: A driveway connecting two or more contiguous properties to the public road system.

Duplex: A building containing two single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof. Also see Dwelling, Two-Family.

Dwelling, Multiple-Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

Dwelling, Seasonal: A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family. Dimensional requirements for single family dwellings are included in Section 402.

Dwelling, Two-Family: A single building on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. Dimensional requirements for two-family dwellings are included in Section 402.

Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

Educational Institution: Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge, together with accessory buildings and uses.

Electrical Code: The electrical code as currently enforced pursuant to the Laws of the State of Michigan.

Enlargement: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities, and the like.

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.

Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Fairgrounds: Structures and/or land designed for the public exhibition of agricultural products, livestock, equipment, etc. on an occasional basis. Includes other activities commonly associated with or similar to fairs, such as musical entertainment, carnival rides, food service stands, and temporary commercial exhibits and/or sale of merchandise, also on an occasional basis.

Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Fence: Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, within or along the boundaries of a lot or parcel.

Fence, Height: The distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence.

Fence, Living: A grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy, or mark a boundary for all or any part of a lot.

Fence, Material: The product that is used to construct said fence, including wood, metal, plastic, or vegetation.

Fence, Setback: The distance from the property owner's property line to the fence.

Flag: A flexible piece of fabric or other material containing the official emblem of any unit of government.

Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor



area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.

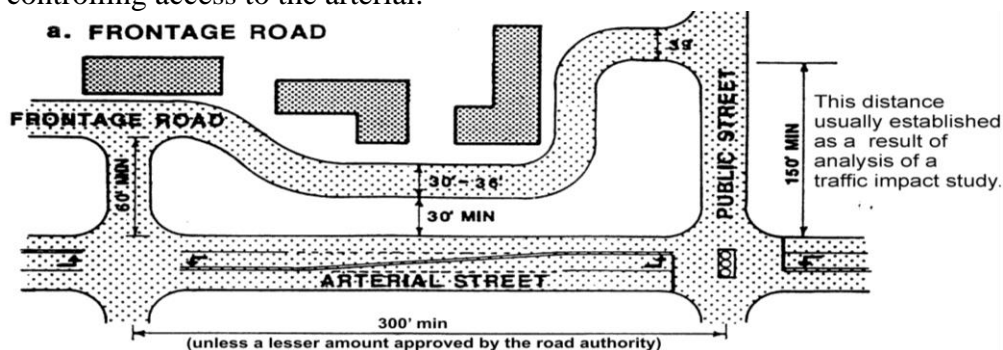
Food Packaging Plant: A facility in which food products are processed, packaged, and/or stored for the eventual transfer to other establishments for use or consumption.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Forestry Operations: Forestry operations will be defined as removing and replanting of trees. Portable saw mills only, for no more than 30 days on site for processing of on site lumber.

Frontage: A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way. Where two or more frontages exist for the same parcel, one shall be selected by the property owner for the purpose of calculating permitted signage.

Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.



Funeral Home: A structure used for the preparation of the deceased for burial and display, and rituals connected therewith, before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

Gaming Establishment: Any common gaming or gambling establishment operated for the purpose of gaming or gambling, including accepting, recording, or registering bets, or carrying on a policy game or any other lottery, or playing any game of chance, for money or other thing of value. Includes, but not limited to, pool-selling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.

Garden Center: A facility constructed of a wood or steel frame building with retail sales space, and may include an office, work area, cooler, storage, or restrooms. It may also include a greenhouse, lath house for sun and wind protection of plants, display gardens, picnic area, and outside storage of bulk materials such as mulches. A garden center may also sell other products related to plants – hard goods, seeds, fertilizers, mulches, hardware, power equipment, machinery, hoes, rakes, shovels, and other garden and agriculture equipment, pumpkins, Christmas trees (seasonally), and craft or gift items.

Gasoline/Automobile Service Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.

Greenhouse: A place where retail and/or wholesale products, produce and agriculture plants are grown and sold to the consumer. Items sold may include nursery products, including potting soil and supplies. A greenhouse may also sell plants of many varieties, including agriculture plants (flowers, herbs, vegetables, cannabis, etc.) Note: By State Statute (Act 281, PA Acts of 2016, part 5 sections 501 (3)), cannabis shall be sold only to an approved and licensed processor or provisioning center.

Green Space: A specifically designated tract of land in a P.U.D., subdivision, and the like which is left in its natural state for noncommercial recreational use of the residents of the P.U.D., subdivision, etc. A tract designated as "green space" is jointly owned in some fashion by its residents.

Home Occupation: Any activity carried out for gain by a resident and conducted as a secondary, incidental, and accessory use in the resident's dwelling unit, and which does not change the character thereof.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels, and youth camps, but does not include hospitals and nursing homes.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Incidental: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Junk: Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.

Junkyard: An open area greater than two hundred (200) feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled, or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which six or more dogs or cats more than six months of age are either permanently or temporarily kept.

Land Use: A description of how land is occupied or utilized.

Landfill: A disposal site in which refuse and earth, or other suitable cover material, are deposited in alternating layers of specified depth in accordance with an approved plan.

Livestock: Animals as listed as livestock species by the USDA (cattle, horses, sheep and goats, swine and poultry, except chickens as addressed in Section 308 and 316).

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

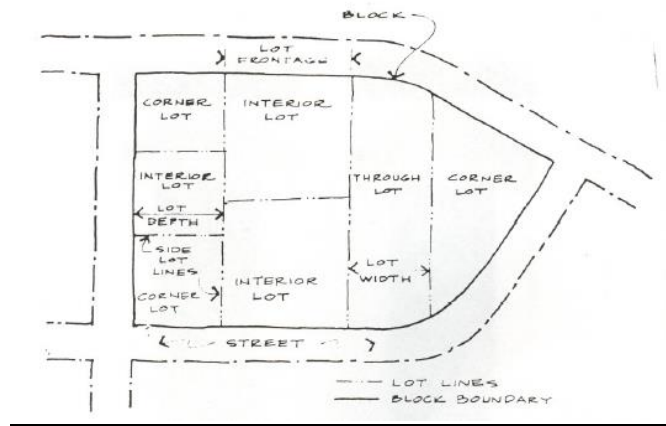
Lot Area: The total horizontal area within the lot lines of the lot, excluding any street right-of-ways.

Lot, Corner: A lot abutting on two or more streets or roads at their intersection or upon two parts of the same street forming an angle of less than 135 degrees.

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

Lot, Interior: A lot other than a corner lot.

Lot Line(s): The lines bounding a lot as defined herein from another lot or from a public or private street or any other public space, any right-of-ways, and/or easements:



- (1) Front Lot Line: In the case of an interior lot, the line separating said lot from a street right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from that street right-of-way which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a through lot, both lot lines abutting on street right-of-ways shall be treated as front lot lines.
- (2) Rear Lot Line: The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and entirely within the lot.
- (3) Side Lot Line: Any lot lines other than the front lot line or rear lot line.

Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

Lot, Through: A double frontage lot, not a corner lot, having two front lot lines consisting of streets or roads.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Mansard Roof: A roof, or structure on a building imitating a roof, which is at an angle of 60° or greater from the horizontal.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marquis: See Canopy.

Miniature Golf: A novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges and tunnels.

Mini-Warehouse: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mining: The extraction of minerals including the actual removal, processing, and transportation of minerals and attendant by-products. Includes lands from which material is removed, lands on which materials from such activities are hereafter deposited, the lands on which beneficiating or treatment plants, lean ore stockpiles, stripping rock stockpiles, overburden stockpiles, tailings basins, and water reservoirs are located, and auxiliary lands which are used.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

Mobile Home Park: Any lot, parcel, or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures, or enclosures comprising facilities used by park residents.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Multi-Use Building: A building containing two or more distinct uses.

Noise: Any undesired audible sound as defined by the Sands Township Noise Ordinance.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nuisance: Any act, thing, condition, land, building, or premises which annoys, injures, or endangers the public health, safety or comfort, offends public decency, or in any way renders the public insecure in life or property.

Nursery: A place where plants are propagated and grown to usable size. This includes retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and commercial gardeners, and agricultural nurseries, as well as private nurseries which supply the needs of institutions or private estates. Nurseries may supply plants for gardens, agriculture, forestry, or conservation biology.

Nursing Home / Assisted Living Facility: A facility designed or used for residential occupancy and providing limited medical or nursing care on the premises for the residents, but not including a hospital or mental health center.

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communications equipment.

Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area on land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

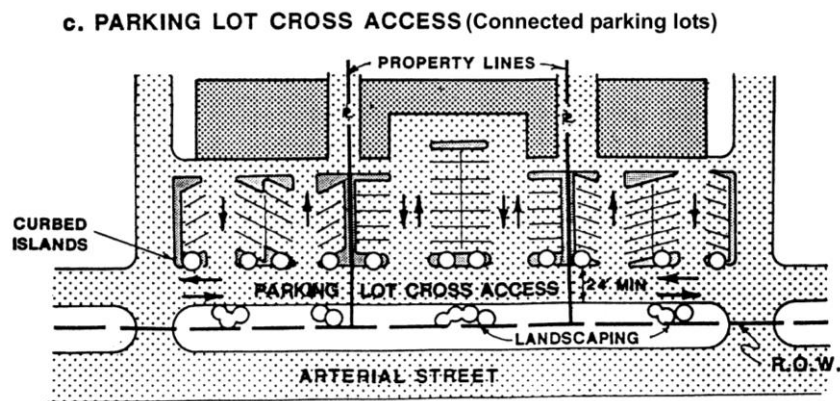
Overlay Zone: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

Park: A tract of land, designated and used by the public for active and passive recreation.

Park-and-ride Lot: An area used for the temporary parking of automobiles on a daily basis for persons traveling together either through carpools, van-pools, bus-pools, or mass transit.

Parking Lot: An off-street, ground-level open area, usually improved for the temporary storage of motor vehicles.

Parking Lot Cross Access: Two or more parking lots connected by an access, without each parking lot having a separate access to an arterial street.



Parking Space: A space for the parking of a motor vehicle within a public or private parking area.

Pasture: Open, uncultivated land used for the grazing of livestock which contains sufficient vegetation to serve as a food source for the livestock confined therein.

Pennant: See Sign, Flexible

Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit, or other financial acceptable to the Township as assurance that required improvements or conditions associated with approved project are properly built or conformed with.

Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

Plaque, Commemorative: An inscribed tablet of brass or other noncorrosive metal or stone, identifying a place of historical or cultural significance.

Principal Building: A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The primary or predominant use of any lot or parcel.

Print Shop: A facility for the reproduction of written or graphic materials on a custom order basis for individuals or businesses.

Professional Office Building: A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, printing and newspaper offices, or candy stand.

Public Building: Any building, structure, facility, or complex used by the general public or providing public services, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, etc.; city, village or township halls; community centers; senior citizen centers; fire halls; etc.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Service: Relating to the health, safety, and welfare of the population.

Public Sewer and Water System: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of waste and the furnishing of potable water.

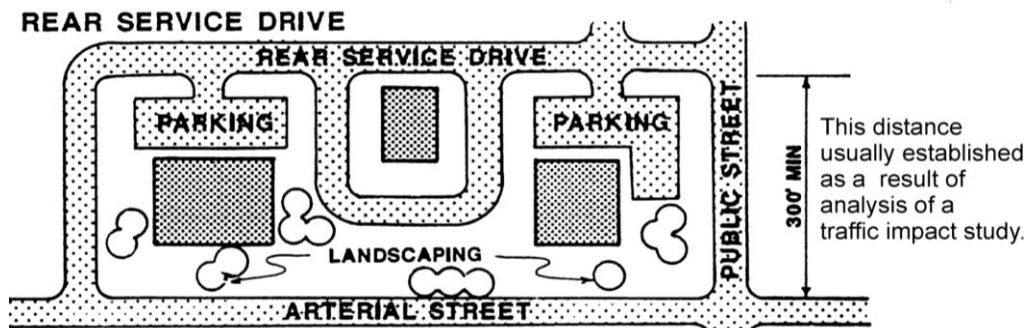


Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public Utility Facilities: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Race Track: Facility/s designed and used for any one or all of the following: competitive, and/or recreational or exhibitional racing of automobiles, snowmobiles, motorcycles, go-carts or any other motorized vehicles, whether or not admission or entry fees are charged. Includes track or area (paved or unpaved) and may or may not include any one or more of the following: spectator seating or other viewing areas, concession stands, ticket booths, pit areas and ancillary facilities and uses.

Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.



Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Religious Institution: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent; private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, or cemetery.

Research and Development Establishments: Establishments principally used for research into new or improved products or processes, and/or testing and development of these new or improved products or processes.

Residential Nameplate: A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Resort: A place to which people frequently or generally go for relaxation or pleasure, especially one providing rest and recreation facilities for vacationers.

Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Roadside Stand: A temporary structure of 300 square feet or less not permanently affixed to the ground and removable in its entirety, which is used solely for the display and sale of farm or craft products.

Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.

Setback: The distance between a building and any lot line. The minimum setbacks establish required yards and define the zoning envelope.

Sexually Oriented Businesses (SOBS): Businesses or commercial enterprises engaging in the provision of sexually oriented products and services to adults, often of an adult entertainment

character. SOBS include, but are not limited to, adult book or video stores, adult entertainment establishments, adult motion picture theaters, and adult novelty businesses.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.

Short Term Rentals: Temporary lodging for charge or fee at a dwelling for a period of less than one (1) month, or less than thirty (30) continuous days if the rental-period does not begin on the first day of the month.

Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Advertising: A sign which identifies a product, service, or brand name offered to the public.

Sign, Area of:

- (1) The entire area within a geometric figure enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
- (2) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal size, or as the area of the larger face if the two faces are of unequal size. The spacing between the parallel faces of a ground or pole sign may be increased to three feet where there are only two supports. In no case shall a support have a greater cross sectional width than 36 inches.
- (3) Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

Sign, Face: The portion of a sign upon, against, or through which the message is displayed or illustrated.

Sign, Flexible: A sign made of fabric, plastic, or other flexible material, two-dimensional in nature.

Sign, Ground: A sign supported by one or more uprights or a base, the entire display area of which is no more than eight (8) feet from the ground.

Sign, Height: The maximum vertical distance between a horizontal line drawn through the highest point of a sign or its supporting structures and a finished grade at the base of the sign.

Sign, Identification: Any sign which bears the name of the structure, business, or proprietor, on the site on which it is located.

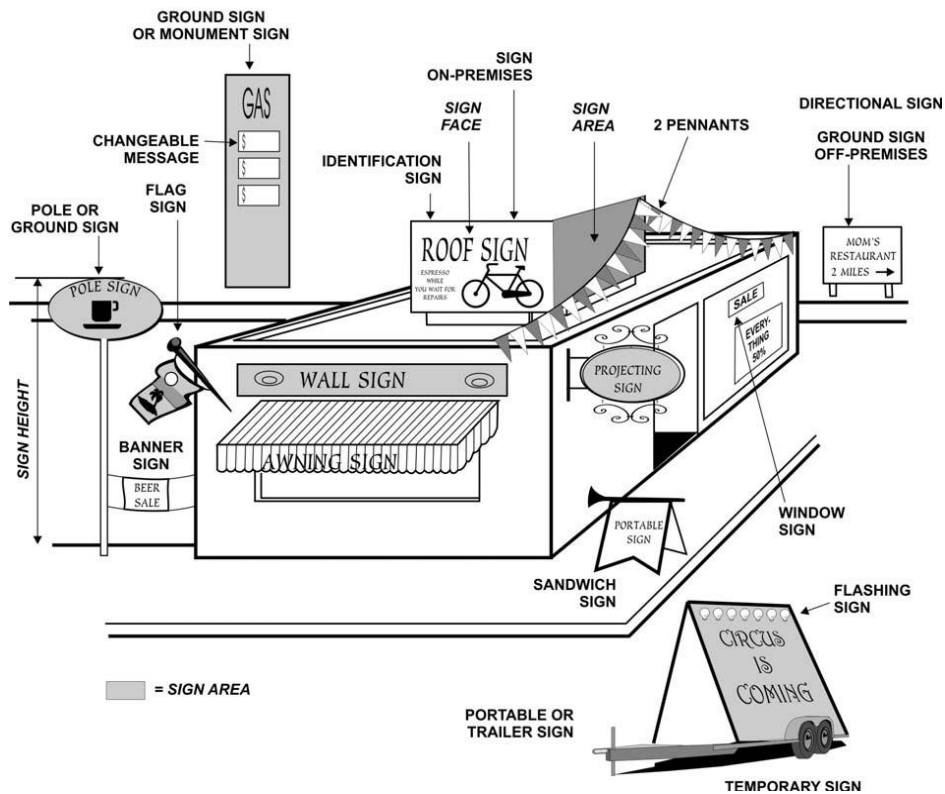
Sign, Illuminated: A sign that provides artificial light through transparent or translucent material (internal illumination).

Sign, Off Premise: A sign which advertises goods, services, or attractions not available on the same site as the sign.

Sign, On Premise: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.

Sign, Permanent: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

Sign, Pole: A sign supported by one or more uprights or braces in or upon the ground.



**Sign, Projecting:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

**Sign, Sidewalk:** A portable sign of A-frame construction used seasonally during hours a business is open and stored inside when not in use.

**Sign, Temporary:** A sign intended to be displayed for a limited period of time and one which is without permanent foundations or attached to a permanent building.

**Sign, Wall:** A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

**Site:** One or more lots under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of the Zoning Ordinance.

**Solar Collection Device:** The actual materials used to collect solar rays and all associated structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure.

**Solar Energy Systems:** Systems designed to capture and utilize the energy of the sun to generate electrical power.

Solar Energy Systems, Level 1: Solar energy systems that are roof mounted or building integrated.

Solar Energy Systems, Level 2: Solar energy systems that are ground mounted, with a footprint of 5 acres or less.

Solar Energy Systems, Level 3: Solar energy systems that are ground mounted, with a footprint of 5 acres or more, or that do not meet the requirements of a Level 1 or Level 2 system.

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under special uses authorized by permit. These special uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.

Sprawl: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

Standard Outdoor Advertising Structure: A 300 square foot sign structure erected for the purpose of display of characters, letters, or illustrations produced on paper sheets or painted on the surface of the structure and advertising goods and services not found on the premises.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Streamer: See Pennant

Street: Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, and utility poles. Building areas separated by firewalls or bearing walls shall not be considered separate structures under this Ordinance.

Tailings: Second-grade or waste material derived when raw material is screened or processed.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Terminal Bus / Truck: An area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

Theater: A building or a part of a building or an outdoor area devoted to showing motion pictures, or for presenting dramatic, dance, musical, or other live performances.

Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Throat Width: The distance edge-to-edge of a driveway measured at the right-of-way line.

Trail: A route planned or followed for a particular purpose.

Trail, Vehicular: A thoroughfare across land and/or snow, used for recreational purposes such as bicycling, trail biking, snowmobiling, and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles.

Trail, Pedestrian: A paved or unpaved, narrow pathway, usually through a wild area, for use by hikers, walkers, skiers, snowshoers, and wheel chairs.

Transfer Station: An intermediate destination for solid waste, where small shipments of waste are aggregated or compacted, or where separation of different types of waste may occur.

Trip Generation: The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Underlying District: The base zone below an overlay zone that establishes the fundamental permitted uses, densities, and dimensional regulations applicable to lands subject to a zoning ordinance.

Undeveloped or Unimproved Land: Land in its natural state before development.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are or may be occupied or maintained. Includes actual and/or proposed use of land and/or structures.

Use, Accessory: See Accessory Use.

Use, Permitted By Principal: A use which is allowed in a certain zoning district with no permits or stipulations other than a zoning compliance permit and such general requirements as setbacks, lot size, etc.

Use, Permitted Under Special Approval: A use allowed in a particular zoning district provided that certain stipulations are met. A zoning permit will not be issued for uses under stipulation until the Zoning Administrator is satisfied that the stipulations specified in Section 305 are met.

Use, Special: A use requiring express approval by the Planning Commission and issuance of a special use permit before the use may begin. Special land uses must meet certain requirements and performance standards, as specified in this Ordinance, before being authorized, and additional conditions may be imposed by the Planning Commission.

Utility Substation: An installation at which electricity is received from one or more power stations for conversion from alternating to direct current, reducing the voltage, or switching before distribution by a low-tension network.

Variance: Permission to depart from the literal requirements of this Ordinance, which relate to setbacks, lot size, yard requirements, and other non-use requirements.

Warehouse: A commercial building for storage and/or transshipment of goods. A warehouse usually comes equipped with loading docks to load and unload trucks although sometimes loading is done directly from railways or aircraft.

Water Wells, Commercial: A well used for the extracting of water for direct sale, or for use in the manufacture or development of commercial products. Such uses and/or products include, but are not limited to; Breweries, Bottling Works (water, soft drinks, and the like), Paint, Paint products, Concrete, Concrete products, and the like.



Water Wells, Large Capacity: A well capable of pumping 10 or more gallons of water per minute; or a group of wells which, in aggregate, is capable of pumping 10 or more gallons of water per minute; or an extension or expansion of any existing well or group of wells that makes it capable of pumping 10 or more gallons of water per minute.

Wind Energy Conversion System (WECS): A machine that converts the kinetic energy in the wind into a useable form, commonly known as a “wind turbine”, “wind generator” or “windmill”, the WECS includes all parts of the system, including, but not limited to, the tower, pylon or other structure upon which any, all or some combination of components are mounted. The following associated definitions are also pertinent:

- WECS: A combination of:
  - A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
  - A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
  - The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  - The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
- Tower Height:
  - Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;
  - Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.
- Survival Wind Speed: The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

Wholesale Establishment: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wood Products Industries: The branch of the wood industry that carries out the mechanical and chemical-mechanical treatment and processing of timber and that utilizes various woods for its raw materials.

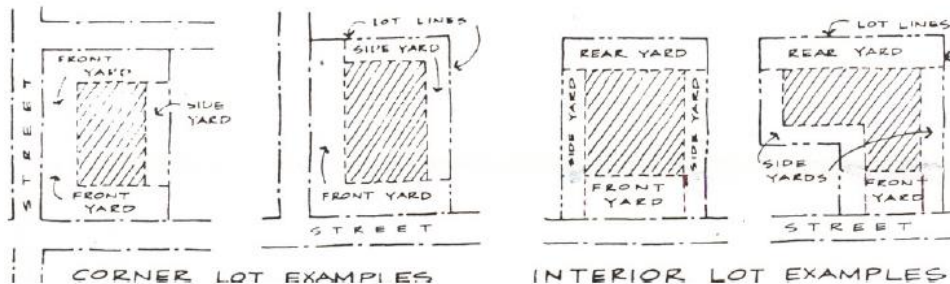
Wood Yard: An area to which wood is hauled by skidder or other extraction equipment for temporary storage before transfer to trucks.

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, Front: The area between the two side lines and in front of the principal building to the front lot, starting at 90 degrees from each front corner of the principal building and extending to the front lot line, will be known as the front yard. Additionally, no front yard restrictions exist on lots of 2.5 acres or more.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

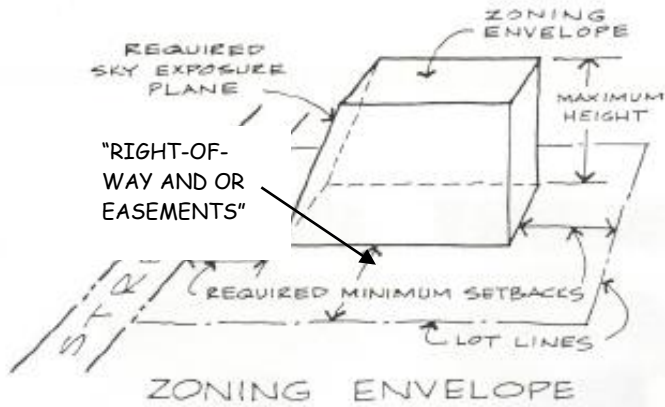


Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yurt: A generally round domed building constructed of a membrane stretched on a collapsible or rigid frame used for recreational activities. A yurt shall be a seasonal dwelling only.

Zoning Compliance Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance there from.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable.



ARTICLE III  
ZONING DISTRICTS AND ZONING MAP

Section 301 Establishment of Districts

For the purpose of this Ordinance, Sands Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

- R: Residential
- RR: Rural Residential
- C: Commercial
- FA: Forestry and Agriculture
- I: Industrial
- OS: Open Space
- PL: Public Land

Section 302 Zoning District Map

The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the map entitled “Sands Township Official Zoning Map,” which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein. The Sands Township Official Zoning Map encompasses the Township and Range of both T46N-R25W and T47N-R25W.

The Sands Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor and the Zoning Administrator, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Sands Township Official Zoning Map and approved by the Township Board together with an entry on the Sands Township Official Zoning Map showing the date and official action taken.

One copy of the Sands Township Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Sands Township.

Section 303 Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

### Section 304 Application of District Regulations

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XII herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured, and substantial justice done. Any and all platted subdivisions or condominiums created by way of master deed within Sands Township shall be zoned as District R or RR.

### Section 305 Scope of Provisions

(A) Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located. Uses permitted by District are described in Sections 308 to 318.

(B) Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right, under special approval, or by special use permit, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to an expressly permitted use in accordance with Section 1203.

(C) Accessory structures and uses are permitted if such structures and uses are clearly incidental to the permitted uses.

(D) The uses permitted subject to special approval or special use permit are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.

### Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding township or county adopted zoning ordinance.

### Section 307 Exemptions

The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

### Section 308 District R: Residential

(A) Intent: The Residential (R) District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, free from other uses except those which are both compatible with and convenient to the residents in this District. The R District is designed to accommodate residential dwellings served by on-site water and wastewater systems.

(B) Permitted Principal Uses:

1. Dwelling, Single Family
2. Educational Institutions, K-12
3. Solar Energy System, Level 1

(C) Uses Permitted by Special Approval:

1. Cemeteries
2. Chickens as Pets
3. Day Care (Private Home)
4. Dwelling, Two-family
5. External Wood Burning Boilers/Units
6. Forestry Operations
7. Home Occupations
8. Religious Institutions
9. Solar Energy Systems, Level 2
10. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Agricultural Roadside Stands
2. Bed and Breakfast Establishments
3. Educational Institutions, Other than K-12
4. Golf Courses (Minimum lot size of 40 acres)
5. Parks
6. Public Libraries and Other Public Buildings

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Secure Transporter

Section 309 District RR: Rural Residential

(A) Intent: The Rural Residential (RR) District is intended for the establishment and preservation of residential neighborhoods, free from other uses except those which are both compatible with and convenient to the residents in this District. The RR District is designed to accommodate residential dwellings and some business establishments in areas served by on-site water and wastewater systems.

(B) Permitted Principal Uses:

1. Agricultural Roadside Stands
2. Day Care (Private Home)
3. Dwelling, Single-family
4. Dwelling, Two-family
5. Educational Institutions, K-12
6. Solar Energy System, Level 1

(C) Uses Permitted by Special Approval:

1. Cargo Container as Accessory Storage Building
2. Cemeteries
3. Chickens as Pets
4. Dwelling, Multiple-family
5. Dwelling, Seasonal
6. External Wood Burning Boilers/Units
7. Forestry Operations
8. Home Occupation
9. Religious Institutions
10. Solar Energy System, Level 2
11. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Adult Foster Care Family Homes
2. Bed & Breakfast Establishments
3. Community Residential Care Facilities
4. Educational Institutions, Other than K-12
5. Golf Courses
6. Keeping of Livestock
7. Medical and Dental Offices

8. Mobile Home Parks
9. Nursing Homes
10. Parks
11. Public Libraries and Other Public Buildings
12. Short Term Rentals

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Secure Transporter

Section 310 District C: Commercial

(A) Intent: The Commercial (C) District is intended to provide for a diversified business district, containing businesses which may or may not require large lots. Business establishments which may require extended hours of operation, create exterior noise and lighting, etc., are permitted only under Special Use Permit. Single-family residential uses are permitted when incidental to a permitted business with a Special Use Permit.

(B) Permitted Principal Uses:

1. Agricultural Roadside Stands
2. Banks and Financial Institutions
3. Funeral Homes
4. Greenhouse or Nursery
5. Medical and Dental Offices
6. Motels, Hotels, Cabins and Resorts
7. Personal Service Establishments
8. Plumbers, Electricians, Decorators, etc. Offices and Showrooms
9. Professional Office Buildings
10. Restaurants
11. Retail Business Establishments
12. Solar Energy System, Level 1

(C) Uses Permitted by Special Approval:

1. Animal Clinics
2. Cargo Container as Accessory Storage Building
3. Car Wash Facilities
4. External Wood Burning Boilers/Units
5. Forestry Operations
6. Garden Center
7. Public Libraries, Other Public Buildings
8. Roadside Stands



9. Solar Energy System, Level 2
10. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Adult Foster Care Family Homes
2. Agricultural Operations
3. Automobile Repair Garages
4. Bottling Works and Food Packaging
5. Bowling Alleys
6. Building Material Storage and Sales
7. Campgrounds and RV Parks
8. Commercial Printing and Newspaper Offices
9. Commercial Storage of Retail Propane
10. Commercial Towers
11. Community Residential Care Facilities
12. Contractor Yards
13. Convenience Retail
14. Day Care Facilities, Commercial
15. Dwelling, Single-family
16. Educational Institutions, Other than K-12
17. Fast Food Establishments with Drive Thru
18. Gasoline Service Stations
19. Golf Courses
20. Hospitals
21. Manufacturing and Assembly
22. Mini Warehouse
23. New and Used Vehicle Sales and Showrooms
24. Nursing Homes
25. Painting, Varnishing and Undercoating Shops
26. Private Clubs and Lodge Halls
27. Recycling Collection Point
28. Research and Development Establishments
29. Shopping Centers
30. Solar Energy System, Level 3
31. Taverns
32. Theaters, Assembly Halls, Gaming Establishments
33. Video Arcades
34. Wholesale and Warehousing
35. Woodyards

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Processor
2. Provisioning Center
3. Safety Compliance Facility
4. Secure Transporter

Section 311 District FA: Forestry and Agriculture

(A) Intent: This district is intended to provide for forestry and agricultural uses on the lands which are suitable for such uses. The district promotes the maintenance of wooded and rural areas of the Township, in a manner which retains the basic attractiveness of natural resources and provides for enjoyment for visitors and Township residents.

(B) Permitted Principal Uses:

1. Agricultural Operations
2. Agricultural Roadside Stands
3. Forestry Operations
4. Keeping of Livestock (Parcels 10 acres or larger; 2.5 pasture acres required for each animal)
5. Solar Energy System, Level 1

(C) Uses Permitted by Special Approval:

1. Camp or Hunting Camp
2. Cargo Container as Accessory Storage Building
3. Cemeteries
4. Day Care (Private Home)
5. Dwelling, Seasonal
6. Dwelling, Single-family
7. External Wood burning Boilers/Units
8. Keeping of Livestock (Parcels less than 10 acres)
9. Home Occupations
10. Motels, Hotels, Cabins, and Resorts
11. Solar Energy System, Level 2
12. Trail, Vehicular
13. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Adult Foster Care Family Homes
2. Amusement Parks, Fairgrounds, and Miniature Golf Courses
3. Bed and Breakfast Establishments
4. Campgrounds and RV Parks

5. Commercial Towers
6. Community Residential Care Facilities
7. Confined Animal Feeding Operation (Factory Farm)
8. Golf Courses
9. Greenhouse or Nursery
10. Kennels
11. Mineral Extraction
12. Parks
13. Recreational Facilities
14. Utility Substations
15. Wood Products Industries
16. Woodyards
17. Short Term Rentals

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Grower
2. Safety Compliance Facility
3. Secure Transporter

Section 312 District I: Industrial

(A) Intent: This district is intended to provide for industrial uses within the Township, in areas which are suitable for these uses. Industrial uses generally include those which require large sites and/or isolation from other uses, and which may have significant impacts on the environment and adjacent land uses.

(B) Permitted Principal Uses:

1. Solar Energy System, Level 1

(C) Uses Permitted by Special Approval:

1. Building Materials Storage and Sales
2. Cargo Container as Accessory Storage Building
3. Commercial Printing and Newspaper Offices
4. Educational Institutions, Other than K-12
5. External Wood Burning Boilers/Units
6. Forestry Operation
7. Water Wells, Large Capacity
8. Research and Development Establishments
9. Solar Energy System, Level 2
10. Wholesale and Warehousing
11. Woodyards

(D) Uses Permitted by Special Use Permit:

1. Airports
2. Asphalt Plants, Portable or Permanent
3. Bottling Works and Food Packaging
4. Commercial Towers
5. Confined Animal Feeding Operation (Factory Farm)
6. Contractor Yards
7. Food Packaging Plant
8. Junkyards
9. Landfills
10. Manufacturing and Assembly
11. Metal Plating, Buffing, and Polishing
12. Mineral Extraction
13. Painting, Varnishing, and Undercoating Shops
14. Power Plants
15. Race tracks
16. Recycling Center
17. Recycling Collection PointRefineries and Commercial Storage of Flammable Liquids
18. Sexually Oriented Businesses
19. Solar Energy System, Level 3
20. Truck Terminals
21. Utility Substations
22. Water Wells, Commercial
23. Wood Products Industries

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Processor
2. Provisioning Center
3. Safety Compliance Facility
4. Secure Transporter
5. Grower

Section 313 District OS: Open Space

(A) Intent: To establish and maintain for low intensity use those areas which, because of their location, accessibility (County or Township approved private road), and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses.

(B) Permitted Principal Uses:

1. Agricultural Operations
2. Agricultural Roadside Stands
3. Camp or Hunting Camp
4. Forestry Operations
5. Keeping of Livestock
6. Solar Energy System, Level 1
7. Trail, Vehicular

(C) Uses Permitted by Special Approval:

1. Cargo Container as Accessory Storage Building
2. Day Care (Private Home)
3. Dwellings, Seasonal
4. Dwellings, Single-family
5. External Wood Burning Boilers/Units
6. Home Occupations
7. Solar Energy System, Level 2
8. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Amusement Parks, Fairgrounds, and Miniature Golf Courses
2. Bed & Breakfast Establishments
3. Campgrounds and RV Parks
4. Commercial Towers
5. Golf Courses
6. Greenhouse or Nursery
7. Kennels
8. Mineral Extraction
9. Parks
10. Recreational Facilities
11. Racetracks
12. Solar Energy System, Level 3
13. Utility Substations
14. Wind Energy Conversion System (WECS)
15. Woodyards
16. Short Term Rentals

(E) Uses Permitted by Commercial Marihuana Facility Permit:

1. Grower

Section 314 District PL: Public Lands

(A) Intent: To establish and preserve areas for certain public purpose and functions conducted by Sands Township.

(B) Permitted Principal Uses:

1. Cemeteries
2. Parks and Recreation Facilities
3. Professional Office Buildings
4. Public Libraries, Other Public Buildings
5. Recycling Collection Point
6. Solar Energy System, Level 1
7. Transfer Station

(C) Uses Permitted by Special Approval:

1. Commercial Towers
2. External Wood Burning Boilers/Units
3. Forestry Operation
4. Solar Energy System, Level 2
5. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

1. Solar Energy System, Level 3

(E) Uses Permitted by Commercial Marihuana Facility Permit: None

Section 315 Uses Permitted by District

P – Permitted Principal Use

SA – Use Permitted by Special Approval

SUP – Use Permitted by Special Use Permit

N – Not Permitted

CMF – Commercial Marihuana Facility Permit

	<b>R</b>	<b>RR</b>	<b>C</b>	<b>FA</b>	<b>I</b>	<b>OS</b>	<b>PL</b>	<b>PUD</b>
Adult Foster Care Family Homes	N	SUP	SUP	SUP	N	N	N	SUP
Agricultural Operations	N	N	SUP	P	N	P	N	SUP
Agricultural Roadside Stands	SUP	P	P	P	N	P	N	SUP
Airports	N	N	N	N	SUP	N	N	SUP
Amusement Arcade	N	N	SUP	N	N	N	N	SUP
Amusement Parks, Fairgrounds, Miniature Golf Courses	N	N	N	SUP	N	SUP	N	SUP
Animal Clinics	N	N	SA	N	N	N	N	SUP
Asphalt Plants	N	N	N	N	SUP	N	N	SUP
Automobile Repair Garages	N	N	SUP	N	N	N	N	SUP
Banks and Financial Institutions	N	N	P	N	N	N	N	SUP
Bed and Breakfast Establishments	SUP	SUP	N	SUP	N	SUP	N	SUP
Bottling Works and Food Packaging	N	N	SUP	N	SUP	N	N	SUP
Bowling Alleys	N	N	SUP	N	N	N	N	SUP
Building Material Storage and Sales	N	N	SUP	N	SA	N	N	SUP
Camp or Hunting Camp	N	N	N	SA	N	P	N	SUP
Campgrounds and RV Parks	N	N	SUP	SUP	N	SUP	N	SUP
Cargo Container as Accessory Storage Building	N	SA	SA	SA	SA	SA	N	SUP
Car Wash Facilities	N	N	SA	N	N	N	N	SUP
Cemeteries	SA	SA	N	SA	N	N	P	SUP
Chickens as Pets	SA	SA	N	P	N	P	N	SUP
Commercial Marihuana Facility – Grower	N	N	N	CMF	CMF	CMF	N	CMF
Commercial Marihuana Facility – Processor	N	N	CMF	N	CMF	N	N	CMF
Commercial Marihuana Facility – Provisioning Center	N	N	CMF	N	CMF	N	N	CMF
Commercial Marihuana Facility – Safety Compliance Facility	N	N	CMF	CMF	CMF	N	N	CMF
Commercial Marihuana Facility – Secure Transporter	CMF	CMF	CMF	CMF	CMF	N	N	CMF
Commercial Printing and Newspaper Offices	N	N	SUP	N	SA	N	N	SUP

	<b>R</b>	<b>RR</b>	<b>C</b>	<b>FA</b>	<b>I</b>	<b>OS</b>	<b>PL</b>	<b>PUD</b>
Commercial Storage of Retail Propane	N	N	SUP	N	N	N	N	SUP
Commercial Towers	N	N	SUP	SUP	SUP	SUP	SA	SUP
Community Residential Care Facilities	N	SUP	SUP	SUP	N	N	N	SUP
Confined Animal Feeding Operation (Factory Farm)	N	N	N	SUP	SUP	N	N	SUP
Contractor Yards	N	N	SUP	N	SUP	N	N	SUP
Convenience Store	N	N	SUP	N	N	N	N	SUP
Day Care Facilities, Commercial	N	N	SUP	N	N	N	N	SUP
Day Care (Private Home)	SA	SA	SA	SA	N	SA	N	SUP
Dwelling, Multiple Family	N	SA	N	N	N	N	N	SUP
Dwelling, Seasonal	N	SA	N	SA	N	SA	N	SUP
Dwelling, Single-family	P	P	SUP	SA	N	SA	N	SUP
Dwelling, Two-family	SA	P	N	N	N	N	N	SUP
Educational Institutions, K-12	P	P	N	N	N	N	N	SUP
Educational Institutions, Other than K-12	SUP	SUP	SUP	N	SA	N	N	SUP
External Wood Burning Boilers/Units	SA	SA	SA	SA	SA	SA	SA	SUP
Fast Food Restaurant	N	N	SUP	N	N	N	N	SUP
Forestry Operations	SA	SA	SA	P	SA	P	SA	SUP
Funeral Homes	N	N	P	N	N	N	N	SUP
Garden Center	N	N	P	N	N	N	N	SUP
Gasoline/Automobile Service Stations	N	N	SUP	N	N	N	N	SUP
Greenhouse or Nursery	N	N	P	SUP	N	SUP	N	SUP
Golf Courses	SUP	SUP	SUP	SUP	N	SUP	N	SUP
Home Occupations	SA	SA	N	SA	N	SA	N	SUP
Hospitals	N	N	SUP	N	N	N	N	SUP
Junkyards	N	N	N	N	SUP	N	N	SUP
Keeping of Livestock *See Section 311	N	SUP	N	P/ SA*	N	P	N	SUP
Kennels	N	N	N	SUP	N	SUP	N	SUP
Landfills	N	N	N	N	SUP	N	N	SUP
Large Capacity Water Wells	SA	SA	SA	SA	SA	SA	SA	SUP
Manufacturing & Assembly	N	N	SUP	N	SUP	N	N	SUP
Medical & Dental Clinic	N	SUP	P	N	N	N	N	SUP
Metal Plating, Buffing, and Polishing Establishment	N	N	N	N	SUP	N	N	SUP



	<b>R</b>	<b>RR</b>	<b>C</b>	<b>FA</b>	<b>I</b>	<b>OS</b>	<b>PL</b>	<b>PUD</b>
Mini Warehouse	N	N	SUP	N	N	N	N	SUP
Mobile Home Parks	N	SUP	N	N	N	N	N	SUP
Motels, Hotels, Cabins, & Resorts	N	N	P	SA	N	N	N	SUP
New & Used Automobile Sales and Showrooms	N	N	SUP	N	N	N	N	SUP
Nursing Home/Assisted Living Facility	N	SUP	SUP	N	N	N	N	SUP
Painting, Varnishing, and Undercoating Shops	N	N	SUP	N	SUP	N	N	SUP
Parks	SUP	SUP	N	SUP	N	SUP	P	SUP
Personal Service Establishments	N	N	P	N	N	N	N	SUP
Plumbers, Electricians, Decorators, etc. Offices and Showrooms	N	N	P	N	N	N	N	SUP
Power Plants	N	N	N	N	SUP	N	N	SUP
Private Clubs & Lodge Halls	N	N	SUP	N	N	N	N	SUP
Professional Office Buildings	N	N	P	N	N	N	P	SUP
Public Libraries, Other Public Buildings	SUP	SUP	SA	N	N	N	P	SUP
Race Tracks	N	N	N	N	SUP	SUP	N	SUP
Recreation Facilities	N	N	N	SUP	N	SUP	P	SUP
Recycling Collection Point	N	N	SUP	N	SUP	N	P	SUP
Recycling Center	N	N	N	N	SUP	N	N	SUP
Refineries, Storage of Flammable Liquids	N	N	N	N	SUP	N	N	SUP
Religious Institutions	SA	SA	N	N	N	N	N	SUP
Research and Development Establishments	N	N	SUP	N	SA	N	N	SUP
Restaurants	N	N	P	N	N	N	N	SUP
Retail Business Establishment	N	N	P	N	N	N	N	SUP
Roadside Stands	N	N	SA	N	N	N	N	SUP
Sexually Oriented Businesses	N	N	N	N	SUP	N	N	N
Shopping Centers	N	N	SUP	N	N	N	N	SUP
Short Term Rentals	N	SUP	N	SUP	N	SUP	N	SUP
Solar Energy System, Level 1 *See Section 418	P	P	P	P	P	P	P	SUP
Solar Energy System, Level 2	SA	SA	SA	SA	SA	SA	SA	SUP
Solar Energy System, Level 3	N	N	SUP	N	SUP	SUP	SUP	SUP
Taverns	N	N	SUP	N	N	N	N	SUP
Theaters, Assembly Halls, and Gaming Establishments	N	N	SUP	N	N	N	N	SUP
Trail, Vehicular	N	N	N	SA	N	P	N	SUP

Transfer Station	N	N	N	N	N	N	P	SUP
Truck Terminals	N	N	N	N	SUP	N	N	SUP
	<b>R</b>	<b>RR</b>	<b>C</b>	<b>FA</b>	<b>I</b>	<b>OS</b>	<b>PL</b>	<b>PUD</b>
Water Wells, Commercial	N	N	N	N	SUP	N	N	SUP
Wholesale and Warehousing	N	N	SUP	N	SA	N	N	SUP
Wind Energy Conversion Systems (WECS)	N	N	N	N	N	SUP	N	SUP
Woodyards	N	N	SUP	SUP	SA	SUP	N	SUP
Wood Products Industries	N	N	N	SUP	SUP	N	N	SUP

**Section 316 Uses Permitted Under Special Approval**

Note: Site Plan Review in accordance with Article V may be required. All uses must also comply with other ordinance requirements, including Article IV General Regulations.

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Animal Clinics	C	Per District	None	None	All cages and animal runs in enclosed building; no outside pens or cages.
Building Material Storage and Sales	I	Per District	Buffer outdoor storage per Section 412 at district boundary	None	None
Camp or Hunting Camp	FA	Per District	None	40 feet all sides	Must adhere to all State of Michigan requirements pertaining to hunting
Cargo Container as Accessory Storage Building	C, I, FA, RR, OS	Per District	None	None	Must be accessory to the permitted use of the property. Must be well-maintained so as not to be a nuisance to neighbors. Shall not be located within the front yard. No signage on said unit. Must be painted to match the main structure. No stacking of units. Must be included in the lot coverage calculations. Shall be placed on a level, stable surface.
Car Wash Facilities	C	Per District	None	None	Must be contained in enclosed building; must meet state standards; water recovery system required.
Cemetery	R, RR, FA	Per District	Buffer per Section 412 may be required when adjacent to dwelling	50 feet all sides	Must meet all applicable state and federal requirements

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Chickens as Pets	R, RR	Per District	None		Up to 6 chickens allowed. No person shall keep any rooster(s). The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. All enclosures must be 25 feet from property lines. All surrounding property owners must be notified prior to Township approval.
Commercial Printing & Newspaper Offices	I	Per District	Buffer per Section 412 at district boundary	None	None
Commercial Towers	PL	Per District	Fence tower and wires	Setback equal to tower height	No flashing or strobe lights in excess of minimum required by FAA or other agencies.
Day Care (Private Home)	R, RR, C, FA, OS	Per District	None	1,500 ft. from another licensed group day care home, adult foster care or group home, substance abuse or rehab. facility, or corrections facility.	See Section 16g(3) of P.A. 184 of 1943 (Township Rural Zoning Act). Must be served by a road which is maintained 12 months of the year, either by a local government or by an agreement between private parties.
Dwelling, Multiple Family	RR	Greater of 87,000 sq. ft. or 20,000 sq. ft./unit	None	100 ft. all sides	None
Dwelling, Seasonal	RR, FA, OS	Per District	None	None	Must be served by road. FA: Minimum dwelling size does not apply.

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Dwelling, Single-family	FA, OS	Per District	None	None	Must be served by road which is maintained 12 months of the year, either by a local government or by an agreement between private parties. A Hold Harmless agreement for lots served by private roads shall be recorded in miscellaneous records with the Marquette County Register of Deeds.
Dwelling, Two-family	R	Per District	None	None	None
Educational Institution, Other than K-12	I	Per District	None	None	Equipment and instructional activities must be in enclosed buildings; setbacks and buffers may be required based on extent of use.

USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS OR FENCING	ADDITIONAL SETBACKS	OTHER
External Wood Burning Boilers/ Units	All Districts	None	None	75 ft. all sides	(1.) Minimum chimney height of 15 feet measured from grade to chimney top, or 2 feet higher than the nearest neighboring principal dwelling within 200 feet, whichever is higher. (2.) Unit shall not be located in front yard. (3.) No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. (4.) Fuel shall not be visible from any surrounding properties. (5.) A grant of Special Approval Permit constitutes as agreement between the landowner and Sands Township that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.
Forestry Operations	R, RR, C, I, PL	None.	No forestry operation within thirty (30) feet from all high water shore lines (rivers, lakes, streams, creeks, etc.)	None	Shall comply with all other State, County, and Township Ordinances (Noise, Nuisance, etc.)

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Garden Center	C	Per District	Buffer per Section 412	25 feet all sides	None
Home Occupations	R, RR, FA, OS	Per District	Per District	None	One activity pro Home Occupation, Two per residents maximum.
Keeping of Livestock	FA (Parcels less than 10 acres)	Per District – applies to parcels less than 10 acres.	None	None	Horses and cattle – minimum 2.5 pasture acres per animal. Other livestock – numbers restricted based on parcel size (per Zoning Administrator).
Motels, Hotels, Cabins, & Resorts	FA	Per District	Buffer per Section 412	25 feet all sides	None
Public Libraries, Other Public Buildings	C	Per District	Buffer per Section 412 may be required when adjacent to dwelling	None	Direct access to paved, year-round maintained road.
Religious Institutions	R, RR	Per District	None	25 feet for buildings	No parking in required yards. Must have direct access to road that is maintained year-round.
Research and Development Establishments	I	Per District	Buffer per Section 412 when at district boundary	None	None
Roadside Stands	C	Per District	Buffer per Section 412 when adjacent to dwelling	None	None
Solar Energy System, Level 2	R, RR, C, FA, OS, I, PL	Per District	Buffer per Section 412 may be required.	None	System shall not exceed twenty (20) feet in height. On lots of half acre or less, system may not cover more than half the footprint of the primary structure on the lot.
Trail, Vehicular	FA	Per District	50 foot natural buffer on all sides	50 ft. if abutting R or RR District	Recreational use only; no racing.

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Water Wells, Large Capacity	All Districts	Per District	None	None	Requires license in accordance with Sands Township Ordinance #20, Groundwater and Aquifer Protection Ordinance.
Wholesale and Warehousing	I	Per District	Buffer outdoor storage per Section 412 at district boundary	None	None
Wood Yards	I	Per District	Buffer per Section 412 at district boundary	25 feet all sides	None

Section 317 Uses Permitted Under Special Use Permit

Note: Site Plan Review in accordance with Article V is required. All uses must also comply with other ordinance requirements, including Article IV General Regulations. The Planning Commission may impose additional conditions as necessary in accordance with MCL 125.286d (Section 16d of the Township Rural Zoning Act).

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Adult Foster Care Family Home	RR, C, FA	Per District	None	None	Must be located on paved road which is maintained year-round; must meet all applicable state and federal requirements.
Agricultural Operations	C	Per District	None	50 feet	Agricultural plants only. No animals or livestock permitted. All plants must be in enclosed buildings.
Agricultural Roadside Stands	R	Per District	None	None	None
Airports, Public or Private	I	20 Acres	Fence entire parcel. Buffer per Section 412 when adjacent to dwelling.	100 feet all sides	None
Amusement Arcade	C	Per District	Buffer per Section 412 when adjacent	None	None



<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Asphalt Plants	I	5 Acres	Fence entire parcel if operation continues more than one construction season. Buffer per Section 412 at district boundary.	100 feet all sides	Containment system for spillage
Automobile Repair Garages	C	Per District	Buffer per Section 412 when adjacent to dwelling	None	None
Bed and Breakfast Establishments	R, RR, FA, OS	Per District	Buffer parking area per Section 412 if adjacent to dwelling	No signs or parking in required yards.	One unlighted sign, maximum 32 square feet.
Bottling Works and Food Packaging	C, I	Per District	Buffer outside storage per Section on all sides in C, at district boundary in I	100 feet if adjacent to R, RR, or C Districts	None
Bowling Alleys	C	Per District	Buffer parking per Section 412 when adjacent to dwelling	50 feet all sides for structures; parking allowed in additional setback area.	None
Building Material Storage and Sales	C	Per District	Buffer outdoor storage	No materials displayed in required yards	None
Campgrounds and RV Parks	C, FA, OS	5 Acres	Buffer per Section 412 when adjacent to dwelling	200 feet all sides	May require paved entrance road, fencing, etc. depending on extent of development.
Commercial Printing & Newspaper Offices	C	Per District	Buffer may be required per Section 412 when adjacent to dwelling	May be required based on extent of use	None
Commercial Storage of Retail Propane	C	10 Acres	Fence entire site. Buffer per Section 412 when adjacent to dwelling	Setbacks equal to five times the tank height of the storage tanks	Must meet all applicable state and federal requirements
Commercial Towers	C, FA, I, OS	Per District	Fence tower and wires	Setback equal to tower height	No flashing or strobe lights in excess of minimum required by FAA or other agencies.

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Community Residential Care Facilities	RR, C, FA	Per District	None	None	Same as Dwelling, Single Family. Must comply with Michigan Zoning Enabling Act, MCL 125.3206 (4).
Confined Animal Feeding Operation (Factory Farm)	FA, I	10 Acres	Fence entire parcel. Buffer per Section 412	200 feet all sides	Must comply with all Township, County, State, and Federal Ordinances, Statutes, and Regulations. Noise, fumes, traffic, etc. shall not adversely impact adjacent uses. Must be serviced by a State, County, or Sands Township approved private road. Must comply with any additional reasonable conditions of approval imposed by the Sands Township Planning Commission. Manure must be removed daily and not stored. All deceased animals must be removed from property immediately.
Contractor Yards	C, I	C: 1 Acre I: 5 Acres	Fence entire operation. Buffer per Section 412 when adjacent to R, RR, or C Districts	C: 50 feet all sides. I: None	None
Convenience Store	C	Per District	Buffer per Section 412 when adjacent to dwelling or R District boundary	25 feet on sides adjacent to dwelling	None
Day Care Facilities, Commercial	C	Per District	Fence outdoor play areas	25 feet on sides adjacent to dwelling	Must obtain license from State of Michigan

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Dwelling, Single-family	C	Per District	None	None	Dwelling must be incidental to permitted business use and owned or occupied by person or persons directly involved in operation of the permitted business use
Educational Institutions, Other than K-12	R, RR, C	Per District	None	None	Equipment and instructional activities must be in enclosed buildings; setbacks and buffers may be required based on extent of use.
Fast Food Restaurant with Drive-Thru	C	Per District	Buffer per Section 412 when adjacent to dwelling or R or RR district boundary	25 feet on sides adjacent to dwelling	Drive-thru area paved
Gasoline/ Automobile Service Stations	C	Per District.	Buffer per Section 412 when adjacent to dwelling or at district boundary with R, RR, or FA districts	25 feet for gas pumps, storage tanks, and buildings	Must comply with all state and federal regulations
Greenhouse or Nursery	FA, OS	Per District	None	50 feet for structures	None
Golf Courses	R, RR, C, FA, OS	40 Acres	None	None	None
Hospitals	C	Per District	Buffer per Section 412 when adjacent to dwelling or RR or R district boundary	25 feet all sides	Must obtain applicable state and federal permits
Junkyards	I	Per District	Buffer per Section 412 and fence all sides	100 feet when adjacent to dwelling or district boundary	Must comply with state regulations and have provision for prevention of soil and groundwater contamination

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Keeping of Livestock	RR	10 Acres, with 2.5 pasture acres for each large animal	All animals must be confined by fence	All animals must be housed at least 100 feet from property line. All manure must be stored at least 100 feet from property line.	Must also comply with Sands Township Noise Ordinance
Kennels	FA, OS	10 Acres	Animals must be fenced; buffer per Section 412 when adjacent to dwelling	200 feet all sides for animal quarters	Must also comply with Sands Township Noise Ordinance
Landfills	I	40 Acres	Entire site must be fenced; buffer per Section 412, all sides	200 feet all sides	DNR and other agency standards must be met
Manufacturing and Assembly	C, I	1 Acre	Buffer per Section 412; all sides in C, when adjacent to dwelling or district boundary in I	50 feet all sides in C, 25 feet all sides in I	Noise, fumes, lighting, traffic, etc. should not adversely impact adjacent uses in C District. Manufacturing or assembly operations must be entirely enclosed within building(s).
Medical and Dental Offices	RR	Per District	Buffer per Section 412 when adjacent to dwelling	None	Must have direct access to paved road that is maintained year-round.
Metal Plating, Buffing, and Polishing	I	Per District	Buffer per Section 412 when adjacent to district boundary	None	Operations must be entirely enclosed within building(s)
Mineral Extraction	FA, I, OS	Per District	Fence as necessary to protect public health and safety	50 feet all sides	Must comply with Sections 413-415 for Mineral Extraction Permits and meet all applicable state, federal, and local requirements
Mini Warehouse	C	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet when adjacent to dwelling	No retail sales or other uses not specified in Article II

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Mobile Home Parks	RR	Minimum required to meet Mobile Home Commission Standards	In accordance with Mobile Home Commission Standards	In accordance with Mobile Home Commission Standards	Must be licensed by State of Michigan in accordance with Mobile Home Commission Act
New and Used Automobile Sales and Showrooms	C	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet all sides	None
Nursing Home /Assisted Living Facility	RR, C	1 Acre	Buffer per Section 412 all sides	25 feet all sides	Must meet all applicable state and federal requirements
Painting, Varnishing, and Undercoating Shops	C, I	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet all sides	Fumes, etc. must not adversely affect adjacent uses
Parks	R, RR, FA, OS	Per District	Buffer per Section 412 if facility is intensively developed	50 feet for buildings	No motorized vehicles allowed. Must comply with all other Federal, State, County and Township Ordinances, including the Noise Ordinance.
Power Plants	I	5 Acres	Buffer per Section 412 all sides; fence entire site	100 feet all sides	Must meet all applicable state and federal requirements
Private Clubs and Lodge Halls	C	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet all sides	None
Public Libraries, Other Public Buildings	R, RR	Per District	Buffer per Section 412 may be required when adjacent to dwelling	None	Direct access to paved, year-round maintained road.
Race Tracks	I, OS	10 Acres	Buffer per Section 412 all sides	100 feet all sides	Must meet all applicable state and federal requirements, if any, and comply with other local ordinances such as the Sands Township Noise Ordinance.

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Recreation Facilities	FA, OS	Per District	Buffer per Section 412 if facility is intensively developed	50 feet for buildings	Must comply with all Federal, State, County, and Township Ordinances, including the Noise Ordinance. If facility is intended for a shooting range, it must comply with Act 269 of 1989 and must have an approved license from the State of Michigan.
Recycling Center Recycling Collection Point	I, PUD C, I, PUD, PL	Per District	Fence entire site, or housed within a structure. Buffer per Section 412 may be required when adjacent to dwelling	Per District	Must meet all applicable state and federal requirements
Refineries, Storage of Flammable Liquids	I	10 Acres	Fence entire site. Buffer per Section 412 may be required when adjacent to dwelling	Setback equal to five times the tank height for storage tanks.	Must meet all applicable state and federal requirements
Research and Development Establishments	C	Per District	Buffer per Section 412 when at district boundary	May be required	None
Sexually Oriented Businesses	I	Per District	Buffer per Section 412	None	Must meet all applicable state and local requirements, including all Township ordinances.
Shopping Centers	C	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet for buildings	None
Short Term Rentals	RR,FA, OS	Per District	None	None	Not to exceed 30 days. Comply with all local ordinances. P/C reasonable conditions

Solar Energy System, Level 3	C, OS, I, PL	5 acres	Entire perimeter of the project shall be fenced, minimum six (6) foot high, with locking gate. Buffer per Section 412 may be required.		
<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Theaters, Assembly Halls, and Gaming Establishments	C	Per District	Buffer per Section 412 when adjacent to dwelling	25 feet for buildings	None
Utility Substations	FA, I, OS	Per District	Fence entire site. Buffer per Section 412 when adjacent to dwelling	None	Must meet all applicable state and federal requirements
Water Wells, Commercial	I	Per District	None	None	Requires license in accordance with the Sands Township Ordinance #20 (Groundwater & Aquifer Protection Ordinance)
Wholesale and Warehousing	C	Per District	Outdoor storage must be fenced and have buffer per Section 412	None	None
Wind Energy Conversion System (WECS)	OS	Per District	Must be secured with a locked barrier or security fence.	See Section 417 (E)1	See Section 416 and 417
Wood Products Industries	FA, I	Per District	Buffer outdoor storage per Section 412 if adjacent to district boundary. Fence all outdoor storage.	None	None
Wood Yards	C, FA, OS	Per District	Buffer per Section 412 when adjacent to dwelling	50 feet all sides	None

Section 318 Uses Permitted Under Commercial Marihuana Facility Permit

<b>USE</b>	<b>DISTRICT</b>	<b>MINIMUM PARCEL SIZE</b>	<b>BUFFERS OR FENCING</b>	<b>ADDITIONAL SETBACKS</b>	<b>OTHER</b>
Commercial Marihuana Facility - Grower	OS, FA, I	Per District		See Section 6.4 of Ordinance #57	Site plan required. Must comply with all Township Ordinances, including Ordinance #57, and all State of Michigan laws and regulations.
Commercial Marihuana Facility – Processor	C, I	Per District		See Section 6.4 of Ordinance #57	Site plan required. Must comply with all Township Ordinances, including Ordinance #57, and all State of Michigan laws and regulations.
Commercial Marihuana Facility – Provisioning Center	C, I	Per District		See Section 6.4 of Ordinance #57	Site plan required. Must comply with all Township Ordinances, including Ordinance #57, and all State of Michigan laws and regulations.
Commercial Marihuana Facility – Safety Compliance Facility	I, FA, C	Per District		See Section 6.4 of Ordinance #57	Site plan required. Must comply with all Township Ordinances, including Ordinance #57, and all State of Michigan laws and regulations.



USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS OR FENCING	ADDITIONAL SETBACKS	OTHER
Commercial Marihuana Facility – Secure Transporter	R, RR, FA, C, I	Per District		See Section 6.4 of Ordinance #57	Site plan required. Must comply with all Township Ordinances, including Ordinance #57, and all State of Michigan laws and regulations. In a Residential or Rural Residential district, only 1 (one) transport vehicle is allowed, not to exceed ¾ ton. In a Commercial or Forestry & Agriculture district, 2 (two) transport vehicles are allowed, not to exceed 1 ½ ton each.

Section 319 District PUD: Planned Unit Development

- (A) Intent: To accommodate innovative land use developments with mixed and/or varied uses, or sites with unusual topography and/or a unique setting within the community, or land which exhibits difficult or costly development problems. Planned Unit Developments shall be a cluster type development with a minimum of 50% of the Planned Unit Development area dedicated as “green space.”
- (B) Permitted Principal Uses: None
- (C) Uses Permitted by Special Approval: None.
- (D) Uses Permitted by Special Use Permit: All residential, all commercial, all light manufacturing, or combination thereof; however, no use shall be permitted except in conformity with an approved site plan.

## Section 319A Planned Unit Development

### A. Intent

The Planned Unit Development (PUD) is a zoning district intended to accommodate innovative land use developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or land which exhibits difficult or costly development problems, and shall not be allowed where Planned Unit Development approval is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives below.

### B. Objectives

The Planned Unit Development provisions of this ordinance are designed to accomplish the following objectives:

- 1) To permit more flexibility in land development than is generally allowable under conventional zoning regulations where such development will not be contrary to the intent of the Sands Township Zoning Ordinance;
- 2) To achieve efficiency and economy in the use of land, natural resources, energy, and the provision of public services and utilities;
- 3) To encourage innovative approaches in developing land and to allow variety in design, layout, and type of structures constructed;
- 4) To encourage the provision of useful open space and development of recreational opportunities;
- 5) To provide a desirable living environment through the preservation of the natural character of open fields, tree stands, brooks, ponds, floodplains, hills, and similar natural assets;
- 6) To provide a procedure for use in encouraging and assisting in the orderly development of uses of property within the township which will result in economic benefit to the township and its residents.
- 7) To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township;
- 8) To provide a procedure by which the Township Board can grant preliminary approval of a proposed development without first requiring the developer thereof to expend complete design monies, while providing Township officials with assurances that a proposed development will retain the character envisioned at the time such preliminary approval was granted;

- 9) To provide for adequate protection and safeguards for the site and the surrounding area;
- 10) To recognize that the timing of development should be consistent with capital improvement planning and that it is both a public and private responsibility to minimize adverse community impacts;
- 11) Encourage and ensure a continual pattern of compatible land use; and,
- 12) To provide for public hearings and input in reviewing a Planned Unit Development proposal.

Section 319B Uses Permitted, Minimum Size, and Fees

A. Uses Permitted within a Planned Unit Development District

1. The following uses may be included in a PUD district:
  - a) all residential uses
  - b) all commercial uses
  - c) all light manufacturing uses; or
  - d) a combination thereof
2. The following districts are eligible for consideration for rezoning to a Planned Unit Development District.
  - a) R (Residential)
  - b) RR (Rural Residential)
  - c) C (Commercial)
  - d) I (Industrial)
  - e) OS (Open Space)
  - f) FA (Forestry & Agriculture)
3. No use shall be permitted except in conformity with a specific and precise Final Development Plan pursuant to the procedural and regulatory provisions hereinafter set forth.
4. Where the Planned Unit Development contains residential uses, non-residential development is permitted provided that:

- a) Such non-residential uses are primarily for the service and convenience of the residents of the Planned Unit Development and the immediate neighborhood, or;
- b) Where such non-residential uses are proposed to be situated in an existing district not permitting such uses and/or where such non-residential uses are intended primarily for residents from outside of the Planned Unit Development, it must be shown that:
  - 1) such non-residential development can be justified economically at the location proposed,
  - 2) such uses are desirable and convenient to the immediate neighborhood, and
  - 3) such uses are site planned, designed, and so located as to assure that they will not materially alter the existing character of the neighborhood.

B. Minimum Planned Unit Development Size

The Planned Unit Development District shall not be less than five (5) acres in actual lot size and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall be not less than 400 feet.

C. Ownership Requirements

An application for rezoning to a Planned Unit Development district shall be made by the fee owners of the property for which the application is being made. Any other interested parties may also join in the application.

D. Processing Fees

For consideration of an application for rezoning to a Planned Unit Development District there shall be paid a fee, set by the Township Board. If additional or special meetings of the Planning Commission or Township Board are held at the request of the applicant, an additional fee, set by the Township Board, will be assessed to the applicant and must be paid prior to each such meeting.

Section 319C Application and Approval Procedures

A. Pre-Application Conference

Before submitting an Application for rezoning to PUD District, each applicant shall meet and confer with the Sands Township Zoning Administrator and interested Township officials regarding the preparation of the Application. It shall be the responsibility of the

Zoning Administrator to contact and invite the appropriate Township officials to such a meeting. The general outlines of the proposed PUD, evidenced by sketch plans, are to be reviewed at the meeting before submission of a Planned Unit Development application. Thereafter, the Zoning Administrator shall furnish the applicant with their written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a Planned Unit Development application. The applicant may then informally discuss the proposal with the Township Planning Commission at his/her option.

B. Preliminary Application and Plan

The applicant of the Planned Unit Development shall submit an application for rezoning to PUD District and Preliminary Development Plans to the Township Planning Commission through the Zoning Administrator within ninety (90) days of the preliminary meeting(s). The Preliminary Development Plan shall consist of written and graphic documents.

1. The written documents shall consist of:
  - a. A legal description of the total site proposed for development;
  - b. A statement of the nature and character of the proposed development and the methods to be used in achieving the objectives of the Planned Unit Development provisions;
  - c. A schedule of the approximate date or dates if the development is to be divided into phases, when construction will begin and be completed;
  - d. A statement of the applicant's intentions with regard to future ownership of all or parts of the development;
  - e. Quantitative data for the following: Total number and type of dwelling and non-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios, the proposed gross residential density, and the net residential density of any separate stages, the number of parking spaces for each use proposed, and any market or feasibility studies the applicant wishes to submit in support of this plan;
  - f. A market analysis and/or environmental assessment statement may be required showing economic need for commercial facilities or to insure that environmentally sensitive areas are not disturbed.
  - g. Such additional documentation as may be required by the Planning Commission.

2. The graphic documents shall consist of:
  - a. A grading plan may be required if deemed necessary by the Zoning Administrator. The grading plan shall show contour lines at intervals of five (5) feet and the existing and proposed site conditions, as well as any bodies of water, unique natural features, rock outcroppings, and vegetation.
  - b. A preliminary plat showing proposed lot lines and plat lines if the land is to be platted.
  - c. A site plan or plans showing the location, floor area, and use of all existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreational areas, school sites, and similar public or semi-public uses; the proposed circulation system, including private and public streets, parking and loading areas, pedestrian ways, and access to existing and planned streets outside of the development; the existing and proposed utilities, including sanitary and storm sewers and water, gas, electric, telephone, and television cable lines; and preliminary landscape plan;
  - d. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning, and general character, and the effects of the proposed development on such land, including the treatment of the perimeter areas of the Planned Unit Development;
  - e. Sketch plans of land uses, densities, site design, adjacent uses, and circulation of remaining lands to be developed in future stages, if any, of the project even though not presently under consideration for approval; and
  - f. Such additional material as may be required by the Township Planning Commission to assist the Commission in visualizing and understanding the proposals, including, but not limited to, architectural renderings of typical structures and improvements and three-dimensional work study models.

C. Preliminary Development Plan Review and Public Hearing

1. The Zoning Administrator shall notify the appropriate State and County government agencies to review the preliminary development plans and proposed rezoning and may obtain the recommendation of a professional planning advisor, and shall submit such review information and recommendations to the Township

Planning Commission for its consideration along with a report which evaluates the planning aspects of the project as well as its impact on present and future development plans of the township.

2. Within 60 days following the submission of the application for rezoning and the Preliminary Development Plan the Planning Commission shall hold a public hearing.
  - a. Pursuant to the requirements of Section 1102 of the Township Zoning Ordinance;
  - b. At which time the applicant shall present the Planned Unit Development preliminary development plan;
  - c. At which time the Zoning Administrator shall present his/her recommendation;
  - d. At which time the public will be afforded an opportunity to comment upon the proposed Planned Unit Development.
3. After reviewing all of the evidence, the Planning Commission must take formal action on the application within 45 days of the public hearing. Such formal action to consist of one of the following:
  - a. Recommendation for approval of the preliminary development plan as presented and a recommendation that the application for rezoning to PUD district be granted; or
  - b. Recommendation for approval of the preliminary development plan subject to compliance with specified conditions, which, if met by the applicant, will also be deemed to be a recommendation that the application for rezoning to PUD District be granted; or,
  - c. Recommendation for disapproval of the preliminary development plan and recommendation that the application for rezoning to PUD District be denied.

Such action shall be stated in a written report prepared by the Planning Commission which shall be submitted to the County Planning Commission for its review and recommendation as required by statute;

4. The Township Board shall thereafter conduct a preliminary review of the written report of the Planning Commission and all related documentary materials,

including recommendations of the County Planning Commission and shall, upon consideration of that documentation, take any one of the following actions:

- a. Issue preliminary approval of the preliminary development plan and the proposed rezoning to PUD District; or
  - b. Issue preliminary approval of the preliminary development plan and proposed rezoning to PUD District subject to certain specified conditions; or
  - c. Issue a preliminary disapproval of either the preliminary development plan or the proposed rezoning to PUD District or both, and provide written notice to the applicant(s) of the reason for such preliminary disapproval.
5. The preliminary approval by the Township Board of either the Preliminary Development Plan or the proposed rezoning to a PUD district does not constitute a final approval of the Proposed Development Plan or of the proposed rezoning, and no zoning permits shall be authorized until a Final Development Plan has been approved and a rezoning amendment has been adopted.

#### D. Final Development Plan

1. Within a maximum of one (1) year following the preliminary approval by the Township Board of the Preliminary Development Plan and proposed rezoning to PUD District, the applicant shall file with the Township Board, through the Zoning Administrator, in a final detailed form, a Final Development Plan which shall be in substantial compliance with the preliminary approval previously issued by the Township Board. The Zoning Administrator shall have thirty (30) days within which to review the Final Development Plan. At its discretion and for good cause, the Township Board may extend for six (6) months the period for filing of the Final Development Plan. If the applicant fails to file the Final Development Plan for any reason, within the time allowed, the preliminary approval shall be deemed to be revoked and the Township Board shall take appropriate action to deny the application for rezoning to PUD District. All that portion of the area included in the Preliminary Development Plan and proposed rezoning for which final approval has not been given shall thereby remain subject to the existing zoning and subdivision ordinance otherwise applicable thereto.
2. The Township Board shall make a determination as to whether the final development plan is in substantial compliance with the Preliminary Development Plan. The Final Development Plan shall be deemed in substantial compliance with the Preliminary Development Plan, provided any modifications made thereto by the applicant do not:



- a. Violate any provision of Section 319 of the Zoning Ordinance;
  - b. Vary the lot area requirement by more than ten (10) percent;
  - c. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space;
  - d. Increase the floor area proposed for non-residential use by more than ten (10) percent; and
  - e. Increase the total ground area covered by buildings by more than five (5) percent.
3. If the Final Development Plan is not in substantial compliance with the Preliminary Development Plan or if it contains substantial or significant changes from the Preliminary Development Plan, the Township Board shall hold an additional public hearing before it may grant final approval of such Final Development Plan.
  4. The Final Development Plan stage includes review of all of the information required for the Preliminary Development Plan in its finalized, detailed form to ensure substantial compliance with the preliminary development plan. This shall include a review of site plans sufficient for recording and engineering drawings. Any schematic plans presented in the Preliminary Development Plan stage, such as a landscape plan, must be presented in their final detailed form. All items previously reviewed and any final plats and public dedication documents shall be submitted at this time.
  5. If the Township Board determines that the Final Development Plan is in substantial compliance with the standards specified in this Ordinance and with the Preliminary Development Plan through the review of finalized site plans and specifications, the Final Development Plan and proposed rezoning to PUD District shall be approved and adopted by the Township Board.
  6. The decision of the Township Board shall be made within sixty (60) days of submission of the Final Development Plan, unless said time is agreed to be extended by the applicant in writing; provided that the Township Board may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

E. Issuance of Permits

Formal approval by the Township Board of the Final Development Plan and adoption of the rezoning to PUD District shall entitle the applicant to apply for zoning permits.

F. Time for Completion of Development

Implementation of the Final Development Plan including all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within one (1) year of the final approval of the Final Development Plan and work must be continued in a reasonably diligent manner and completed within three (3) years of such final approval. If construction of the entire development or established stages is not significantly complete within the time limits provided by the construction schedule or if time schedule extensions are requested by the applicant, the Township Board shall review the progress being made in implementing the Final Development Plan and may extend the time for completion, revoke final approval of the Final Development Plan, or take such other action as it deems appropriate.

G. Amendments to the Final Development Plan

- I. Minor changes from the approved final development plan may be approved without the necessity of a public hearing by the Township Board, if required by engineering or other circumstances not reasonably foreseeable at the time the Final Development Plan was approved. The Township Board may request certification in writing from the officials and agencies concerned that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the Final Development Plan as approved by the Township Board. Revisions permitted under this Section shall be limited to:
  - a. Shifting of building location, heights, and elevations, providing such shifting does not exceed ten (10) percent of the previously approved dimensions and providing such shifting does not significantly alter the conceptual integrity of the plan;
  - b. Construction of additional or alteration of approved sidewalks, provided that pedestrian movement through and around the site is not inhibited thereby;
  - c. Shifting of, additions to, or changes in species of landscaping materials, provided that such change does not reduce the minimum landscape requirements;
  - d. Relocation of refuse collection stations;
  - e. Internal rearrangement of parking lots and curb cut locations, provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further provided that such rearrangement does not inhibit smooth traffic flow or circulation;

- f. An increase or decrease in the floor area of any building, provided such increase or decrease does not exceed five (5) percent of that previously approved;
  - g. Construction and location of bus stop stations; and
  - h. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
2. All major changes in the final development plan may be formally approved after a public hearing held by the Township Board in accordance with Section 1102 of the Zoning Ordinance. Any changes must be formally adopted and recorded as amendments to the Final Development Plan as approved.

### Section 319D Standards for Decision

#### A. General Standards

A Final Development Plan and proposed rezoning to PUD District shall be denied, approved, or approved with conditions by the Township Board based on findings of conformity or lack of conformity with the following standards:

1. The Final Development Plan and proposed rezoning to PUD District shall be consistent with the Sands Township Zoning Ordinance and any land use plans and land use regulations adopted by the Township Board except as hereinafter set forth.
2. The Final Development shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area and shall be developed so as not to be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor diminish property values within the neighborhood.
3. Each development shall provide reasonable visual and acoustical privacy for dwelling units within the development. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
4. The proposed development shall not involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of noise, dust, smoke, odor, fumes, or glare. Provisions shall be made for the prevention of erosion and dust and to insure that the removal of surface waters will not adversely affect nearby properties.

5. Yard, setback requirements, height limits and buildings size limits, and density and intensity limits may be altered for the proposed development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Township Board. Clustering of dwelling units in one or more locations upon the development is permitted. All buildings or groups of buildings shall be arranged as to permit convenient and direct emergency vehicle access and final determination shall be based on the visual, acoustical, and aesthetic layout as determined by the Township Board.
6. The existing landscape shall be maintained in as natural a state as possible through preservation of trees, groves, waterways, floodplains, scenic points, historic spots, and other community assets and landmarks. The location of such must be considered when planning common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Township Board shall inquire into the means whereby trees and other natural features will be protected during construction.
7. Design of the proposed streets, common vehicular ways, and pedestrian circulation shall be adequate to allow for safe, convenient, and un-congested circulation. Streets in a proposed development may be dedicated to public use or may be retained under private ownership. They shall be constructed in accordance with the standards required by the Sands Township Zoning Ordinance.
8. Off-street parking shall be sufficient to meet the minimum required by Section 411 of the Sands Township Zoning Ordinance. If deemed appropriate and for good cause, the Township Board may require more or less parking for a proposed development than that required by Section 411.
9. The proposed development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would develop in a form generally permitted in the area, or it shall be demonstrated that the person responsible for the proposed development shall be able to install such systems at his own expense and continually provide adequately for the utilities systems and installations deemed essential to the proposed development.

Section 320 Conditional Rezoning:

A. Intent: It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions:

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land when a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special use permit under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final

rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission: The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 320 of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; however, that any recommended changes to the offer of conditions are acceptable to, and thereafter offered by, the owner.

D. Township Board Review: After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 320 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to, and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

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

1. The Statement of Conditions:

- a. Be in a form recordable with the Register of Deeds of Marquette County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
- b. Contain a legal description of the land to which it pertains.
- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are

incorporated by reference, the reference shall specify where the document may be examined.

- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Marquette County.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
2. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification, along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  3. The approved Statement of Conditions of an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Marquette County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

F. Compliance with Conditions:

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has been a change

in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning: If approved development and/or use of the rezoned land does not occur within the time frame under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

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

J. Amendment of Conditions:

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone: Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act.

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

M. Basic Factors of Consideration: In reviewing an application for the rezoning of land, the Planning Commission and the Township Board will take into consideration no less than the following basic factors;



1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
3. Whether any public services and facilities would be significantly or adversely impacted by a development or use allowed under the requested rezoning of the land;
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area that is allowed under the current zoning of the land.

**ARTICLE IV  
GENERAL REGULATIONS**

**Section 401 Height, Bulk and Placement Regulations**

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Size (Sq. Ft.)(A)	Minimum Lot Width (Feet)	Setback (in feet) (A),(B)			Maximum Building Height (Feet)
			Front	Each Side	Rear	
R	30,000	120(C)	25(D)	10(F)	35	30(G)
RR	30,000	120(C)	25(D)	10(F)	35	30(G)
C	22,500	100(C)	25	10(F)	20	30
FA	5 Acres	300	25	20	35	30
I	1 Acre	150(C)	30	(H),(I)	30	(H)
OS	20 Acres	None	40	40	40	30
PL	None	None	30	30	30	30
PUD	5 Acres	None	30	30	30	30

(A) See Article III, Sections 316 and 317, for additional lot size and setback requirements for specific uses.

(B) See Article X, Section 1017, for additional minimum lot widths and setbacks for parcels in the Highway Overlay Zone.

(C) Waterfront Development

(1) Setbacks from Water - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 100 feet

as measured from the high water mark. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark.

(2) Shore and Bank Area Alterations - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 75 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas.

(3) Limitation of "Funnel Development" - Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single-family home, cottage, condominium, or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, or lease. This restriction shall not apply to an official public access site.

- (D) Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions. Regardless of actual lot size, the maximum depth to width ratio shall be 4 to 1.
- (E) No accessory building shall be located in the front yard in a residential district.
- (F) An accessory building or structure may be located 6 feet from a side lot line.
- (G) An accessory building or structure shall not exceed an average peak height of sixteen (16) feet as measured from the existing grade prior to breaking ground to the highest point (peak) of said roof. Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of buildings taller than the natural grade plus what the height restriction of this Ordinance would otherwise permit. All water runoff shall be stored on site; no water shall be directed into abutting property unless owned by the applicant. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building the natural grade shall be used to determine the finished grade for the new building and the required yard space.

- (H) All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances, or exits; and 10 feet for parking areas.
- (I) Height at any point on a structure shall not exceed the horizontal distance to any lot line.

#### Section 402 Minimum Building Floor Area

Every single/two-family dwelling, excluding seasonal dwellings in the FA District, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches, and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet.

A single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of twenty (20) feet in the R, RR, and C districts. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet. NOTE: Lots within the R and RR district with an existing dwelling, which is less than 20-feet in width, shall be allowed a one-time replacement of said dwelling. The replacement dwelling may be less than 20-feet in width but shall, in any event, be greater than the width of the existing dwelling. Replacement of a dwelling shall be by special approval under the provisions of Article VI of the Sands Township Zoning Ordinance, being Sections 601 & 602. In the FA district, the minimum breadth/caliper/width shall be fourteen (14) feet.

A two-family dwelling building shall have a minimum exterior breadth/caliper/width of twenty (20) feet in any district in which such structures are permitted. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

#### Section 403 Maximum Lot Coverage Ratio

The Maximum Lot Coverage Ratio in all districts shall be 35 percent.

#### Section 404 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of

this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.

- (B) An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

#### Section 405 Home Occupations

Home occupations shall be allowed in the R, RR, FA, and OS Districts, in accordance with the provisions below. Home occupations shall be authorized upon application for and issuance of a Zoning Compliance Permit and Special Approval Permit by the Zoning Administrator. All home occupations shall comply with the following conditions:

1. Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee; home occupations in the R District shall not employ non-occupants;
2. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
3. Specifically excluded is the storage, display, and sale of merchandise not produced by such home occupations.
4. If the home occupation is conducted in an accessory building, it shall occupy not more than three hundred (300) square feet of said accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 411; the home occupation may utilize only stock vehicles such as passenger cars and light utility vehicles such as pick-ups and vans. These vehicles may be parked outside;
6. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
7. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;

8. A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts.

#### Section 406 One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a lot, except in the I District under Special Use Permit, unless specifically provided for elsewhere in this Ordinance.

#### Section 407 Variance of Requirements for Lots of Record

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the county register of deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. Uses and/or structures located on parcels shall be treated as conforming uses and/or structures as long as those uses and/or structures are in conformance with the requirements of this ordinance. No vested right shall arise to the property owner for any parcel created in violation of any preceding Sands Township Zoning Ordinance.

#### Section 408 Allocation and Reduction of Lot Area

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

#### Section 409 Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles, and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
3. Public utility structures; and

4. Agriculture related structures such as barns, silos, elevators, and the like.  
Section 410 Use of Yard or Open Space

In all districts, it is prohibited to use the open space for the storage of unused, nonworking, or broken items in public view. Items may be stored on the premises, provided they are screened from adjacent residences and the road.

Exempted are Township approved businesses by Special Approval or Special Use Permit.

Section 411 Off-Street Parking Requirements

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>Use</u>	<u>Spaces Required</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Convalescent homes and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities, if any
Automotive Service Center	1 per employee plus 2 per service bay
Banks	1 per 150 sq. ft. of floor space
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Churches, theaters, facilities for spectator sports, auditoriums concert halls	.35 times the seating capacity
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Educational institutions	1 per employee plus 1 per every 5 students over 15 years of age
Family or Group Day Care Facility	2 per dwelling unit plus .3 per child
Fast food take-out establishments, drive-in restaurants	.01 times floor area in square feet
Funeral parlors	1 per 50 sq. ft. of floor space



<u>Use</u>	<u>Spaces Required</u>
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Gas stations	1 per pump plus 2 per rack or pit (in addition to stopping places adjacent to pumps)
Golf Courses	7 per hole, in addition to spaces required for restaurant, if any
Hospitals	.5 per employee plus .16 times the number of beds
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Laundromats	.5 per washing machine
Multiple-Family Dwellings	2 per dwelling unit
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time
Restaurants (except drive-ins), bars, taverns, private clubs	1.2 per 100 sq. ft. of floor space
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Rooming houses	2 for owner or resident manager, and 1 for each guest room
Vehicle sales	1 per 400 sq. ft. of usable floor area in showroom, plus 2 per service bay, if any
Warehouses	1 per 500 sq. ft. of floor space

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

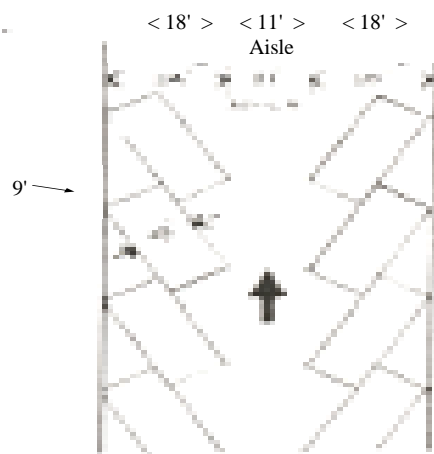
Required off-street parking shall be provided on the lot to which it pertains or within four hundred (400) feet of the structure it is intended to serve, measured from the nearest point of the building to the nearest point of the parking lot. Access drives may be placed in the required front, side, or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, in conformance with all applicable requirements.

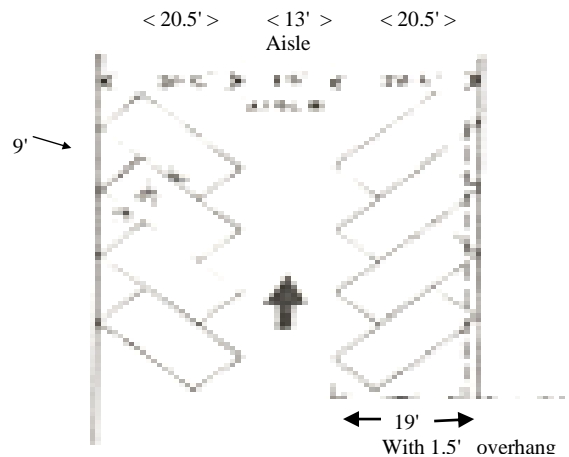
The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas, including access lanes, be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.

The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

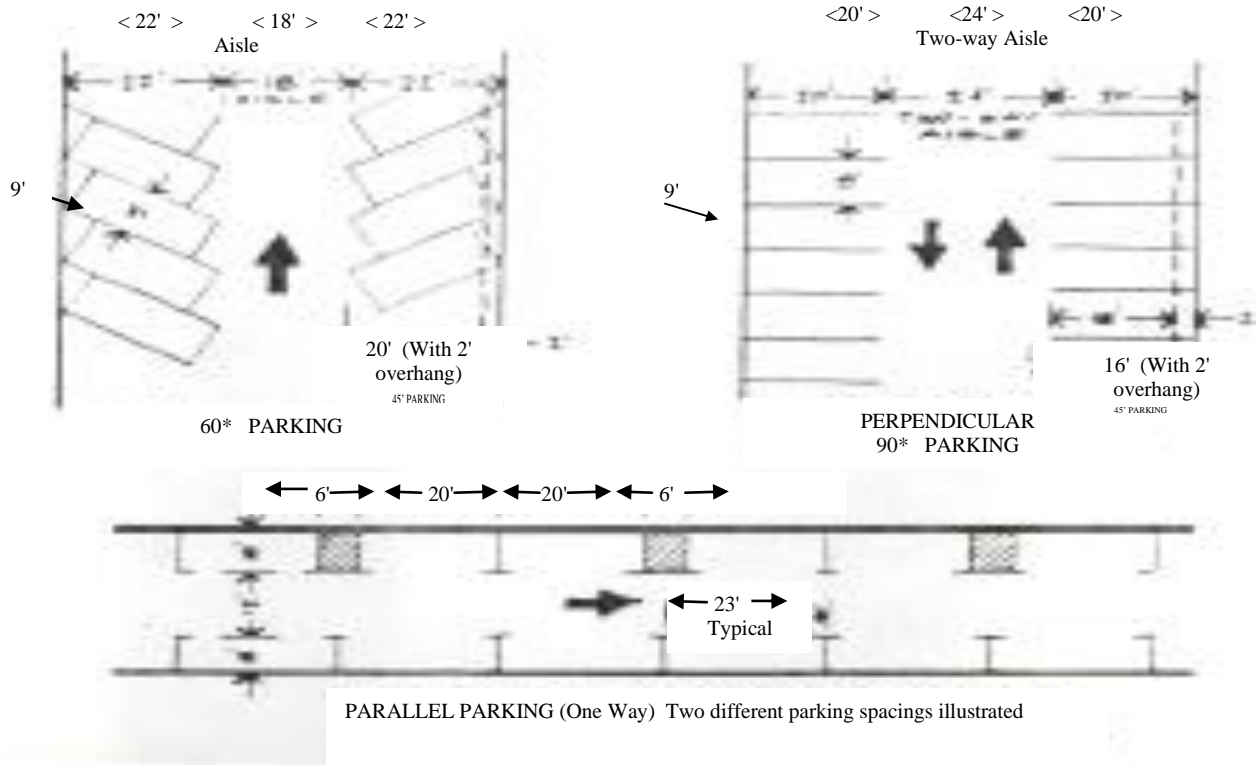
<u>Parking Angle</u>	<u>Stall Width</u>	<u>Parking Aisle Width</u>	<u>Stall Length</u>	<u>Curb To Curb</u>
0 to 15	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37	9 ft.	12 ft.	18 ft.	48 ft.
38 to 57	9 ft.	13 ft.	18 ft.	54 ft.
58 to 74	9 ft.	18 ft.	18 ft.	62 ft.
75 to 90	9 ft.	24 ft.	18 ft.	64 ft.



30\* PARKING  
No overhang allowance



45\* PARKING



### Section 412 Required Planting Screens

A) In the Industrial District wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential district, or adjoins a residential dwelling within the FA District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

Screening in accordance with this Section may also be required for specific uses by Sections 316, 317, and 318.

B) Planting screen specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>Plant</u>	<u>Distance Apart</u>
Lilac	3 feet
Privet	1 1/2 feet
Arbor vitae	4 feet
Juniper	4 feet
Scotch pine	5 feet
Jack pine	5 feet
Spruce	5 feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

C) Parking lot planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this section. Landscaped open space required by this section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this ordinance: Poplars, willows, American elm, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create a hazard to drivers or pedestrians.

D) Time of completion of plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any zoning compliance permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

### Section 413 Mineral Extraction

Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

(A) Provide for the proper environmental management during the site planning, operational, and reclamation stages of the mineral extraction process;

- (B) Provide the Township with information important to overall planning and orderly economic growth; and
- (C) Provide for the right to extract mineral deposits where located.

The following shall not require an application for a mineral extraction permit:

1. Any active mining operation at the date of enactment of this ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
3. Site preparation authorized by zoning compliance permit.

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Sands Township Planning Commission and upon payment of a reasonable fee established by the Sands Township Board. A zoning compliance permit shall also be obtained pursuant to Section 1105. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide a copy of the same within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled and in accordance with the provisions of Sections 415 and 1102 and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an environmental impact assessment or other appropriate documents which are required to be submitted to various county, state and/or federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

#### Section 414 Application for Mineral Extraction Permit

An application for a mineral extraction permit must contain a site plan, operation plan, reclamation plan, and information regarding the status of all state or federal permits, as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent, to the Zoning Administrator.

- (A) Site plan requirements

A site plan consisting of eleven identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.

1. A legal description of the lot; the name, address and telephone number of the owner, developer, and designer.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area (as shown by a surveyor or engineer, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location of right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening, fencing, signs, and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.
10. Proposed location, area extent, estimated depth of excavation.
11. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
12. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
13. Any other information necessary to establish compliance with this ordinance.

(B) Operation plan requirements

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel

routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.

2. A narrative description of the social and economic impact on Sands Township including an estimate of the number of potential employees, proposed transportation routes for employees, and any changes in the present road system that might be made necessary by the proposed operation.
3. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut R or RR zoning districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but not limited to the following screening methods:

Buffer zone: An area of sufficient depth as to screen the operation from view.

Earth berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

(C) Reclamation plan requirements

A reclamation plan shall include a map and description showing:

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.
2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

(D) Status of permits

A mineral extraction permit shall not be issued until the applicant has received all applicable state and federal permits.

Section 415 General Standards for Mineral Extraction Permit

The Planning Commission shall review the particular facts and circumstances of each application for a mineral extraction permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of the comprehensive development plan;
2. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by essential public facilities and services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and



6. Will protect the public health, safety, and welfare of the community.

Section 416 Small or Individual Wind Energy Conversion Systems (WECS) Conditions for Approval in Specified Districts

- (A) The proposed Small WECS shall not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
- (B) The primary purpose Small WECS will be to provide power for the principal use of the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.
- (C) The WECS and its location on said properties shall limit any noise from where said WECS is located. The additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.
- (D) No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet of the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
- (E) No WECS shall be located within the front yard area.
- (F) The Planning Commission may add additional reasonable conditions.
- (G) A grant of a Zoning Compliance Permit constitutes an agreement between the land owner and Sands Township that the Zoning Administrator, at any reasonable time, may enter the property for the purpose of inspection to determine compliance with above conditions.
- (H) No WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits issued by all government agencies involved.

The site plan, in addition to the above, shall also show:

1. Location of tower on-site and tower height, including blades,
2. Underground utility lines within a radius equal to the proposed tower height, including blades,

3. Dimensional drawings, installation and operation instructions,
4. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions,
5. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes,
6. Any other information that the Zoning Administrator or the Planning Commission deemed necessary.

#### Section 417 Large Wind Energy Conversion Systems (LWECS)

##### (A) Statement of Findings:

Wind energy is an abundant, renewable and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

##### (B) Purpose:

To protect public health and safety, Sands Township has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval and denial processes for request for installation of Large Wind Energy Conversion Systems (LWECS).

##### (C) Applicability:

Sands Township Large Wind Energy Conversion System regulations apply to all unincorporated lands within the boundaries of Sands Township.

##### (D) Definitions (apply only to this section):

“Applicant” means the person or persons, or entity applying for installation of a Large Wind Energy Conversion System.

“Decommissioning” means removal of a Large wind Energy Conversion System or Met or SCADA Tower due to in-operation for a continuous period of 18 months, or the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

“Flicker” or “Shadow Flicker” means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.

“Met or SCADA (Supervisory Control and Data Acquisition) Tower” means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large wind Energy Conversion System.

“Owner” means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

“Large Wind Energy Conversion System (LWECS)” means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 170 feet or more, or both.

“Nonparticipating Property” means real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

“Participating Property” means real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.

“Special Use Permit” means a permit for the installation of a Large Wind Energy System, as described in Article 13, Special Land Use Permits, of the Sands Township Zoning Ordinance.

“Total Height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

“Tower” means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

“Wind Energy Conversion System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

“Wind Generator” means the mechanical and electrical conversion components mounted on or near the Tower.

“Wind Farm System” means a Large Wind Energy System that includes more than one Tower.

(E) Standards:

The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

1. Zoning and Setbacks

A Large Wind Energy Conversion System may only be located in areas in Sands Township that are zoned Open Space.

A Tower must be set back:

- a. At least 1.5 times its total height from the property line of a participating property;
- b. At least 1.5 times its total height from any public road or power line right-of-way; and
- c. At least 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission.

2. Spacing and Density

A Large Wind Energy System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower.

3. Structure

A Large Wind Energy Conversion System must be a monopole construction to the extent practical.

4. Height

The total height of a Large Wind Energy System must be 500 feet or less.

5. Noise

The noise generated by the operation of a Large Wind Energy System shall not exceed 40dB(A) at the property line closest to the Large Wind Energy Conversion System. Exceptions for neighboring property are allowed with the written consent of those property owners.

6. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

7. Access

A Large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

8. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy Conversion System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy Conversion System must be located under the sweep area of a blade assembly.

9. Lighting

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

10. Appearance, Color and Finish

The exterior surface of any visible components of a Large Wind Energy Conversion System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

11. Signs

No wind turbine, Tower, building or other structure associated with a Large Wind Energy Conversion System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and

owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy Conversion System.

#### 12. Code Compliance

A Large Wind Energy System must comply with all applicable federal, state and local construction and electrical codes. A Large Wind Energy Conversion System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large wind Energy Conversion System into operation.

#### 13. Signal Interference

The owner of a Large Wind Energy Conversion System must filter, ground, and shield the tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

#### 14. Utility Interconnection

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

#### 15. Environmental Impacts

A Large Wind Energy System shall comply with all applicable State and Federal laws.

#### 16. Flicker or Shadow Flicker

The owner of a Large Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

#### (F) Application Process:

Requests for Large Wind Energy Conversion Systems shall be submitted for review, approval, or denial in accordance with Article VII, Special Use Permits, of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant

may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy Conversion System.

If a Special Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within 1 year from the date the Permit is issued. The Planning Commission may approve an extension for one additional year upon request by the applicant.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

1. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
2. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
3. A survey map which clearly delineates the proposed location of the Large Energy Wind Conversion System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance of one-half mile.
4. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shoreland.
5. Number, description, design, and manufacturer's specifications of each Large Wind Energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System.
6. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.
7. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
8. Proposal for landscaping and screening.

9. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, and Shoreland Protection and Management.
10. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
11. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
12. Location of any overhead utility lines adjacent to the property.
13. Written documentation demonstrating compliance with all requirements set forth in this Ordinance.
14. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
15. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
16. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this section for Large Wind Energy Conversion Systems.
17. Written statement signed by landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by Section G, and that any removal and reclamation costs incurred by the Township will become a lien on the property, and may be collected from the landowner in the same manner as property taxes. In this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$50,000 for each Large Wind Energy Conversion System to guarantee the performance of the removal requirements stated in Section G below.

(G)Decommissioning

A Large Wind Energy Conversion System or Met or SCADA Tower that is out-of-service for a continuous period of 18 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may



issue a Decommissioning Notice (Notice) to the owner. If, within fourteen (14) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned or is not unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 60 days of receipt of the Notice the owner must cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower within 60 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

(H) The Zoning Administrator may enter any property for which a Special Use Permit (Permit) has been issued under this Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, be fined not less than \$500 or more than \$1,000 for each offense, together with costs of prosecution for each violation. Citations may be issued for each day that the violation remains a violation.

(I) Precedence

Any conflicts that may exist between this Section (Section 417 – Large Wind Energy Conversion Systems) and any other sections of the Sands Township Zoning Ordinance, this Section shall take precedence.

#### Section 418 Solar Energy Systems

(A) Standards for Approval – Solar Energy Systems, Level 1:

- a. Solar panels installed on a sloped roof may not project vertically above the peak of the roof.
- b. Solar panels installed on a flat roof may not project vertically more than ten (10) feet above the roof.
- c. The system cannot cover more than 50% of wall or roof area.

(B) General Regulations:

- a. Abandonment: Any freestanding solar collection system deemed abandoned shall be removed and the site returned to its original state.
- b. Reflection/Glare: All solar collection devices are to be designed and located to avoid glare or reflection onto adjacent properties and shall not interfere with traffic or create a safety hazard. Glare intensity is considered to be an issue if it measures more than 20% of the incident sun intensity. Plans to reduce glare may be required in the initial permit application process.

ARTICLE V  
SITE PLAN REVIEW

Section 501 Intent

It is the purpose of this Section to require site plan review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 502 Site Plan Required

A site plan is required for and shall accompany the applications for:

- A) Zoning Compliance Permits for:
  - a) Any proposed construction
  - b) Any commencement of a new use
  - c) Any proposed change in use
- (B) Special Approval Permit
- (C) Special Use Permit
- (D) Variances
- (E) Non-Conforming use designations
- (F) Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 503 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, Seasonal Dwellings, and for Agricultural and Forestry Uses

The site plan for single and two-family dwellings, residential accessory uses and structures, seasonal dwellings, and agricultural and forestry uses shall show the following information:

- (A) A legal description of the site.
- (B) All lot lines and dimensions of the lot.
- (C) All roads and easements.
- (D) All existing and proposed buildings shall be shown and labeled.
- (E) Proposed use of each building.
- (F) Distances between buildings and all lot lines.
- (G) Building dimensions.
- (H) Natural features affecting development (rock, water, etc.).
- (I) Well and septic locations.
- (J) A north arrow.

If, in the opinion of the Zoning Administrator, a more detailed site plan is needed for agricultural or forestry uses, a site plan in accordance with Section 504 shall be required.

Section 504 Site Plans for Commercial, Industrial, and Multiple Family Development (all other development)

Site plans meeting the following standards shall be required for any use or construction not covered in Section 503. This information shall be provided on eight (8) identical copies on one or more sheets.

- (A) A scale adequate to illustrate the proposed activity.
- (B) A legal description of the lot; the name, address, and telephone number of the owner, developer, and designer.
- (C) Date, north point, and scale.
- (D) The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- (E) The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
- (F) The location of all existing and proposed drives and parking areas.
- (G) The location and right-of-way widths of all abutting streets, alleys, and private easements.
- (H) The location of proposed planting and screening, fencing, signs, and advertising features.
- (I) The height and floor area of all proposed structures.

- (J) The size and location of all existing and proposed public and private utilities and required landscaping.
- (K) Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- (L) Location of all existing and proposed surface water impoundments and surface water drainage pattern.
- (M) The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

#### Section 505 Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Sands Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the following standards in their review.

#### Section 506 Standards for Site Plan Approval

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.

6. Every structure or dwelling shall have access to a public street, walkway, or other area dedicated to common use.
7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.
8. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

ARTICLE VI  
USES PERMITTED BY SPECIAL APPROVAL

Section 601 Intent

A variety of uses are permitted in each zoning district by right, meaning that as long as those uses meet the general regulations such as setbacks, height, and lot coverage requirements, etc., and are specifically listed as permitted within a particular district, the issuance of a zoning compliance permit is the only zoning approval which is required. There are, however, uses which have unique characteristics that require somewhat closer scrutiny.

Such uses are those which may have the potential to produce impacts which could affect adjacent property owners, or which have special requirements such as parcel size, access, etc., but where such impacts or requirements can be easily addressed by the application of certain conditions. It is the intent of this section to permit such uses anywhere in a district where the use is listed as permitted by special approval, once the Zoning Administrator is satisfied that the conditions listed in Section 316 will be met.

Section 602 Application Procedure

- (A) Any person having an interest in a property may apply for a Zoning Compliance Permit for a proposed structure or use in the zoning district in which the property is located. The completed application shall be accompanied by the required fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- (B) The Zoning Administrator is authorized by this ordinance to issue Zoning Compliance Permits for uses permitted by right and uses permitted by special approval. Upon receiving an application for a Zoning Compliance Permit, the Zoning Administrator shall determine if the proposed use is permitted by right or by special approval.
- (C) If the application is for a use permitted under special approval, the Zoning Administrator shall refer to Section 316 of this ordinance. The Zoning Administrator shall inform the applicant of all conditions which must be met in order to comply with this ordinance, and shall issue a zoning compliance permit once he/she is satisfied that all conditions, as well as all applicable general regulations, will be met. The Zoning Compliance Permit shall list all conditions which should be met.
- (D) Issuance of a Zoning Compliance Permit shall be valid regardless of change of ownership, provided that all terms and conditions are met by all subsequent owners.
- (E) If development of the structure or use authorized by a Zoning Compliance Permit issued in accordance with this ordinance has not commenced within one year of the date of issuance, said permit shall expire automatically. The Zoning Administrator may approve an extension for one additional year upon request by the applicant.

## ARTICLE VII SPECIAL USE PERMITS

### Section 701 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Special Uses and may be authorized by the issuance of a Special Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following Sections (702 through 705), together with previous references in other Sections (308 through 315, 317), designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

### Section 702 Application Procedure

- (A) Any person having an interest in a property may file an application for a Special Use Permit for the zoning district in which the land is situated.
- (B) Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each completed application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- (C) Data Required in Application: Every application shall be accompanied by one copy of the following information and data:



- a) Special Use Permit form supplied by the Zoning Administrator and filled out by the applicant.
  - b) Site plan drawn to a readable scale and containing that information specified in Article V, Section 503 or 504.
  - c) A statement, prepared by the applicant, with supporting evidence regarding the required findings specified in Section 704 (A) through (H).
- (D) Approval of a Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- (E) In instances where development authorized by a Special Use Permit has essentially changed in nature, extent, or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Special Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- (F) If development of a Special Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

#### Section 703 Review and Findings

The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 704 and 1102. The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 1105 and the commencement of the use, unless a specified time is set or implied in the motion granting the Special Use Permit.

#### Section 704 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- (A) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- (B) Will not be hazardous or disturbing to existing or future neighboring uses;

- (C) Will not diminish the value of land, buildings, or structures in the District;
- (D) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (E) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (F) Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- (G) Will protect the public health, safety, and general welfare of the community; and
- (H) Will be consistent with the intent and purpose of the specific zoning district in which it is located.

#### Section 705 Conditions and Safeguards

- (A) Prior to granting any Special Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will utilize 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; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- (B) Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- (C) Special Use Permits may be issued for time periods as determined by the Planning Commission. Special Use Permits may be renewed in the same manner as originally applied for.
- (D) In authorizing a Special Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, of

ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

- (E) Revocation of a Special Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
  - 1) Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
  - 2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- (F) All plans, specifications, and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Special Use Permit issued thereto.
- (G) Any person aggrieved by the Planning Commission's granting or failure to grant a Special Use Permit may appeal to the circuit court.

Upon appeal, the circuit court shall review the record and decision, and rule in accordance with Section 606 of Act 110 of 2006, The Zoning Enabling Act.

- (H) The standards in Section 704 are basic to all special uses. The specific requirements accompanying Sections 308-315, and 317, relating to particular uses, are in addition to the standards in Section 704 and shall be required in all applicable situations.

ARTICLE VIII  
NONCONFORMING USES AND STRUCTURES

Section 801 Intent

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Sands Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes nonconforming uses and structures. In general, nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance but will not be encouraged to exist by the Township. The location of a use or structure on a nonconforming parcel as defined in Section 407 does not make the use or structure nonconforming, unless that use or structure also fails to conform to the provisions of this ordinance.

Any use or structure created in violation of any preceding adopted township or county zoning ordinance remains a violation.

Section 802 Nonconforming Uses and Structures

Nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Zoning Board of Appeals shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 803 Provisions for Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended,

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

- (A) No such Nonconforming Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
- (B) No such Nonconforming Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
- (C) No Nonconforming Structure shall be extended to displace a permitted (conforming) use.

#### Section 804 Regulations Pertaining to Nonconforming Uses and Structures

No Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Nonconforming Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

ARTICLE IX  
SIGNS, FLAGS, AND FENCES

Section 901 Intent

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary: to enable the public to locate goods, services, and facilities without difficulty and confusion; to prevent wasteful use of natural resources in competition among businesses for attention; to prevent hazards of life and property; to assure the continued attractiveness of the community to protect property values.

For similar reasons, the size, type, and location of fences within the Township is also a matter of concern. Fences are addressed in Section 914.

Compliance with this Article does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

No sign or part thereof may be constructed, erected, placed, altered, or maintained within the Township of Sands, except as specifically or by necessary implication, authorized by this Ordinance.

Section 902 Enlargement Factor

Whenever the nearest part of any sign is set back from the nearest front lot line, easements/right-of-ways fifty (50) feet or more, its area may be increased pursuant to the following schedule:

<u>Setback in Feet</u>	
50 to less than 100	10%
100 to less than 150	20%
150 to less than 200	30%
200 to less than 250	40%
250 or more	50%

Distances will be determined by the Zoning Administrator.

Section 903 Signs Permitted in R & RR Districts

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight feet above grade is permitted. During development of a subdivision or other property for a period not exceeding two years, one

sign, naming the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding 50 square feet, and a height not exceeding 12 feet from grade, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models.

For signs related to home occupations, see Section 405.

#### Section 904 Signs Permitted in FA & OS Districts

A Special Approval permit shall be obtained from the Zoning Administrator using the guidelines of the Zoning Ordinance for determining the appropriateness of the requested location with respect to the residential or non-commercial use of an area and the introduction of signage into areas dominated by recreational/tourist/natural scenic qualities.

Signs permitted in the FA & OS Districts in conjunction with special approval shall not exceed 60 square feet and shall be subject to the height and setback requirements of the District.

For signs related to home occupations, see Section 405.

#### Section 905 Signs Permitted in C & I Districts

On premise signs are permitted. Total area of signs on premises is not to exceed six square feet for each ten feet or fraction of frontage, or 60 square feet for each acre or fraction thereof, whichever is larger. No sign shall have an area exceeding 100 square feet. Where any premises have more than one occupant, the permitted area shall be divided among them in the same proportion as floor space and outdoor sales space is occupied by them. Where the premises have more than two occupants and have a name distinct from that of any occupant, as in a shopping center, an additional two square feet of sign area for each ten feet or fraction of street frontage, with a maximum to 200, is permitted only for signs advertising the premises. On premise signs shall be located so that no portion of the sign area is within five (5) feet of the front lot line or easements/right-of-ways. Signs shall be subject to the other height and setback rules applicable to buildings in the zoning district where located. In District C, off premise signs are permitted and may have a maximum area of 400 square feet per sign, but such signs must be included in the sign area permitted on the premises. Individual off premise signs must be at least 300 feet apart and shall be setback 40 feet from the front lot line, easements/right-of-ways.

#### Section 906 Signs Permitted in PUD District

Unless the approved site plan for the Planned Unit Development District specifies otherwise, the following regulations shall apply to each site:

- A. One sign not to exceed twenty (20) square feet shall be permitted for each street providing access to the site. These signs shall be for identification of the development and its components.
- B. One residential nameplate not to exceed two square feet shall be permitted for each residential structure.
- C. For each non-residential use, the sign design and size shall be as specified in the approved PUD Plan.

#### Section 907 Exemptions from Sign Regulations

Signs exempt from regulation under this Ordinance:

- A. Signs having an area of not more than two square feet, the message of which is limited to conveying street numbers, the name of the premises, the name of the owner of the premises, and the name of the occupant of the premises;
- B. Signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of the property, or traffic or parking thereon, or advertising the premises for sale or rent. Signs advertising commercial real estate and subdivision or development signs of 32 square feet or less provided they are located outside the right-of-way;
- C. Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises for a period not exceeding four hours or for a longer period where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one plus one more for each 25,000 square feet of area on the premises;
- D. Church or institutional bulletin boards without interior illumination having an area not exceeding 32 square feet;
- E. On premise signs located inside an enclosed building and visible through a window or windows thereof where the area of such signs does not exceed 20 percent of the area of the window or windows;
- F. Signs visible only from the premises on which located or visible off the premises only through a window or windows from which they are set back at least ten feet;
- G. Labels identifying the source, brand name, or manufacture of merchandise exhibited for sale;



- H. Signs indicating only the name and date of erection of a building and having an area not exceeding six square feet;
- I. Signs posted by duly constituted public authorities in pursuance of their public duties;
- J. On any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election shall be located at least 100, and not more than 200 feet from any entrance to a structure in which a polling place is located;
- K. Political signs which are intended to advertise a public election, issues to be balloted upon in that election, or promote individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign areas may be increased to thirty two square feet provided the sign is so located that no portion of the sign area is located on the public right-of-way. Political signs are allowed up to ninety (90) days prior to an election and shall be removed within ten days after the election.

#### Section 908 Temporary Signs

Temporary signs shall be authorized by written permit by the Zoning Administrator for not more than two months at a time. The permit shall show the size, shape, content, height, type of construction, and location of such signs and the period during which authorized, upon a finding by the Zoning Administrator, on the basis of written information furnished by the applicant indicating that the proposed sign or signs are necessary for the direction of the public, advertising a local event and not contrary to the spirit and purpose of this Ordinance.

#### Section 909 Nonconforming Signs

- A. It is intended to eliminate nonconforming signs. Any lawfully erected sign, the maintenance of which is made unlawful by this Ordinance, may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance. No sign shall be designated as lawful Nonconforming.
- B. No nonconforming sign:
  - a. Shall be changed to another nonconforming sign;
  - b. Shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is an off premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message;

- c. Shall be structurally altered so as to prolong the life of the sign or as to change the shape, size, type, or design of the sign;
  - d. Shall be reestablished after the activity, business, or usage to which it relates has been discontinued for thirty (30) consecutive days or longer;
  - e. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the reproduction cost.
- C. The Zoning Board of Appeals shall permit variances from subsection (B) of this Section or variances permitting the erection or maintenance of a nonconforming sign only upon the grounds established by law for the granting of zoning variances or upon a finding that the grant of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose, and provisions of this Ordinance.

#### Section 910 Obsolete Signs

It is unlawful to maintain for more than 30 days any sign which has become obsolete because of discontinuance of the business, service, or activity which it advertises; removal from the location to which it directs; or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this Section.

#### Section 911 Off Premise Signs

In addition to the signs permitted in Sections 903-907, off premises signs directing motorists to facilities within the Township required by tourists, hunters or fishermen, or other recreation areas shall be permitted upon permit granted by the Zoning Board of Appeals upon finding that a substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view. No such sign shall have any area exceeding 32 square feet, a height in excess of 10 feet from grade, or shall be located in any R or RR District. Snowmobile business tourist directional signs shall be located at designated turnoffs and on the right-of-way of the DNR snowmobile trail. Signs shall be 12 inches x 12 inches or smaller, shall be limited to the "Standard International Symbols for food, gas, and lodging," with one sign post per approved location. No business names are allowed on any signs. (Signs shall not be in violation of any State ordinances, pamphlets, guides, or directives).

#### Section 912 Sign Illumination

No sign shall be illuminated by other than electrical means, unless specifically approved by the Zoning Administrator. All lighting for signs shall be internally illuminated and shielded from

any residential districts. No ground or bottom mounted lighting is permitted. Illumination shall be so arranged as to not adversely affect the driver visibility on adjacent thoroughfares. No sign except time and temperature and similar signs shall have blinking, flashing, fluttering lights, exposed bulbs, or other illuminating devices which have a changing light intensity, brightness of color, or any form of distracting animation or moving device.

### Section 913 Flags

- A. Flags, other than corporate, commercial, or advertising flags shall be permitted in all residential zoning districts, on developed residential lots. Flags shall be subject to the following regulations:
- a. Flags shall meet the sign setbacks and the height limits for single family structures.
  - b. The flag of the United States of America, as well as other flags, displayed or flown out-of-doors, shall not exceed a total area of fifty (50) square feet.
  - c. Up to three (3) flags of any combination but not more than one (1) corporate, commercial, or advertising flag shall be permitted on a single lot, shopping center, or business. Such flags shall not exceed twenty-four (24) square feet.
  - d. No flag shall be displayed with the flag of the United States of America, which is of greater area or which is placed at a greater or same height as that of the flag of the United States of America flag.
  - e. No corporate, commercial, or advertising flag shall be located on any lot other than the business lot that the flag is advertising.
  - f. All out-of-doors flags shall be displayed from a pole or other mounting device which is permanently affixed to the ground or a building.

### Section 914 Fences

#### A. Application and Permit

A person desiring to build or cause to be built a fence upon his or her property, shall first apply to the Zoning administrator for a permit to do so. Application for said permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of said fence would be contrary to the provisions of this ordinance or the laws of the State of Michigan. Any permit issued under the provisions of this ordinance in which construction has not been completed within six (6) months from the date of issuance, shall expire. Permit extensions may be granted by the Zoning Administrator not to exceed one (1) six (6) month extension. Permit fees shall be set by the Sands Township Board.

## B. Regulations

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the limits of Sands Township, except in accordance with the requirements and restrictions herein provided.

### a. Residential Areas (R & RR)

- i. Fences, on lots of record in residential districts, shall not contain barbed wire, razor wire, concertina, electrification or similar materials that are injurious to people or animals.
- ii. No person shall install, construct or maintain any fence on easements, right-of-ways or any properties not owned by that person, leased or rented by that person.
- iii. Materials shall consist of cyclone-type metal links and posts, wood components, or equivalent materials or natural vegetation.
- iv. Fences on all lots of record, in all residential districts which enclose property and/or within a required side and rear yard, shall not exceed eight (8) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard setback, whichever is greater. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence, or there must be a written agreement from all neighboring properties that abut a proposed fence that state they will share the maintenance of the fence. This written agreement will then be registered at the County Register of Deeds Office.
- v. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the right-of-way. If the fence is of chain link, split rail or other see through material described in iii above, then it can be erected from the front edge of the dwelling to and along the road right-of-way.
- vi. Fences shall be constructed such that posts and framework are on the interior or face fence owner's side of the fence and that the sheeting or face of the exterior, as seen from the adjoining properties or street is the more presentable and attractive side of the fence.
- vii. Consideration shall be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing and in keeping with the character of the neighborhood.

- viii. All fences shall be maintained in good condition. This shall include, but not be limited to, paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging.
  - ix. Abandoned and/or un-maintained fences shall be removed within 10 days of notice given by the Zoning Administrator. In the case of noncompliance with the notice, the Township reserves the right to contract for the removal and clean up of said fence and assess the costs to said property.
  - x. A permit, application, and inspection shall be required. Compliance review by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence.
- b. Commercial and Industrial Districts (C & I)
- i. Fencing proposals shall be included in any plans submitted for review to the Zoning Administrator and be subject to review by the Planning Commission. Site security needs, current commercial and/or industrial recommendations or standards may be considered. The Planning Commission may approve the plan, approve with conditions, or deny.
  - ii. Salvage yards shall be required to have a minimum eight (8) foot high opaque/solid fence encircling the area devoted to that activity. The fence shall obscure the view of the enclosure from ground level to the top.
  - iii. Contractor yards, visible from residents' areas, must be screened by an eight (8) foot high opaque/solid fence.
  - iv. An application shall be required and a fee shall be assessed on the owner to assure compliance with the approved plan as determined by the Township Board in these districts.
- c. Forestry and Agricultural & Open Space (FA & OS)
- Fencing may include barbed, electrified, woven, steel or wooden posts, natural vegetation, or other similar fencing materials and shall be of sufficient height and strength to confine domestic animals and/or to deter entry by unwanted animals, either domestic or wild. The land owner shall assume full liability arising from any fence.
- d. Exemptions in all Districts
- i. Temporary fencing for gardens is exempt from this ordinance in all Districts.

- ii. Active farms are exempt from Section 914.

### C. Nuisance

Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or subject the violator to civil damages, fines, and penalties herein provided for under Section 1106.

Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, nature of construction, or otherwise, that creates an unreasonable risk of harm to person or property, shall be deemed a nuisance. In the case of immediate danger to life or property, the Sands Township Zoning Administrator may require immediate abatement.

### C. Construction

This Ordinance shall not prevent operations or uses legally authorized under the Zoning Ordinances of the Sands Township, and conducted in conformance therewith.

### D. Severability Clause

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

### Section 915 Appeals

The Zoning Board of Appeals as provided Article XII shall constitute the Zoning Board of Appeals to pass on matters pertaining to the terms of Article.

Any person aggrieved may take appeal to the Zoning Board of Appeals from any decision of the Zoning administrator.

ARTICLE X  
ACCESS MANAGEMENT

Section 1001 Findings and Intent

Conditions along the major highways in Marquette County are changing with increasing development and traffic. Continued development along State Highway M-553 and County Road 480 will further increase traffic volumes and introduce additional conflict points, which will erode traffic operations and increase potential for traffic crashes. Numerous published studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement, and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway.

The provisions of this Section are intended to promote safe and efficient travel within Sands Township; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Sands Township Master Plan and the State Highway M-553 and County Road 480 Access Management Plan goals and objectives; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Marquette County Road Commission, and adjoining jurisdictions, as applicable.

To these ends, the following provisions:

1. Establish a Highway Overlay Zone to regulate access points along the highway.
2. Identify additional submittal information and review procedures required for parcels that front along State Highway M-553 or County Road 480.
3. Require demonstration that new parcels are accessible and in compliance with the access standards of this Ordinance to ensure safe accessibility as required by the Land Division Act.
4. Restrict lots and parcels to a single access point except under certain circumstances.
5. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards;
6. Require coordinated access among adjacent lands wherever feasible;

7. Improve situations where existing development along the highways does not conform to the standards and intent of this Ordinance.
8. Establish uniform standards to ensure fair and equal application.

### Section 1002 Applicability

The standards of this Section apply to all lots and parcels that abut the highway right-of-way of State Highway M-553 or the County right-of-way of County Road 480 and such other lands that front on intersecting streets within three hundred fifty (350) feet of the State Highway M-553 or County Road 480 right-of-way within Sands Township. This area is referred to as the Highway Overlay Zone.

The standards of this Section shall be applied by the Zoning Administrator and Planning Commission during site plan review, as is appropriate to the application. The Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this section prior to disapproving or approving a site plan per the requirements of Article V (Site Plan Review) of the Zoning Ordinance. Sands Township shall coordinate its review of the access elements of a site plan with the appropriate road authority prior to making a decision on an application (see Section 1004). The approval of a site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Marquette County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a site plan as required under this Ordinance will be ignored, unless it is conditioned upon approval under this Ordinance.

These regulations apply in addition to, and simultaneously with, the other applicable regulations of the Zoning Ordinance. Permitted and Special Uses within the Highway Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements of that district, with the following additional provisions:

1. The number of access points is the fewest needed to allow motorists reasonable access to the site.
2. Access spacing from intersections and other driveways shall meet the standards within the Highway Overlay Zone, and the guidelines of the applicable road agency (MDOT) and/or the Marquette County Road Commission) and the recommendations of the Sands Township Master Plan, as appropriate.
3. Where an applicant shares access with adjacent uses, either now or in the future, any shared access and maintenance agreements must be recorded with the Marquette County Register of Deeds.
4. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Highway Overlay Zone regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.



5. No land division, subdivision, or site condominium project for land within this Highway Overlay Zone shall be approved unless in compliance with the access spacing standards in this Section is demonstrated.
6. Any change in use on a site that does not meet the access standards of this Highway Overlay Zone, shall be required to submit an application for approval by the Planning Commission and submit information to the MDOT, and/or Marquette County Road Commission as appropriate, to determine if a new access permit is required. See subsection K. below.
7. For building or parking lot expansions, changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this Highway Overlay Zone. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the Sands Township Master Plan, and any recommendations from the MDOT, and/or Marquette County Road Commission as appropriate. Required improvements may include removal, rearrangement, or redesign of driveways or other access.
8. Where conflict occurs between the standards of this Ordinance and other applicable ordinances, the more restrictive regulations shall apply.

#### Section 1003 One Access Per Parcel

1. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line of less than six hundred (600) feet with right-of-way on State Highway M-553 or County Road 480 shall be entitled to one (1) driveway or road access per parcel from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.
  - a. All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
  - b. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or developed as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.

2. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of a and b above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines to the satisfaction of the Planning Commission that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate an additional driveway within a lesser distance is safer or the nature of the land use to be served requires an additional driveway for improved safety. See also Section 1018 (2).

#### Section 1004 Applications

1. Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Marquette County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
2. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of Article V in addition to those of this Section (1004). In addition:
  - a. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2003; National Cooperative Highway Research Program (NCHRP), “Access Management Guidelines to Activity Centers” Report 348, “Impacts of Access Management Techniques” Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) “Green Book” A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
    - 1) Not more than one driveway access per abutting road
    - 2) Shared driveways
    - 3) Service drives: front and/or rear
    - 4) Parking lot connections with adjacent property
    - 5) Other appropriate designs to limit access points on an arterial or collector.
  - b. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of Section 1108.
  - c. In addition to the information required in Article V the information listed below shall also be submitted for any lot or parcel within the Highway Overlay Zone

accompanied by clear, scaled drawings (minimum of 1" = 20') showing the following items:

- 1) Existing access points. Existing access points within 250 feet on either side of the State Highway M-553 or County Road 480 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
- 2) Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
- 3) The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
- 4) Size and arrangement of parking stalls and aisles.
- 5) The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the Michigan Department of Transportation or Marquette County Road Commission are met.
- 6) Dimensions between proposed and existing access points on both sides of the highway or road (and median cross-overs if applicable now or known in the future).
- 7) Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
- 8) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the County Register of Deeds.
- 9) Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
- 10) Dumpsters or other garbage containers.
- 11) The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.

- 12) Traffic impact study meeting the requirements of Section 1021 where applicable.

#### Section 1005 Review and Approval Process

The following process shall be completed to obtain access approval:

1. An Access Application meeting the requirements of Section 1004 above shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.
2. The completed application must be received by the Zoning Administrator at least 30 days prior to the Planning Commission meeting where the application will be reviewed.
3. The applicant, the Zoning Administrator and representatives of the Marquette County Road Commission, the Michigan Department of Transportation, and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design.
4. If the Planning Commission considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this Ordinance, or if necessary, table action and request additional information. The action of the Planning Commission shall be immediately transmitted to the applicable road authority.
5. It is expected that if the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, review the application first, each entity will immediately send its decision on the application to the Planning Commission for their consideration. One of three actions may result;
  - a. If the Planning Commission and the Michigan Department of Transportation, and the Road Commission, as applicable, approve the application as submitted, the access application shall be approved.
  - b. If both the Planning Commission and the Michigan Department of Transportation and the Road Commission, as applicable, deny the application, the application shall not be approved.
  - c. If either the Planning Commission, Michigan Department of Transportation, or Road Commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and

staff of the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.

6. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case the application shall be denied by that agency and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

#### Section 1006 Record of Application

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

#### Section 1007 Period of Approval

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road, is not initiated by the end of one (1) year, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, also expire at the end of one year.

#### Section 1008 Renewal

An approval may be extended for a period not to exceed one-year. The extension must be requested in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or plan, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, for input.

#### Section 1009 Re-issuance Requires New Application

Re-issuance of an authorization that has expired requires a new Access Application form to be filled out, fee paid, and processed independently of previous action. See Section 1005 (1.)

### Section 1010 Maintenance

The applicant shall assume all responsibility for all maintenance of driveway approaches from the right-of-way line to the edge of the traveled roadway.

### Section 1011 Change of Use Also May Require New Driveway

When a building permit is sought for the reconstruction, rehabilitation, or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and/or the Marquette County Road Commission as applicable, and as set forth in this Ordinance prior to the issuance of a Zoning Permit, and pursuant to the procedures of this section.

### Section 1012 Changes Require New Application

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in Section 1005.

### Section 1013 Closing of Driveways

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

### Section 1014 Inspection

The Zoning Administrator shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT and/or the County Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.

### Section 1015 Performance Bond

Sands Township may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is canceled or terminated.

## Section 1016 Reserved for Future Use

### Section 1017 Lot Width and Setbacks

1. Minimum Lot Width - Except for existing lots of record, all lots fronting on State Highway M-553 and County Road 480 subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 1018 (9, 10, or 11), in which case minimum lot width may be reduced to not less than one hundred (100) feet in width if a deed restriction is approved and recorded with the County Register of Deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.
2. Structure Setback – See Section 401
3. Parking Setback and Landscaped Area - No parking or display of vehicles, goods, or other materials for sale, shall be located within fifty (50) feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of Article IV.

### Section 1018 Access Management Standards

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots and parcels within the Highway Overlay Zone shall be established, reconstructed or removed without first meeting the requirements of this Section.

1. Each lot/parcel with highway frontage on State Highway M-553 or County Road 480 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted in Sections 1002 and 1003, land divisions shall not be permitted that may prevent compliance with the access location standards of this Highway Overlay Zone.
2. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on State Highway M-553 or County Road 480, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
  - a. One (1) standard, two-way driveway;
  - b. Additional ingress/egress lanes on one (1) standard, two-way driveway;
  - c. Two (2), one-way driveways;
  - d. Additional ingress/egress lanes on two (2), one-way driveways;

- e. Additional driveway(s) on an abutting street with a lower functional classification;
- f. Additional driveway on arterial street.

Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

- 3. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit	Along State Highway M-553* or County Road 480	Along Other Intersecting Major Arterials (Kelly Johnson Memorial Drive)	Along all Other Intersecting Streets (not major arterials)
35 mph or less	245 ft.	245 ft.	150 ft.
40 mph	300 ft.	300 ft.	185 ft.
45 mph	350 ft.	350 ft.	230 ft.
50 mph	455 ft.	455 ft.	275 ft.
55 mph	455 ft.	455 ft.	350 ft.

\* Unless greater spacing is required by MDOT

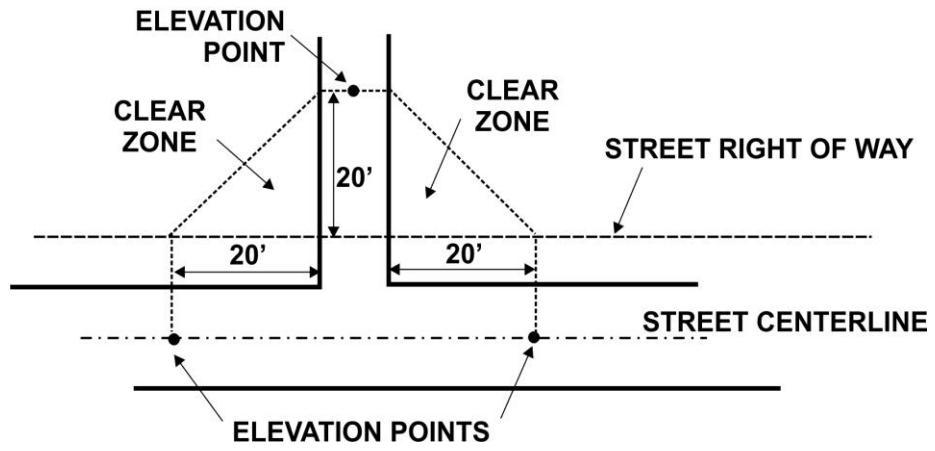
- 4. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- 5. Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline wherever feasible. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT or Marquette County Road Commission, as appropriate.
- 6. Minimum spacing of driveways from intersections shall be 300 feet on State Highway M-553 or County Road 480, and 200 feet along all other public streets (measured from pavement edge to pavement edge) unless MDOT or Marquette County Road Commission, as appropriate, authorizes a lesser spacing.
- 7. Where direct access consistent with the various standards above cannot be achieved,



- access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
8. a. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 1018 (3) above, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
  - b. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then owner does not remove the temporary driveway once a permanent driveway is established.
9. **Parking Lot Connections or Parking Lot Cross-Access:** Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.
  10. **Access Easements:** Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.
  11. Access points shall be located to provide safe sight distance, as determined by the applicable road agency.
  12. All access points shall maintain clear vision as illustrated in Figures 1 and 2.

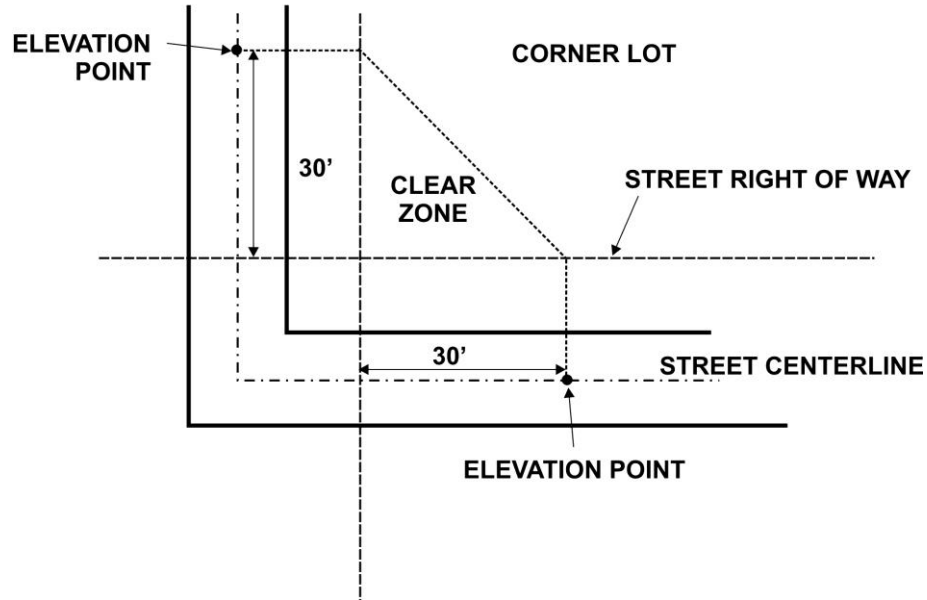
Figure 1

CLEAR VISION AT DRIVEWAYS



**Figure 2**

**CLEAR VISION ON CORNER**



13. Throat width and throat length of driveways shall be as required by the road authority and this Ordinance. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.
14. Grades and drainage:
  - a. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with requirements of the applicable road authority.
  - b. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system without the approval of the responsible agency. Storm drains, or culverts, if required, shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.
15. Directional Signs and Pavement Markings - In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by Sands Township as part of the

site plan review process and approved by the Michigan Department of Transportation and the Marquette County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

16. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

#### Section 1019 Nonconforming Driveways

1. Driveways that do not conform to the regulations in this Section, and were constructed before the effective date of this Section, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT or the Marquette County Road Commission are legal nonconforming driveways until such time as the temporary access permit expires.
2. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
3. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
4. Driveways that do not conform to the regulations in this Ordinance and were constructed after adoption of this Ordinance shall be considered illegal nonconforming driveways.
5. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.

6. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Section.

Section 1020 Waivers and Variances of Requirements

1. Any applicant for access approval under the provisions of Article X may apply for a waiver of standards in Section 1018 if the applicant cannot meet one or more of the standards according to the procedures provided below:
  - a. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in Section 1018 cannot be met, suitable alternatives that substantially achieve the intent of the Section may be accepted by the Zoning Administrator, provided that all of the following apply:
    - 1) The use has insufficient size to meet the dimensional standards.
    - 2) Adjacent development renders adherence to these standards economically unfeasible.
    - 3) There is no other reasonable access due to topographic or other considerations.
    - 4) The standards in Section 1018 shall be applied to the maximum extent feasible.
    - 5) The responsible road authority agrees a waiver is warranted.
  - b. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Planning Commission shall have the authority to waive or otherwise modify the standards of Section 1018 following an analysis of suitable alternatives that substantially achieve the intent of this Section, provided all of the following apply:
    - 1) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
    - 2) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
    - 3) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
    - 4) The proposed location and design is supported by the County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.

2. Variance Standards: The following standards shall apply when the Board of Appeals considers a request for a variance from the standards of Section 1018.
  - a. The granting of a variance shall not be considered until a waiver under Section 1020 (1) above has been considered and rejected.
  - b. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of Section 1018 impractical. This shall include proof that:
    - 1) indirect or restricted access cannot be obtained; and,
    - 2) no reasonable engineering or construction solution can be applied to mitigate the condition; and,
    - 3) no reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
    - 4) without the variance, there is no reasonable access to the site and the responsible road authority agrees.
  - c. The Board of Appeals shall make a finding that the applicant for a variance met their burden of proof above, that a variance is consistent with the intent and purpose of Section 1018, and is the minimum necessary to provide reasonable access.
  - d. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

#### Section 1021 Traffic Impact Study

- A. If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator may require submittal of a traffic impact study at the expense of the applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Planning Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Planning Commission following consultation with the Michigan Dept. of Transportation or County Road Commission, as applicable:
  1. For any residential development of more than twenty (20) dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet, or

2. When permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
  3. Such other development that may pose traffic problems in the opinion of the Planning Commission.
- B. At a minimum the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, a Recommended Practice for Michigan, developed by the MDOT and other Michigan transportation agencies and contain the following:
1. A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.
  2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. Sands Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
  3. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
  4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
  5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the Master Plan, and will not reduce capacity or traffic operations along the roadway.
  6. Qualifications and documented experience of the author of the Traffic Impact Study, describing experience in preparing traffic impact studies in Michigan. The preparer shall

be either a registered traffic engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

- C. Sands Township may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 1108.



ARTICLE XI  
ADMINISTRATION AND ENFORCEMENT

Section 1101 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate said responsibility to appropriate township officers, employees, or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 1102 Administrative Standards and Procedures

(A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

(B) Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:

1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Sands Township Planning Commission or the Zoning Board of Appeals shall be submitted thirty days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five days prior to a legal notice deadline;
2. All notices, (hearings, amendments, etc.) shall be per the statute. The current year's assessment role shall be used as prima facie evidence of record ownership.
3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official action;
4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
6. Shall comply with all other requirements under the law; and

7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

(C) Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control, and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

(D) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

#### Section 1103 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

#### Section 1104 Duties of Zoning Administrator

(A) The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contains all of the required information, and is in accordance with the provisions of this Ordinance. The Zoning

Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

(B) If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

(C) The Zoning Administrator shall not vary, change, or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.

(D) It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

#### Section 1105 Zoning Compliance Permit

(A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

(B) The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

#### Section 1106 Enforcement and Violation

Notice of Violation:

(A) This Ordinance shall be enforced by any of the following acting individually. The Sands Township Zoning Administrator, the Township Supervisor, or other such person or persons as the Sands Township Board may, from time to time, designate.

- (1) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall take any and all legal means to correct the violation, including issuing a Civil Infraction Citation.
- (2) Notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- (3) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular

mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

- (4) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period may be reported to the Township Board who shall initiate prosecution procedures.

#### Section 1107 Special Zoning Orders Book and Map

The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

#### Section 1108 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

#### Section 1109 Fees in Escrow for Professional Reviews

Any application for rezoning, site plan approval, Special Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Zoning Administrator or the Planning Commission for any project which requires a traffic impact study under Section 1021, or which has more than twenty (20) dwelling units, or more than twenty-thousand (20,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces, or which involves surface or below surface mining or disposal of mine materials. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.

- A. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise Sands Township values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and identify any problems which may create a

threat to public health, safety, or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by Sands Township and a copy of the statement of expenses for the professional services rendered, if requested.

- B. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- C. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by Sands Township in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.
- D. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

ARTICLE XII  
ZONING BOARD OF APPEALS

Section 1201 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Act 110 of 2006, as amended. The Board shall consist of five (5) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Planning Commission; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board.

Section 1202 Procedures

(A) The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision, or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

(B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

(C) The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1102.

Section 1203 Duties and Powers

(A) The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein, including administrative review; interpretation of the Zoning Ordinance, including the zoning map; and consideration of requests for variances.

(B) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this

Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

#### Section 1204 Administrative Review

- (A) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determination of the Zoning Administrator.
- (B) The Zoning Board of Appeals shall have the power to:
  - 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
  - 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator; and
  - 3) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 411 or by an analysis of the specific needs.

#### Section 1205 Variances

- (A) The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest. Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.
- (B) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- (C) The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- (D) The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (E) The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- (F) In granting any variance, the requester must be the property owner or have a written purchase agreement conditioned upon the requested action of the Zoning Board of

Appeals. If the requester is not the legal property owner within 30 days of the date of decision, the variance is void. The Zoning Board of Appeals may also prescribe appropriate conditions and safeguards consistent with Section 1102 (C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

- (G) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- (H) In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

#### Section 1206 Appeals

- (A) Appeals concerning interpretation of the administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- (B) A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.
- (C) Any party or parties may appear at the hearing in person or by agent or attorney.
- (D) The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- (E) An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

#### Section 1207 Duties on Matters of Appeal

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals



only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

ARTICLE XIII  
TOWNSHIP PLANNING COMMISSION: ZONING AUTHORITY

Section 1301 Designation

The Sands Township Planning Commission has been created in accordance with the provisions of Act 110 of 2006, and shall assume the duties prescribed in the above-referenced Act.

Section 1302 Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

- (A) Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1102 of this Ordinance.
- (B) Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps to the Marquette County Planning Commission for their review and recommendation. The County has 30 days in which to respond with any comments.
- (C) Following receipt of comments from the County Planning Commission, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- (D) The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given as per statute. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.
- (E) No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions

which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

- (F) If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
1. A legal description of the property;
  2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
  3. The name and address of the petitioner;
  4. The petitioner's interest in the property;
  5. Date of filing with the Zoning Administrator;
  6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
  7. The desired change and reasons for such change.
- (G) In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days following review by the County Planning Commission. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
- (H) The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
  2. Whether the requested zoning change is consistent with local plans and policies;
  3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
  4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
  5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted

structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;

6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.
- (I) Notice of adoption of amendment shall be published in accordance with Section 103 of the Michigan Zoning Enabling Act, Act 110 of 2006.

ARTICLE XIV  
INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES,  
AND EFFECTIVE DATE

Section 1401 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul, or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to laws relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits, the provisions of this Ordinance shall control.

Section 1402 Severability

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property; building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1403 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

#### Section 1404 Penalties and Remedies

- (A) Any person who violates any provision of this Ordinance or any amendment thereof, or who fails to perform any act required hereunder or does any prohibited act, shall be responsible for a civil infraction, and upon a finding of responsibility therefore shall be punishable by a fine of not more than one hundred dollars (\$100.00), plus court costs, for each offence. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with terms and provisions of this ordinance by means of any and all other remedies or measures available to it by Statue, Ordinance, Resolution, Regulation, or Civil or Criminal Law.
- (B) Civil Law: Any building, structure, or use constructed, altered, moved, or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- (C) Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

#### Section 1405 Effective Dates

This Ordinance shall become effective upon publication of the notice of adoption on February 27, 1995 in the Mining Journal.

A note to the reader:

The first Zoning Ordinance for the Township of Sands was originally adopted July 12, 1973. Growth and changes in procedure due to the Township Zoning Act necessitated changes. A revised ordinance was prepared by CUPPAD and the Township Board on February 14, 1995 adopted the new ordinance. Amendments adopted on August 13, 1996. Amendments adopted November 7, 2005. Amended and adopted, February thru May of 2006. Amended and adopted on August 9, 2006 to include public act 110 of 2006. Amended and adopted on August 11, 2009. Amended and adopted on March 13, 2012, April 10, 2012, and August 14, 2012. Amended and adopted on May 13, 2014 and November 19, 2014. Amended and adopted on June 9, 2015. Amended and adopted on November 15, 2016. Amended and adopted on June 12, 2018, September 12, 2018 and October 9, 2018. Amended and adopted on September 8, 2020.

If you have any questions or need assistance feel free to contact the Zoning Administrator at the Township Office, 987 S. State Highway M-553, Gwinn, MI 49841 (906) 249-9169 or fax 249-2120.

Respectfully submitted:

---

Randall Yelle, Zoning Administrator

**Township Board**

Darlene Walch  
Justin Murawski  
Lee Yelle  
Justin Yelle  
David Kallio

**Planning Commission**

Suzanne Sundell  
Pamela Lajewski-Pearson  
Ronald Titter  
Shelley Brauer  
Aaron Burbey  
Justin Yelle  
Eric Anderson

**Zoning Board of Appeals**

Richard Nelson  
Jackie Winkowski  
Robert Vietzke  
Ronald Titter  
David Kallio  
Victoria Jenema (alternate)