

Zoning Ordinance

Effective Date: January 1, 2018

**Homer Township
Midland County, Michigan**

INTRODUCTION

This Ordinance has been adopted by the Homer Township Board of Trustees under the authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), and is intended to be fully consistent with that state act.

Local zoning regulations are enacted under the police power of the State of Michigan for the purpose of promoting health, safety and general welfare. This authority to establish zoning districts for various land uses, and to establish reasonable regulations for the intensity of land use and development activities, has long been supported constitutionally by the U.S. Supreme Court and the Michigan courts.

Some of the other purposes of this Ordinance include:

- Providing for adequate light, air, privacy, and convenience of access to property;
- Fixing reasonable standards for land uses, buildings, and site improvements; and
- Preventing the overcrowding of land.

Because of the impact it can have on the use of land and related services, local zoning regulations must be built upon the foundation of a Master Plan and "zoning plan." This Zoning Ordinance is based on the adopted Homer Township Master Plan, and it serves as one of the tools available to the Township to carry out the objectives and implement the policies of this plan.

The standards and regulations of this Ordinance apply to all land, structures, uses, and land development projects in Homer Township. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

Any questions about this Ordinance or the specific requirements that may apply to your project should be directed to the Township's Zoning Administrator. You are also welcome to direct any other comments or recommendations related to this Ordinance or the Master Plan to the Township's appointed Planning Commission.

Zoning is the division of a community into districts by ordinance for the purpose of regulating the use of land and structures, their height and bulk, the proportion of the lot that may be covered by them, and the intensity of development allowed in the Township.

The Township Master Plan is a comprehensive future land use and development policy document. It is intended to guide development in the Township over the next 10 - 20 years. The plan has been prepared and adopted per the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).

The Master Plan includes both a statement of the community's vision of the future, and plans and policy recommendations designed to help to achieve that vision. It is intended to guide local zoning, land use, land development, and public infrastructure decisions, as well as the provision of public facilities.

CONSULTANT

BUILDING PLACE

Rodney C. Nanney, AICP

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ARTICLE 1.0

TITLE, PURPOSE, AND ENABLING AUTHORITY

Section 1.01 Title.

This Ordinance shall be known as the Homer Township Zoning Ordinance and may be referred to herein as the "Zoning Ordinance" or "this Ordinance."

Section 1.02 Enabling Authority.

This Ordinance has been prepared for and adopted by the Homer Township Board of Trustees under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

Section 1.03 Purposes.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 and 203 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
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 and air and to protect the public health;
5. Lessening and avoiding congestion on the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Fixing reasonable standards to which buildings and structures shall conform and prohibiting land uses and improvements that are incompatible with the character or permitted land uses and structures of the zoning districts;
9. Preventing such additions to or alteration or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
10. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;

11. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
12. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
13. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
14. Creating a Board of Appeals and defining the powers and duties thereof;
15. Designating and defining the responsibilities of the official or officials in charge of the administration and enforcement of this Ordinance; and
16. Providing for the payment of fees for zoning permits and approvals, and for penalties for the violation of this Ordinance.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall 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. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 Adoption.

This Ordinance was adopted by the Homer Township Board of Trustees following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly

held on the twentieth day of September, 2017, and ordered to be given publication in the manner prescribed by law.

Section 1.06 Effective Date.

This Ordinance is hereby declared to be effective as of the first day of January, 2018, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

Section 1.07 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid. Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

Section 1.08 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Homer Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

It is also recognized that:

1. The former Homer Township Zoning Ordinance (effective date: 2/9/2012) included the RB (Single-Family Residential), RC (Single-Family Residential), RD (Multiple-Family Residential), and OSC (Office Service Commercial) zoning districts that have been deleted from this Ordinance;
2. As of the effective date of this Ordinance, there were parcels of land in the Township identified on the Official Zoning Map dated May 2012 as being within these zoning district classifications; and
3. The Township has initiated a process to update the Official Zoning Map consistent with the zoning district classifications in this Ordinance.

For these reasons, the allowable land uses and dimensional requirements listed in articles 7.0, 8.0, 9.0, and 10.0 of the former Zoning Ordinance (effective date: 2/9/2012) shall continue to apply to the subject parcels for up to 365 calendar days after the effective date of this Ordinance, until the effective date of any updated Official Zoning Map, exactly as if such

ordinance has not been repealed. All other standards and requirements of this Ordinance shall apply to these parcels from the effective date of this Ordinance.

Section 1.09 Conflict With Other Laws.

Where any condition imposed by any provision of this Ordinance upon the use of any lot or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

ARTICLE 2.0 ADMINISTRATION AND ENFORCEMENT

Section 2.01 Compliance Required.

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

Section 2.02 Administration.

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with this Ordinance, the Michigan Planning Enabling Act, and the Michigan Zoning Enabling Act.

A. Township Board Authority and Responsibilities.

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 24.0 (Amendments).
2. **Approval of planned unit development (PUD) projects.** Township Board approval shall be required for establishment of planned unit developments, in accordance with Article 16.0 (Planned Unit Development District).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all applications for approvals required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment of the Planning Commission and Zoning Board of Appeals.** The Township Board shall appoint persons to serve as members of the Planning Commission and Zoning Board of Appeals in accordance with the requirements of this Ordinance, the Michigan Planning Enabling Act, and the Michigan Zoning Enabling Act.
5. **Appointment of administration and enforcement official(s).** The Township Board shall appoint one (1) or more persons to serve as Zoning Administrator and any other ordinance enforcement officials as deemed necessary for the proper administration and enforcement of this Ordinance. The term, rate of compensation, and employment conditions for such appointments shall be determined by the Township Board.

B. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the authority and responsibilities as specified in as specified in Ord. No. 1700 (Planning Commission with Zoning Authority).

C. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 23.0 (Zoning Board of Appeals).

D. Township Clerk Authority and Responsibilities.

The Township Clerk or duly authorized agent(s) shall ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act, and ensure that a record is kept of such notices; shall maintain official records and file all minutes and documents in an orderly fashion, and shall perform other related duties required to administer these regulations.

E. Zoning Administrator Duties and Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Zoning Administrator shall have the following duties and responsibilities:

1. The Zoning Administrator shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and the Township's Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party per Section 23.06 (Interpretations).
2. The Zoning Administrator shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
3. The Zoning Administrator shall receive and review all applications for zoning permits, and shall approve or disapprove such applications based on compliance with the provisions of this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plan, issue any zoning permit, or grant any approval authorized by this Ordinance except in conformance to all applicable Ordinance provisions.
 - b. The Zoning Administrator shall approve a zoning permit upon determination that the applicant has complied with all requirements of this Ordinance.
 - c. The Zoning Administrator shall issue all necessary notices or orders to ensure compliance with these provisions.
4. The Zoning Administrator may engage the assistance of the Township Attorney, Township Planner, and other designated consultants or experts as needed, with Township Board authorization.
5. The Zoning Administrator shall have the authority to initiate investigations into alleged violations of this Ordinance, investigate complaints of such violations, issue warnings and citations, and make inspections of buildings or premises necessary to carry out administration and enforcement of this Ordinance.

- a. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he or she shall promptly notify the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - b. The Zoning Administrator shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
6. The Zoning Administrator shall submit to the Township Board periodic reports, as directed by the Township Board, summarizing the administration/enforcement activities undertaken and listing all zoning permits issued during the period.
 7. In consultation with the Township Clerk, the Zoning Administrator shall ensure that accurate and complete records are maintained of all permits, reports, notices, and correspondence issued by the Zoning Administrator.
 8. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing forms and following zoning approval procedures.

F. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the direction of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

Section 2.03 Zoning Permits.

No structure or site shall be used, erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit from the Township. No zoning permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in full conformance with this Ordinance. Failure to obtain a zoning permit shall be a violation of this Ordinance subject to the provisions of Section 2.07 (Violations and Penalties). Review and approval of zoning permits shall be subject to the following:

A. Application.

Applications for zoning permits shall be made to the Zoning Administrator, and shall include any required fee as established by the Township Board. Each application shall include a site plan or plot plan and all information necessary to verify zoning compliance.

- 1. Application for a zoning permit may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
- 2. If someone other than the owner submits the application, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the owner authorizes the proposed work or operation authorizes the applicant to make such application. The full names and addresses of the owner, lessee, applicant, and the responsible officers if the owner or lessee is a corporate body, shall be stated in the application.
- 3. All land uses and development projects subject to approval per Section 14.02 (Site Plan Approval Required) shall follow the requirements of Article 14.0 (Site Plan Review).

B. Application Information.

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

- 1. A plot plan showing the location, shape, and dimension of the lot, and plan view and elevation drawing(s) showing the location, outline, dimensions, and height of existing and proposed structures on the lot.
- 2. The location and nature of the proposed construction or alteration activities.
- 3. The yard setback dimensions of all proposed or altered structures to the nearest lot boundaries, and to the nearest road right-of-way line or road centerline.
- 4. A description of the existing and proposed uses of the structures and lot.
- 5. Any other information deemed necessary by the Zoning Administrator to determine compliance with the applicable requirements of this Ordinance, which may include but is not limited to floodplain or wetland delineations, topographic data, site grading or drainage information, and/or a professional property survey.

C. Approval or Denial.

The Zoning Administrator shall examine or have cause to be examined all applications for a zoning permit and amendments thereto. If the application or plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within 20 calendar days of filing. Upon determination that the application and plans conform to all requirements of this Ordinance, the Zoning Administrator shall issue a zoning permit to the applicant.

D. Inspections.

The Zoning Administrator shall inspect work performed under an approved zoning permit to verify Ordinance compliance. It shall be the duty of the holder of every zoning permit to notify the Township when the work subject to the zoning permit is ready for inspection. Upon determination that the work has not been completed in conformance with this Ordinance, the Zoning Administrator shall take action in accordance with Section 2.07 (Violations and Penalties) to correct the violation.

E. Revocation and Amendments.

The Zoning Administrator may revoke the zoning permit upon determining that any false statement or misrepresentation of fact was made in the application or associated plans, or any Township ordinances has been violated. Subject to the limitations of Section 2.03F (Zoning Permit Expiration), amendments to a zoning permit application or plan regulated by this Section may be filed at any time before completion of the work for which the zoning permit was approved. The Zoning Administrator shall review amendments in the same manner as the original application.

F. Zoning Permit Expiration.

Zoning permit approval shall expire 365 calendar days after the date of approval if the authorized work has been suspended, abandoned or not diligently pursued to completion, any required building permit has not been issued for the project. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.

G. Nonconformities.

If one (1) or more legal nonconformities exist, as verified per the provisions of Article 22.0 (Nonconformities), the zoning permit shall clearly list each verified legal nonconformity, and shall confirm compliance with the applicable provisions of Article 22.0 (Nonconformities).

Section 2.04 Building Permits.

Issuance of a building permit under the State Construction Code shall not exempt a building permit holder from compliance with the requirements of this Ordinance. No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, as confirmed by the Zoning Administrator through issuance of a zoning permit for the same work.

Section 2.05 Compliance with Plans and Applications.

Zoning permits, building permits, and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator and/or Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance, and shall be punishable as provided for in Section 2.07 (Violations and Penalties).

Section 2.06 Fees and Performance Guarantees.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Fees are non-refundable, even when the application is subsequently withdrawn by the applicant, but may be waived by the Township Board for good cause.
2. The application fee amount shall be established by Township Board resolution. The fee schedule shall be available for public viewing in the Township offices.
3. The amount is intended to cover the fixed costs and expenses associated with the review of the application, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by board or commission members.

B. Escrow Deposits for Variable Costs and Expenses.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where input, study or review by a qualified professional planner, engineer, attorney or other professional is desired before a final decision is made. The amount of the escrow deposit shall be determined by the Township, and at a minimum shall be equal to the higher of the amount established in the Township's adopted fee schedule for the type of application, or the Township's estimated cost for completion of final action on the application.

1. The Township Clerk shall manage the escrow, and the funds shall be deposited with the Township Treasurer before the cost or expense is incurred. The funds will not be deposited in an interest bearing account. The escrow deposit shall be

held in the applicant's name and shall be used solely to defray these variable costs and expenses.

2. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate. Upon request by the applicant, the Township shall provide copies of written reports and expense statements for the professional services rendered.
3. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or is otherwise determined by the Township to be insufficient to complete the application review process, then the Township may require the applicant to deposit additional funds into escrow in an amount equal to the Township's estimated cost for completion of final action on the application.
4. Failure of the applicant to make any escrow deposit required under this Section shall be deemed to make the application incomplete and procedurally defective, and shall constitute grounds for denial of the application.
5. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant, and shall be paid by the applicant prior to the issuance of any permit or other necessary Township approval action.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in Michigan, or other surety acceptable to the Township Board.
4. Performance guarantees shall continue until the Zoning Administrator has determined that the conditions for release of the guarantee have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A

minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 2.07 Violations and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation.

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction or misdemeanor citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

B. Correction Period and Stop Work Orders.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or other ordinance enforcement official as designated and authorized by the Township Board. The Zoning Administrator or other ordinance enforcement official may:

1. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
2. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
3. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

If the violation is not corrected within the time period specified by the Zoning Administrator or other ordinance enforcement official, or a stop work order is disregarded, the Zoning Administrator or other ordinance enforcement official shall

notify the Township Board and request that appropriate legal action be taken by the Township Attorney to resolve the violation.

C. Penalties and Remedies.

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including the cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of any such fine or sentence shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
 - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
 - b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Choice of remedy.** Decisions to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance, or any combination of these remedies, shall be at the sole discretion of the Township.

D. Public Nuisance Per Se.

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is

hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 2.08 Public Hearing Procedures.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or other designated Township official, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
 - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- b. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
 - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
 - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
 - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
 - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice.

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send such notices by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be referenced in the minutes of the meeting where they are received by the hearing body.

E. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

F. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

H Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

ARTICLE 3.0 GENERAL PROVISIONS

Section 3.01 Scope of Regulations.

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare. Every structure erected, every land use of any lot or structure established, every structural alteration or relocation of any existing structure occurring, and every enlargement of or addition to an existing use or structure occurring after the effective date of this Ordinance shall be subject to all applicable regulations of this Ordinance for the zoning district in which such use or structure shall be located.

1. No lot or other parcel of land shall be further divided except in conformity with this Ordinance, the Land Division Act, and any Township subdivision regulations.
2. All uses of land or structures shall conform to this Ordinance and all applicable laws and regulations as promulgated and administered by outside agencies with jurisdiction. Furthermore, any business or organization in violation of local, state or federal law is prohibited from locating or operating in the Township. The operation of a business or organization in violation of local, state or federal law is a violation of this Ordinance.
3. Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the rule, regulation, ordinance or law, imposing the greater restriction shall apply.
4. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, corner clearance areas, parking and loading spaces, signs, and all other requirements for a structure or use specified within this Ordinance shall be a continuing obligation of the owner of the subject structure or land.

Section 3.02 Completion Of Construction.

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or amendment thereto.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued.

Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject to the applicable provisions of Article 22.0 (Nonconformities).

Section 3.03 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of structures accessory to non-residential land uses and exceeding 120 square feet in floor area shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of structures accessory to residential uses exceeding 100 square feet in floor area, along with all other allowable accessory structures, including farm structures, shall be subject to approval per Section 2.03 (Zoning Permits).

B. General Standards.

All accessory structures shall conform to the applicable requirements of this Section and Article 5.0 (Dimensional Standards), and the following:

1. Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
2. Accessory structures shall not be constructed unless adequate facilities are provided to prevent stormwater drainage from flowing on to adjoining lots.
3. Where an accessory structure is structurally attached to a principal building, it shall be subject to the requirements of this Ordinance that apply to the building.
4. Accessory structures shall not be erected in any required yard setback area, except as otherwise provided for residential accessory structures and school bus stop shelters in this Section.
5. Detached accessory structures shall not exceed 30 feet in height, except as otherwise provided for farm structures and residential accessory structures in this Section and Ordinance.
6. Detached accessory structures shall be set back a minimum of ten (10) feet from any other principal building or accessory structure, and shall not be located within a dedicated easement or right-of-way.
7. No detached accessory structure shall be constructed prior to construction of the principal building on the same lot, except in as follows:

- a. For principal uses that do not require a principal building, an accessory structure may be constructed following lawful establishment of the use.
- b. In the Rural Districts and Residential Districts, one (1) accessory structure may be constructed and maintained on a vacant zoning lot in accordance with the applicable limitations and standards of this Section and Ordinance, provided that use of the structure shall be limited to limited, non-commercial storage activities as would otherwise be allowed accessory to a principal use in the zoning district.

C. Agricultural Accessory Structures.

Farm structures shall be allowed up to a maximum height of 100.0 feet in the AR (Agricultural) District and the RR (Rural Residential District). Farm structures shall conform to the maximum lot coverage for the zoning district, and shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the structure's height or the minimum required setback for the zoning district, whichever is greater.

D. Residential Accessory Structures.

The following additional standards shall apply to all detached accessory structures accessory to residential uses or located in a residential zoning district:

1. Detached accessory structures shall not be occupied for dwelling purposes.
2. The total floor area of all detached residential accessory structures on a zoning lot shall be limited to a maximum of three percent (3%) of the net lot area.
3. A detached residential accessory structure shall not exceed 25.0 feet in height.
4. A detached residential accessory structure shall be allowed to be located within the required side or rear yard setback area for the zoning district, provided that the structure shall be set back a minimum of 15 feet from all lot boundaries.
5. A maximum of one (1) detached accessory structure that is greater than 200 square feet in floor area shall be permitted in the front yard area or any area between a principal building and any road rights-of-way, subject to the following:
 - a. The lot shall be located outside of any subdivision plat or condominium subdivision (site condominium), and the structure shall be located outside of any minimum required yard setback from the road right-of-way.
 - b. The height and gross floor area of the accessory structure shall not exceed the height and ground floor area of the principal building.
 - c. The width of the accessory structure as viewed from abutting road rights-of-way shall not exceed forty percent (40%) of the lot width.
 - d. On lots of less than one (1) acre in gross lot area, all exterior finish materials on the accessory structure shall match or be coordinated with existing finish materials on the principal building.

E. Carports and Vehicle Shelters.

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall be anchored and secured against high winds and severe storms, and shall not be electrified or climate-controlled.

F. School Bus Stop Shelter.

One (1) detached accessory structure of up to 50 square feet in area and ten (10) feet in height shall be permitted within the required front yard for the purposes of providing temporary shelter at a school bus stop, provided that the structure is set back at least ten (10) feet from the side lot boundary and outside of the road right-of-way.

Section 3.04 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences, walls, and similar types of enclosures in all zoning districts shall be subject to the following:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of fences accessory to non-residential land uses shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to residential uses and exceeding ten (10) feet in length, along with all other allowable fences, including agricultural fences, shall be subject to approval per Section 2.03 (Zoning Permits).

B. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 5.08 (Corner Clearance Areas).
2. Where one side of a fence has a more finished appearance, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:

- a. Barbed or electric wire fences shall be permitted accessory to permitted agricultural activities and farming operations, public utility facilities, and essential service uses.
- b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

C. Location and Height.

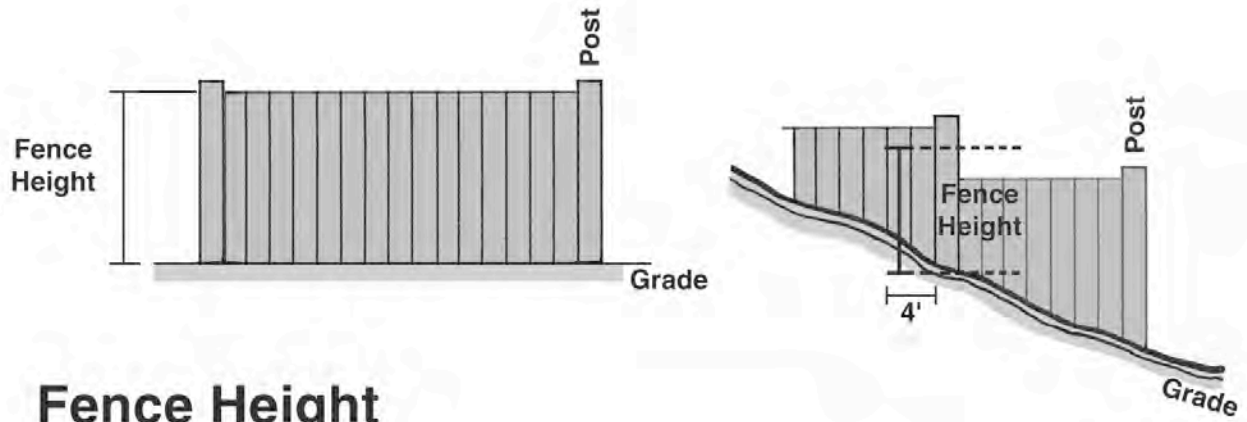
The following fence height and location standards shall apply in all zoning districts:

1. Fence height shall be measured from ground level adjacent to the highest point of the fence.
2. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Fence installation on a berm shall be prohibited, except where required by the Planning Commission as part of site plan approval to satisfy the screening requirements of this Ordinance.
3. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).
4. In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed six (6) feet in height.
5. In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Articles 8.0 and 9.0 (Use Standards...). Such fences shall not extend toward the front of the lot nearer than the front of the principal building or the required minimum front yard setback, whichever is greater.
6. Non-farm fences shall be set back a minimum of three (3) feet from any unfenced field associated with an active farming operation in the AR (Agricultural) District.

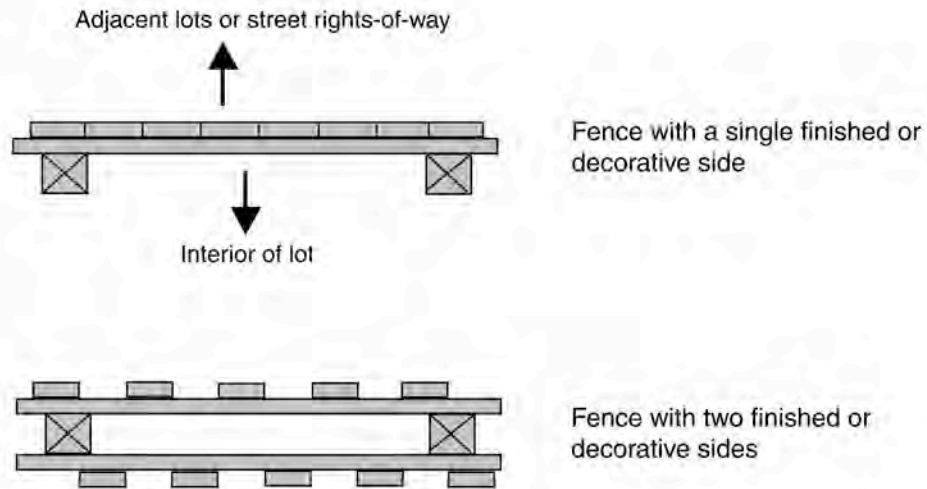
D. Fence and Wall Maintenance.

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in accordance with the standards of this Section, as determined by the Zoning Administrator, shall be deemed a violation of this Ordinance, as provided in Section 2.07 (Violations and Penalties).

ILLUSTRATIONS



Fence Height



Orientation of Finished Side - Top View

Section 3.05 Pools and Ponds.

Pools and ponds 36 inches or more in depth, except for ponds used in connection with farming activities, shall be subject to the following requirements:

1. Construction, alteration, excavation or enlargement of such pools and ponds shall be subject to approval per Section 2.03 (Zoning Permits).
2. All residential (non-public) swimming pools, as defined in this Ordinance, shall also comply with applicable State Construction Code requirements.
3. No pool or pond shall be created, excavated or enlarged which interferes with the flow or drainage of surface waters on adjacent lots, or cause flooding of adjacent land. Excavation spoils or other berms surrounding an excavation shall be deemed part of the pond.
4. Such pools and ponds shall be set back a minimum of five (5) feet from any structure on the same lot, 50 feet from any road right-of-way, and 20.0 feet from all other lot boundaries; as measured from the outside of the pool wall or outer edge of any slope or berm associated with the pond.
5. Such pools and ponds shall not be located within any easement if it could interfere with use of the easement, or under any overhead utility lines.

Section 3.06 Exterior Lighting.

The purpose of this Section is to promote the preservation of dark skies over the Township, and to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 14.0 (Site Plan Review), condominium development approval per Article 17.0 (Condominium Regulations), and administrative approval per Section 2.03 (Zoning Permits). The standards of this Section shall also apply to all high intensity and security lighting for RURAL USES and single- and two-family (duplex) dwellings. This Section shall not apply in the following limited circumstances:

1. Incidental decorative light fixtures and low profile exterior lighting for RURAL USES and single- and two-family dwellings, such as porchlights and low voltage landscape lighting, shall be exempt from requirements of this Section.
2. Holiday decorations illuminated for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.

3. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.
4. This Section shall not apply to circumstances where federal or state laws take precedence, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** The maximum intensity of light within any site shall not exceed:

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	0.2

4. **Lamp wattage and energy efficient technologies.** Lamp wattages shall be consistent with the fixture style and function. Use of light emitting diode (LED) and other energy efficient lighting technologies shall be encouraged, provided that light intensity levels shall conform to all requirements of this Section.
5. **Alterations of approved exterior lighting.** Exterior light sources and fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the change conforms to the requirements of this Section.
6. **Prohibited lighting.** Exterior lighting sources and fixtures regulated by this Ordinance shall not be of a flashing, moving, animated or intermittent type.

C. Rural and Residential Exterior Lighting.

A zoning permit shall not be required to install high intensity and security lighting for RURAL USES and single- and two-family dwellings. Such exterior light sources shall conform to the standards of this Section, including that such fixtures shall be fully shielded to prevent off-site glare and minimize light pollution. Homeowners are encouraged to confirm compliance with this Section before installing high intensity and security lighting. New or altered rural or residential exterior lighting that does not conform to the standards of this Section shall be deemed a violation of this Ordinance.

D. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 3.06B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a lot or parcel in the Rural Districts or Residential Districts, or occupied by existing residential uses, as follows:

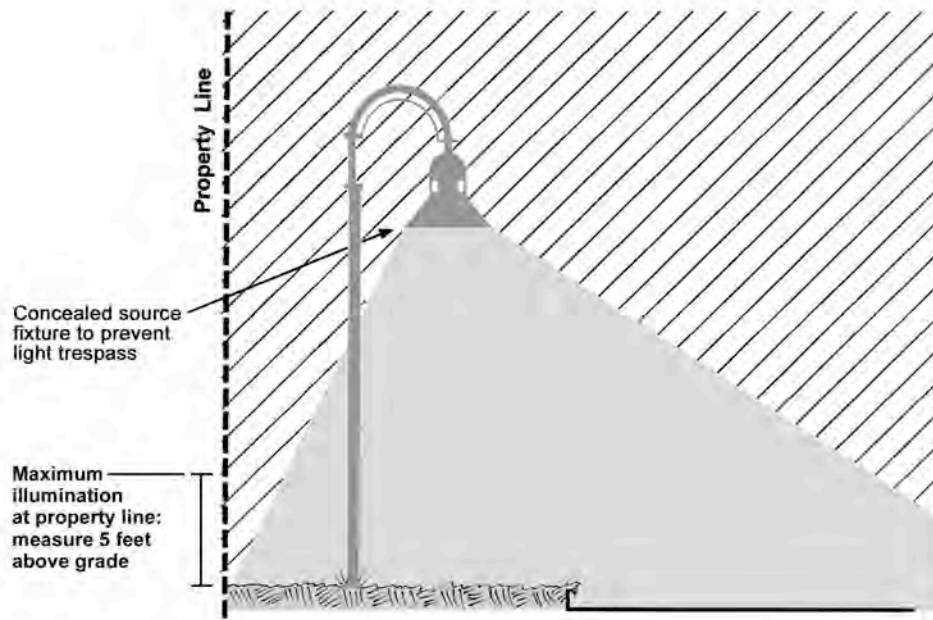
Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to cornices, windows, and doorways.
3. **Window lighting.** For all non-residential land uses, interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.
4. **Decorative lighting.** For all non-residential land uses, decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.

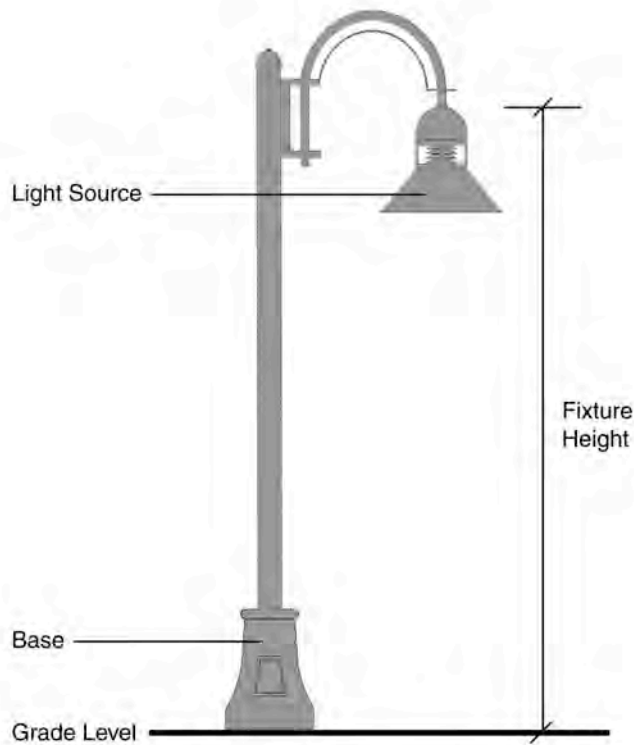
E. Measurements.

Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

ILLUSTRATIONS



Lighting Fixture Orientation and Shielding



Light Fixture Height

Section 3.07 Transient and Amusement Enterprises.

Transient and amusement enterprises, including but not limited to circuses, carnivals, special events, music festivals, temporary gatherings of people, and similar for-profit or non-profit activities, may be permitted by the Township subject to the following:

A. Zoning Districts Allowed.

Transient and amusement enterprises shall be prohibited in the RR (Rural Residential) District and in all Residential Districts, but may be permitted in any other zoning district.

B. Initial Evaluation of Applications by the Township Board.

Applications for such activities shall be forwarded to the Township Clerk for an initial evaluation by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or the public health, safety, morals, or general welfare, the Township Board may authorize application to be reviewed per Section 3.07C (Approval of Non-Profit Activities) or Section 3.07D (Approval of Other Activities). Applications not authorized by the Board for review shall be returned to the applicant with a written statement of the Board’s reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

C. Approval of Non-Profit Activities.

Activities operated by a permitted institutional use, public charity or non-profit organization for the sole purpose of raising funds for the organization or programs shall be subject to administrative approval per Section 2.03 (Zoning Permits). A public charity or non-profit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 [26 U.S.C. 501(c)(3)].

D. Approval of Other Activities.

All other activities regulated by this Section may be permitted as a special use, subject to a public hearing, review, and approval per Article 15.0 (Special Uses).

E. Standards for Transient and Amusement Enterprises.

The following standards shall apply to all transient and amusement enterprises, in addition to all applicable requirements of the zoning district:

1. All fenced-in areas, other site improvements, and temporary facilities shall be set back at least 100 feet from all lot boundaries and road rights-of-way, and all other elements shall conform to the zoning district’s yard setback requirements.
2. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal movements on to or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.

Section 3.08 Temporary Occupancy of Recreational Vehicles.

Recreational vehicles may be temporarily occupied on a zoning lot in the Residential Districts or occupied by residential uses, subject to the following:

1. For the first 30 calendar days, no permit is required, provided that the occupancy is maintained in accordance with the applicable requirements of this Section. Occupancy exceeding 30 calendar days per year shall be subject to approval of a temporary zoning permit per Section 2.03 (Zoning Permits). Application for the permit shall be made within seven (7) days of occupancy.
2. The dwelling owner or lessee shall not charge the occupant any fee.
3. The dwelling owner or lessee shall present a written agreement to furnish the occupants of the recreational vehicle with sanitary facilities satisfactory to the Zoning Administrator.
4. A temporary zoning permit may only be issued to one (1) recreational vehicle at any time in any one location and shall be effective for a maximum period of 30 calendar days.
5. Extensions beyond this 30 calendar day period shall only be issued by the Zoning Administrator upon determination that continued occupation of the recreational vehicle is not detrimental to adjacent lots, the neighborhood or nearby land uses or residents; and that the water and sanitary facilities are adequate.
6. No extensions of the temporary zoning permit may be granted which provide for a total permitted time to exceed 120 days per year, including the initial 30 calendar day period.

Section 3.09 Health Department Approval Required.

Zoning permits shall not be issued under this Ordinance for the construction or establishment of buildings or uses requiring water or wastewater systems until an applicant provides copies of all applicable permits and approvals issued by the Midland County Environmental Health Division.

Section 3.10 Trash Enclosures and Waste Disposal.

All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following:

1. Trash receptacle storage areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas. This requirement shall not apply to trash containers associated with a private residence.
2. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be scattered by animals or carried off the property by natural causes or forces, such as by wind or water.
3. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

Section 3.11 Driveway Entrances and Gates.

Driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted subject to permit approval per Section 2.03 (Zoning Permits); and may be located in a required yard, except as provided for in Section 5.08 (Corner Clearance Areas). Verification of lot boundary locations shall be provided to confirm that all improvements are located on the subject lot.

Section 3.12 Approval of Land Divisions.

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act, and shall conform with the requirements of Article 5.0 (Dimensional Standards) for the zoning district where such land is located.

Section 3.13 Building Grades.

Any changes to the surface of the ground area shall be so designed that surface waters shall flow in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

Section 3.14 Moving Buildings.

Buildings may not be relocated unless a permit approving the move is first obtained from the Zoning Administrator in accordance with Section 2.03 (Zoning Permits).

Section 3.15 Household Pets.

Small domesticated household pets are allowed on any zoning lot, provided that they are in compliance with all laws and regulations of outside agencies with jurisdiction. Exotic animals as defined by local, state or federal laws are not permitted.

- 1. Household pets shall be properly immunized and licensed.
- 2. Household pets shall be leashed or under the owner’s control when outdoors.
- 3. Owners of household pets shall collect and properly dispose of pet waste so as not to create a public nuisance.

Section 3.16 Grading, Removal and Filling of Land.

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan.

- 1. This provision shall not apply to common household gardening, farming, general ground care of a residential or agricultural character or normal soil removal for basement or foundation construction.
- 2. All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be

graded so that no gradient of the disturbed area has a slope greater than 1:3 [one (1) foot rise in three (3) feet of horizontal distance]. The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.

3. Open excavations, holes, pits or wells shall be protected against unauthorized access by a fence or other suitable means. All open and unprotected excavations, holes, pits or wells that constitute a danger or menace to the public health, safety, or welfare are hereby declared a public nuisance and a violation of this Ordinance.

Section 3.17 Essential Services.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state law or other ordinances.

Section 3.18 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 3.19 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 3.20 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 3.21 Sidewalks.

Where designated by the master transportation plans of the Township, or county or state road authorities with jurisdiction, sidewalks and other paved pedestrian paths shall be provided within and around the perimeter of any land subject to development approval under this Ordinance or other Township ordinances, subject to the following:

1. Path design, paving, and base materials shall conform to applicable engineering standards of the Township, or county or state road authorities with jurisdiction consistent with the anticipated usage, purpose, and location.
2. Road rights-of-way within a new development shall be of sufficient width to provide for sidewalks on both sides of all internal public and private roads.

3. Extensions of existing sidewalks and pedestrian paths shall be provided into the new development, along with logical connections to existing sidewalks and pedestrian paths on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
4. Concrete sidewalks and barrier-free ramps shall be provided from all new non-residential building entrances to adjacent parking areas, existing or planned public sidewalks and pedestrian paths, and recreation areas.
5. The Planning Commission may waive the requirements of this Section upon determination that such work would not serve the purpose of providing adequate pedestrian access and circulation.

Section 3.22 Temporary Structures.

Temporary structures shall be subject to the following:

A. General Standards for All Temporary Structures.

The following standards shall apply to all temporary structures:

1. Approval of any temporary structures for construction purposes, and any other temporary structure with a timeline for installation and removal of less than 365 calendar days shall be subject to zoning permit approval per Section 2.03 (Zoning Permits). Approval of any other temporary structure shall be subject to the site plan review requirements of Article 14.0 (Site Plan Review).
2. Placement of any temporary structure shall be in conformance to Article 5.0 (Dimensional Standards) for the zoning district in which located.
3. A performance guarantee shall be required by the Zoning Administrator performance guarantee, per Section 2.06C (Performance Guarantees), sufficient to ensure removal of the structure at the end of the approved timeline.

B. Additional Standards for Temporary Structures for Construction Purposes.

Temporary structures for construction purposes shall be allowed on the same site as the building or facility that is being constructed, provided that the temporary structure shall not be placed on the site more than one (1) week prior to beginning of construction of the principal building on the site. Removal of the temporary structure shall take place within one (1) week after completion of the principal building.

ARTICLE 4.0

ESTABLISHMENT OF THE ZONING DISTRICTS

Section 4.01 Use Regulations.

In all zoning districts, no structure or land shall be used or occupied, except in conformance with Articles 6.0 – 9.0 (Use Standards...), and as otherwise provided for in this Ordinance.

A. Permitted Uses.

Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. In the interpretation of this subsection, any question on whether a use is “substantially similar” to a listed use shall be determined by the Zoning Administrator in the first instance, subject to review by the Zoning Board of Appeals in accordance with Section 23.06 (Interpretations).

B. Accessory Structures and Uses.

Where a lot is devoted to a permitted principal use, either permitted by right or as a conditional use, accessory uses and structures are permitted if specifically listed as accessory uses in the applicable zoning district, except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use or structure in this Ordinance. Accessory structures and uses shall be subject to the applicable standards of this Ordinance.

C. Special Uses.

Special uses are permitted as listed in the various zoning districts, subject to the requirements and standards of this Ordinance, including Article 15.0 (Special Uses).

Section 4.02 Prohibited Uses.

Uses not listed in Articles 6.0 – 9.0 (Use Standards...) as a permitted use, accessory use or special use in a particular zoning district, or as otherwise provided for in this Ordinance, shall be prohibited in the district. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall also be prohibited in any zoning district.

Section 4.03 Design and Development Requirements.

All uses shall comply with any applicable requirements of Articles 6.0 – 9.0 (Use Standards...), and all other applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no certificates shall be issued under this Ordinance except in conformance with this Ordinance and other applicable regulations and standards.

Section 4.04 District Boundaries.

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be lot or parcel lines, municipal boundaries, the centerline or ordinary high watermark of watercourses, the centerlines of dedicated county drains, and the centerlines of road, railroad or other dedicated rights-of-way.

A. Zoning of Rights-of-Way.

All road and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

B. Zoning of Vacated Areas.

Any road and other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

Section 4.05 Official Zoning Map.

For the purpose of this Ordinance, the zoning districts as provided in this Article and Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Homer Township." This Official Zoning Map and all explanatory matters thereon, a copy of which accompanies this Ordinance, is hereby made a part of this Ordinance.

A. Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Township Clerk, attested by the Township Supervisor, and bear the seal of the Township under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Homer Township Zoning Ordinance," along with the effective date of this Ordinance.

B. Changes to Official Zoning Map.

If in accordance with the procedures of this ordinance and of the Michigan Zoning Enabling Act, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with an entry on the Official Zoning Map promptly after the ordinance authorizing such change shall have been adopted and published in accordance with Article 24.0 (Amendments):

1. On (date) by official action of the Township Board, the following change(s) were made in the Official Zoning Map: (brief description of change), which entry shall be signed by the Township Clerk and attested by the Township Supervisor.
2. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Unauthorized change(s) by any person(s) shall be considered a violation of this Ordinance.

3. Any changes in corporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Clerk and attested by the Township Supervisor.

C. Authority of Official Zoning Map.

Regardless of the existence of purported copies of the zoning map that may from time to time be made or published, the Official Zoning Map which shall be located in the Homer Township Hall and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.

D. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Homer Township Zoning Ordinance adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

Unless the prior Official Zoning Map has been lost or 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.

E. Rules for Interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

1. A boundary indicated as approximately following the centerline of a highway, road, alley, or easement shall be construed as following such centerline as it exists on the ground.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.

- 6. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.
- 7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
- 8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
- 9. The Zoning Board of Appeals shall interpret where a physical or natural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not otherwise covered by this subsection.

Section 4.06 Compliance Required.

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within the Township except in compliance with all applicable approval procedures and requirements of this Ordinance.

Section 4.07 Establishment of Zoning Districts.

Homer Township, Midland County, Michigan, is hereby divided into the following zoning districts as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance.

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AR
	Rural Residential District	RR
Residential Districts	Single-Family Residential District	RA
	Manufactured Housing Park District	RMH
Business Districts	Neighborhood Service Commercial District	NSC
	Community Services Commercial District	CSC
	Heavy Service Commercial District	HSC
Other Districts	Public/Semi-Public Services District	PSP

Section 4.08 Agricultural (AR) District.

The public health and welfare of Homer Township, Midland County, and the State of Michigan are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (AR) District is hereby established as a Rural District to conserve that land which is most adaptable for present and future agricultural, woodland, natural resource and similar land uses, to protect agricultural enterprises from encroachment by incompatible uses and developments that would hinder agricultural practices and irretrievably deplete agricultural lands, and to provide for the compatible arrangement and low intensity

development of parcels of land for large lot, rural non-farm residential purposes in a pastoral, agricultural, woodland or open land setting.

The AR District has further been established to protect the economic viability of farmland in Homer Township; minimize loss of prime farmland and encroachment of urban and suburban services into agricultural areas; permit necessary agricultural support services and activities; and encourage the long-term investment needed to maintain and expand agricultural production by creating a stable environment for such production.

It should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities that are considered by some to be incompatible with residences.

Section 4.09 Rural Residential (RR) District.

The Rural Residential (RR) District is hereby established as a Rural District to provide areas for rural non-farm residences on large lots that permit the use of septic systems and on-site wells. The RR District is designed to preserve a predominantly open and distinctly rural character and is intended to be used in those parts of the Township where rural single-family residences are planned, and publicly-owned and operated municipal water supply and municipal sanitary sewerage systems are not planned to be extended. This district is further intended to protect wooded areas, wetlands, wildlife habitats, and similar areas that might be endangered or destroyed by more intensive development.

Section 4.10 Single-Family Residential (RA) District.

The Single-Family Residential (RA) District is hereby established as a Residential District to provide for single family housing neighborhoods free from other uses, except those which are normally accessory to and compatible with, supportive of and convenient to the various types and compositions of families living within such residential areas.

It is the purpose of the RA District to provide for single family residential uses on individual lots that are large enough to protect Township groundwater from excessive pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to waterbodies and in inland areas where groundwater needs to be protected because of on- or off-site human use.

The RA District is to be used only in accordance with the Township's Master Plan, with development limited to those areas of the Township that are designated for such uses; that offer adequate soil capacity for septic system development; that are served by publicly-owned and operated municipal water supply systems; and that are provided with adequate stormwater management and drainage capacity for more intensive development.

It is the further intent of the RA District that residential development in areas not served by publicly-owned and operated municipal water supply systems or without adequate septic system or stormwater capacity shall be limited to rural single-family detached dwellings on large lots, served by private, on-site septic systems and private water wells.

Section 4.11 Manufactured Housing Park (RMH) District.

The Manufactured Housing Park (RMH) District is hereby established as a Residential District to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, Public Act 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. The purpose of the RMH District is to provide for manufactured housing parks as a permitted use, and to promote the development of manufactured housing parks that have the character of residential neighborhoods.

It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purposes of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses. Development in the RMH District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The rules established by the Mobile Home Commission Act and the Manufactured Housing Commission govern all manufactured housing parks. Where provisions of this Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

It is the intent of this Ordinance that manufactured housing parks be located in areas that are served adequately by essential public facilities and services, including access streets, police and fire protection, publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, and storm drainage facilities. Manufactured homes in manufactured housing parks shall be considered and regulated as dwelling units that deserve and require locations, services, and facilities equivalent to any residential development of similar dwelling unit density (units per acre). The establishment of any manufactured housing park district shall not create excessive requirements at public cost for public facilities and services.

It is further the intent of this Ordinance to bring about manufactured housing parks that are an asset to the community; prevent the development of those which would be a liability; promote manufactured housing parks with the character of residential neighborhoods; protect the health, safety, and welfare of manufactured housing parks residents and the surrounding community; and integrate this legitimate use of land into development plans as they are considered, adopted, and amended by the Township.

Section 4.12 Neighborhood Service Commercial (NSC) District.

The Neighborhood Service Commercial (NSC) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Master Plan, where retail trade and service outlets can be located to satisfy the day to day needs of the residents in the immediate neighborhood for retail, service, office, and restricted repair business activities. The NSC District is intended to encourage clustering of business establishments, with the intent of promoting a healthy local economy and avoiding strip commercial development. This district has been located within the Township to permit the development of these business activities, to

protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 4.13 Community Services Commercial (CSC) District.

The Community Services Commercial (CSC) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Master Plan, where retail trade and service outlets can be located that are convenient to the residents of several neighborhoods, and to the owners, employees, guests, and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities. Retail establishments in this district are of the comparison shopping type and tend to rely on a market area much larger than that of NSC (Neighborhood Service Commercial) type establishments. However, NSC uses are permitted in this district as complementary activities to the primary permitted uses.

The CSC District is intended to encourage clustering of business establishments, with the intent of promoting a healthy local economy and avoiding strip commercial development. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 4.14 Heavy Service Commercial (HSC) District.

The Heavy Service Commercial (HSC) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Master Plan, for those commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets, but rather provide goods and services on a warehouse, wholesale, bulk, mass or major scale, which are offered to major and bulk purchasers and retail and service outlets that in turn provide goods and services on an individual item basis to individual consumers. It is also the intent of this District to provide for light manufacturing of goods sold on the premises and for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling, and warehousing of bulk goods and services.

This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 4.15 Public/Semi-Public Services (PSP) District.

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of open space, government buildings and uses, institutional and recreational uses, adult foster care congregate care facilities or large group homes, assisted living centers or nursing homes, residential treatment centers, and similar uses of a public service or institutional character.

ARTICLE 5.0 DIMENSIONAL STANDARDS

Section 5.01 Table of Dimensional Standards by District.

Dimensional Standards		Districts											Additional Standards and Exceptions	
		Rural			Residential		Business			Other				
		AR	RR	RA	RMH	NSC	CSC	HSC	PSP					
Maximum Building Height	Feet	35	35	35	see Section 7.09 (Manufactured Housing Park)								45	Section 5.02
	Stories	2.5	2.5	2.5										
Lot Standards	Minimum Lot Width (feet)	100	100	100									80	Section 5.03
	Minimum Lot Depth (feet)	150	150	150									80	
	Minimum Lot Area (acres or square-feet)	2.0 acres	1.0 acre	30,000									0.5 acres	
Yard/ Setback Standards (feet)	Minimum Front Yard	50	50	50									80	Section 5.04
	All Other Roads	50	50	50									40	
	Side Yard	20	20	20									20	
	Street Side Yard	30	30	30									20	
Maximum Lot Coverage (percent)	Total of Two	50	50	50									40	Section 7.10
	Minimum Rear Yard	25%	25%	25%									40	
Minimum Floor Area per Dwelling Unit (square-foot per single-family dwelling unit)		1,000	1,000	1,000									40	Section 5.03
Maximum Net Dwelling Unit Density (units per acre)		0.5	1.0	1.5										

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AR
	Rural Residential District	RR
Residential Districts	Single-Family Residential District	RA
	Manufactured Housing Park District	RMH
Business Districts	Neighborhood Service Commercial District	NSC
	Community Services Commercial District	CSC
	Heavy Service Commercial District	HSC
Other Districts	Public/Semi-Public Services District	PSP

Section 5.02 Height Exceptions.

The height requirements established by this Article and Ordinance shall apply to all structures in each zoning district, with the following specific exceptions:

1. **Farm structures.** The height of farm buildings, as defined in Section 25.03 (Definitions) shall be exempt from the requirements of this Ordinance where otherwise regulated by the Right to Farm Act.
2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 18.30 (Wireless Communication Facilities).
3. **Wind energy systems.** Wind energy systems shall be subject to the maximum height standards of Section 16.35 (Wind Energy Systems).
4. **Institutional uses.** The maximum height of buildings and appurtenances occupied or intended to be occupied by institutional uses, as defined in Section 25.03 (Definitions), shall also be subject to Section 9.05 (Institutional Uses).
5. **Exempt structures.** Public utility structures in any zoning district shall be exempt from the height standards of this Ordinance.
6. **Emergency access exception.** For fire protection purposes, a portion of permitted buildings exceeding 35 feet in height shall be stepped down in height to meet Fire Department roof access requirements, or other means of access shall be provided to the Township Fire Chief's satisfaction.
7. **Other limited exceptions.** Chimneys, elevator towers, stage scenery lofts, false façades and parapet walls harmonious with the lower building structure, mechanical equipment, and similar structures and appurtenances shall not be included in calculating the height of a principal building, provided that the total area covered by such structures and appurtenances shall not exceed twenty percent (20%) of the roof area of the building.

Section 5.03 Lot and Dwelling Unit Density Standards.

The following additional standards and exceptions apply to the lot and dwelling unit density provisions of this Article:

1. **Measurement of lot depth.** Where this Article requires a minimum lot depth for a new lot, the measurement shall be taken using only that portion of the lot outside of any road right-of-way.
2. **Residential density calculations.** Existing road rights-of-way and easements, floodplains, wetlands, bodies of water, watercourses, drainageways, and any other unbuildable lands shall be excluded from the total acreage used in calculating the net density of dwelling units in Rural Districts or Residential Districts, or any planned unit development that includes Residential Uses.

- 3. **Maximum residential density.** The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Article 14.0 (Site Plan Review), Article 17.0 (Condominium Regulations), or the Land Division Act and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 5.101 (Table of Dimensional Standards by District). The maximum net residential density for any planned unit development shall be subject to the standards of Article 16.0 (Planned Unit Development District).

Section 5.04 Yard Standards.

The following additional provisions apply to the yard and setback requirements of this Article:

A. Front Yard Standards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures and improvements shall be maintained within the required front yard, except for fences, signs, landscaping, pedestrian and vehicle access ways, and other structures and improvements as permitted by this Ordinance. Front yards shall be further subject to the following:

- 1. With the exception of waterfront lots with direct frontage on a river, all yards abutting a public or private road shall be considered to be a front yard for purposes of this Article and Ordinance. The yard of a waterfront lot abutting the river shall be considered to be the front yard, with the yard opposite or abutting a public or private road right-of-way considered to be the rear yard for purposes of this Article and Ordinance.
- 2. In any Residential District or Business District where the Zoning Administrator has determined that a front yard of lesser depth than the minimum required by this Article exists in front of principal buildings on more than sixty percent (60%) of the lots of record on one (1) side of a road in any one (1) block, the depth of front yard for any new principal building erected or placed on a lot in such block need not be greater than the average depth of front yards for the existing buildings on the block.
- 3. Front yards accessory to single-family and two-family dwellings shall be further subject to the requirements of Section 8.09 (Single-Family and Two-Family Dwellings).

B. Side Yard Standards.

In the NSC (Neighborhood Service Commercial), CSC (Community Services Commercial), and HSC (Heavy Service Commercial) Districts, the Planning Commission may waive a required side yard along an interior side lot line as part of site plan approval, upon determining that the project is compatible with development on the abutting parcel, and provided that the principal building walls are of fireproof masonry construction and are not pierced by windows or similar openings.

C. Corner and Double Frontage Lots.

Structures on corner lots shall comply with minimum front yard and street side yard setback requirements from all road rights-of-way, except as may otherwise be required by this Ordinance. The front yard of any corner lot shall be established on the road frontage that provides the primary entry into the lot. A double frontage lot shall be deemed to have two (2) required front yards for the purposes of this Ordinance.

D. Transition Buffer.

For a land use in any of the following zoning districts subject to site plan approval per Article 14.0 (Site Plan Review), a transition buffer shall be provided in accordance with this subsection (see "Transition Buffers and Landscape Strips" illustration):

Transition Buffer Standards		
Zoning District	Abutting Zoning District	Minimum Transition Strip Width
Public/Semi-Public Services (PSP)	Rural Districts or Residential Districts	20.0 feet
Neighborhood Service Commercial (NSC)		20.0 feet
Community Services Commercial (CSC)		30.0 feet
Heavy Service Commercial (HSC)		40.0 feet

1. The transition buffer shall be provided separate from and in addition to any required yard setback area for the zoning district, and shall be provided along every lot line, except front lot lines, that is contiguous to or across the road from a lot in the abutting zoning district.
2. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent road right-of-way.
3. The transition buffer and adjacent side yard setback area shall be improved with screening elements and plantings per Section 18.04D (Methods of Screening).
4. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the nearest boundary of the transition buffer.
5. The Planning Commission may require an expanded transition buffer of up to one hundred fifty percent (150%) of the minimum required width upon determination that additional buffering or separation is required in an area to ensure compatibility between land uses or development of differing intensities.

E. Landscaping Strip.

For any use subject to site plan approval per Article 14.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip at least 20 feet wide shall be provided along and adjacent to the front property line, along all street frontages, and shall extend across the entire width of the lot, subject to the following (see "Transition Buffers and Landscape Strips" illustration):

1. The landscape strip may overlap the required front yard setback area for the zoning district.
2. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the lot from an adjacent road right-of-way.
3. The landscape strip and required front yard setback area shall be improved with greenbelt buffer plantings per Section 18.04D (Methods of Screening).
4. Where residential uses are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

Section 5.05 Permitted Yard Encroachments.

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units in a required yard shall be screened by fencing or other means approved by the Zoning Administrator.
Access drives and sidewalks	All	None
Egress window wells	All	Maximum encroachment of three (3) feet
Handicapped access ramps	All	None
Hydrants, laundry drying equipment, mailboxes, trellises, recreation equipment, outdoor cooking equipment, and plant materials	All	None
Personal home heating propane tanks	Rear, Side	Not permitted in any required front yard. Units in a required yard shall be screened by fencing or other means approved by the Zoning Administrator.
Accessory structures	See Section 3.03 (Accessory Structures)	
Fences	See Section 3.04 (Fences and Walls)	
Off-street parking lots	See Article 19.0 (Off-Street Parking and Loading)	
Signs	See Article 20.0 (Sign Regulations)	

Section 5.06 Number of Principal Dwellings per Lot.

Not more than one (1) principal, non-farm single-family dwelling or two-family (duplex) residential building shall be located on a lot, nor shall a single-family dwelling or two-family (duplex) residential building be located on the same lot with any other principal building or use. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 25.03 (Definitions).

Section 5.07 Frontage and Access Required.

No dwelling shall be built on any lot that does not abut and have direct frontage on an existing public or private road with a dedicated and recorded road right-of-way of 66 feet, unless a lesser width has been established and recorded prior to the effective date of adoption or amendment of this Ordinance.

- 1. Indirect access via a private ingress-egress easement shall not be sufficient to satisfy this requirement.
- 2. Access via an approved private road that has been constructed, and maintained in accordance with the applicable private road design and construction standards or ordinances of the Township shall be sufficient to satisfy this requirement.
- 3. Every structure erected or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on the lot as to provide safe and convenient access for emergency vehicles and any required off-street parking and loading areas.

Section 5.08 Corner Clearance Areas.

On a corner lot in any zoning district, no, fence, wall, hedge, sign, structure, vegetation, screening element or other obstruction to visibility shall be permitted between two (2) feet and six (6) feet above the centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection (see "Corner Clearance Area" illustration):

Type of Road Intersection	Minimum Corner Clearance Distance along Rights-of-Way
Any intersection of a paved public road and a state highway	30 feet
Any intersection of local or neighborhood streets or private roads	15 feet
All other road intersections	25 feet

Trees shall be permitted within a corner clearance area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard. Snow storage shall be prohibited within any required corner clearance area.

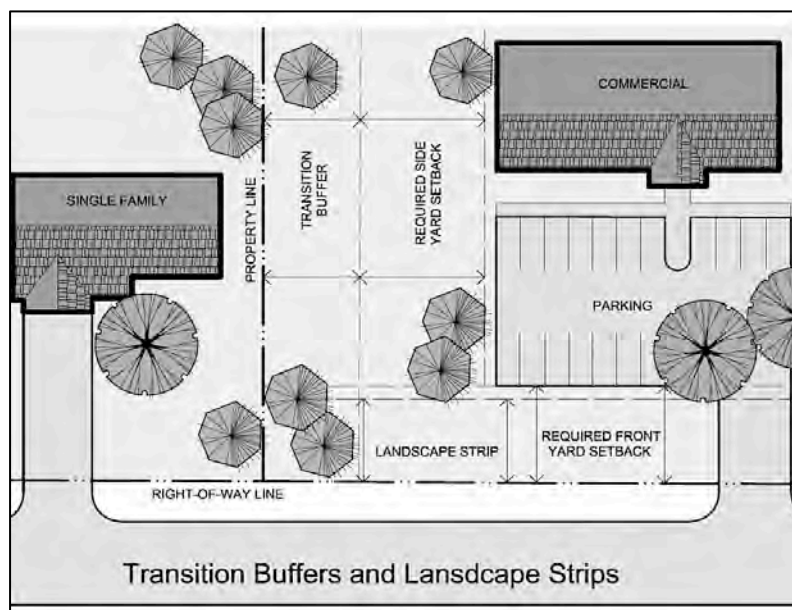
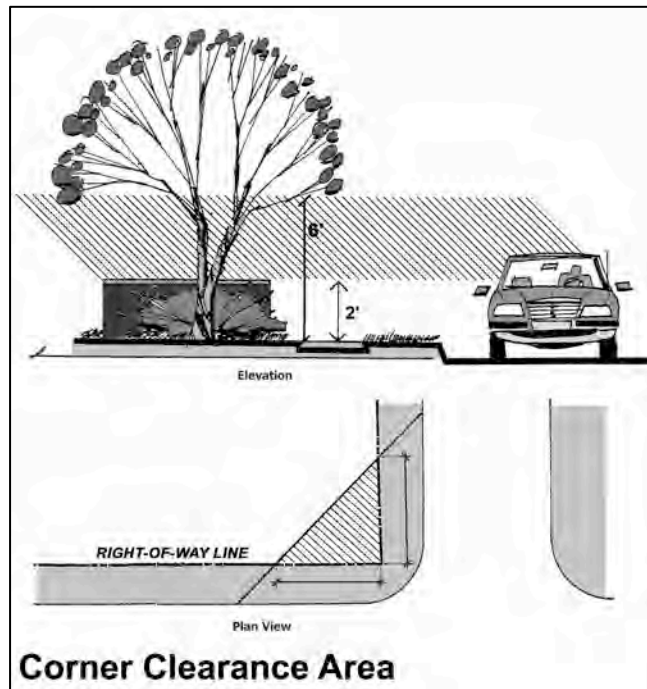
Section 5.09 Compliance with Dimensional Standards.

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

- 1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.

2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

ILLUSTRATIONS



ARTICLE 6.0

USE STANDARDS – RURAL DISTRICTS

Section 6.01 Table of Permitted Uses – Rural Districts.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article and Ordinance:

USES	RURAL DISTRICTS		USE STANDARDS
	AR	RR	
Accessory Dwelling Unit	S	S	Section 7.02
Accessory Structures and Uses	A	A	Section 3.03
Adult Foster Care Family Home	P	P	
Adult Foster Care Small Group Home	P	P	Section 7.06
Agricultural Support Businesses	S		Section 6.02
Aircraft Landing Strip or Helipad, Private	S		Section 6.03
Animal Shelter	S		Section 6.04
Bed and Breakfast Inn	S	S	Section 7.03
Boarding House with a capacity exceeding four (4) persons	S	S	Section 7.04
Boarding House with a maximum capacity of four (4) persons	A	A	Section 7.04
Campgrounds and Recreational Vehicle Parks	S		Section 9.05
Cemetery	S		Section 9.02
Child Day Care Home, Family	P	P	
Child Day Care Home, Group	S	S	Section 7.07
Child Foster Family Home or Family Group Home	P	P	
Child Foster Family Large Group Home	S	S	Section 7.06
Composting Facilities	S		Section 6.05
Conservation Area or Preserve	P	P	
Extraction Operations	S		Section 6.06
Farm Implement Sales and Repair	S		Section 6.02
Farm Labor Housing	P		Section 7.05
Farm Market	S		Section 6.08
Farm Products Direct Marketing Business	P	P	Section 6.07
Farm-Based Tourism or Entertainment Activities	S		Section 6.08
Farms for Production of Food, Feed or Fiber	P	P	Section 6.07
Garden for Private Production of Flowers, Herbs or Vegetables	P	P	
Greenhouse, Commercial Operation	P	A	Section 6.12
Greenhouse, Private or Non-Commercial Use	A	A	Section 3.03

USES	RURAL DISTRICTS		USE STANDARDS
	AR	RR	
Hatcheries	P		Section 6.07
Home Occupation listed in Section 7.08	A	A	Section 7.08
Home Occupation not listed in Section 7.08	S	S	Section 7.08
Keeping of Farm Animals or Bees, Non-Farm	P	P	Section 6.09
Kennel	P		Section 6.10
Landscape Businesses and Seasonal Maintenance Operations	S		Section 6.11
Nursery	P		Section 6.12
Private Off-Road Courses	S	S	Section 6.13
Public Utilities and Essential Services	P		
Public Works or Road Maintenance Yards	S		Section 8.15
Recreational Facilities – Private Membership/Restricted Access	S	S	Section 9.05
Recreational Facilities – Publicly-Owned or Resident Access Parks, Ballfields, and Similar Low Intensity Uses	P	P	Section 9.05
Recreational Facilities – Sportsman’s Clubs and Shooting Ranges, Golf Driving Ranges, and More Intensive Recreational Uses	S		Section 9.05
Resort, Group Camp or Conference Center	S		Section 9.06
Roadside Stand	A	A	Section 6.14
Sawmill	S		Section 8.15
Single Family Dwelling, Detached	P	P	Section 7.10
Solar Energy Collection Devices – Small	A	A	Section 18.02
Solar Energy Collection Systems – Large Freestanding	S		Section 18.02
Stables and Related Equestrian Facilities with Public Access	S		Section 6.15
Stables and Related Equestrian Facilities, Private	P	P	Section 6.15
Studios for Filmmaking or Video Production	S		
Temporary Concrete or Asphalt Batch Plants	S		Section 9.09
Temporary Structures/Uses not otherwise listed in this table	S	S	Section 3.22
Temporary Structures for Construction Purposes	P	P	Section 3.22
Topsoil Removal or Stockpiling	S		Section 6.16
Tree Farm	P	P	Section 6.12
Utility Transmission or Distribution Lines in a New Easement	S	S	Section 9.10
Utility Transmission or Distribution Lines in Existing Easements	P	P	Section 9.10
Veterinary Clinic or Animal Hospital	S		Section 6.17
Volatile Bio-Fuel Production Facilities, Large	S		Section 6.18
Volatile Bio-Fuel Production Facilities, Small	P		Section 6.18
Wind Energy System – On-Site Use	A	A	Section 18.03

USES	RURAL DISTRICTS		USE STANDARDS
	AR	RR	
Wind Energy Systems – Utility Grid	S	S	Section 18.03

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AR
	Rural Residential District	RR

Symbol	Key	
P	Permitted Uses in the Zoning District	Principal Use
S		Special Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

The standards of this Article are intended to alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed; mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed; ensure that such uses will be compatible with surrounding land uses; and promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. Conformance with these standards shall be subject to site plan approval where required per this Article or Article 14.0 (Site Plan Review).

Section 6.02 Agricultural Support Businesses.

Agricultural support businesses, farm implement sales or repair, and similar uses shall be subject to the following:

1. All such businesses and land uses shall be subject to site plan approval per Article 14.0 (Site Plan Review), and compliance with all parking, loading, screening, and other site development standards that apply to commercial uses.
2. All such businesses and land uses shall conform to the applicable county and state standards for water supply, food handling, liquid and solid waste disposal, and other health and sanitation requirements, with documentation of compliance to be provided to the Township Zoning Administrator upon request.
3. An agricultural support business in the AR (Agricultural) zoning district shall be located on a lot with a minimum lot width of 300.0 feet and a minimum lot area of 5.0 acres, and shall be set back a minimum of 250 feet from any residential zoning district boundary.
4. The Planning Commission may approve outdoor sales or display area(s) as an accessory use, subject to the standards of Section 8.14 (Outdoor Sales or Display Areas).
5. The Planning Commission may approve limited outdoor storage area(s) as an accessory use, subject to the standards and screening requirements of Section 8.15 (Outside Storage, General).

6. All signs shall comply with the requirements of Article 20.0 (Signs) for a non-residential use in the zoning district, even if a residence is also located on the same parcel.
7. Farm market sales and inventory shall conform to the applicable Generally Accepted Agricultural Management Practices (GAAMPS) from the Michigan Department of Agriculture.
8. Any farm implement repair or service facility may also repair and service other motor vehicles on an occasional basis, provided that such activities remain incidental and secondary to the principal use of the premises.
9. Storage, distribution, and processing of farm products as part of a permitted agricultural support business shall be maintained so that odor, dust, noise, light, and vibration from the operation shall not constitute a nuisance or hazard to adjoining residents or land uses.

Section 6.03 Aircraft Landing Strips, Private.

Aircraft landing strips, helipads, hangars, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Sufficient parking shall be provided for aircraft storage areas, offices and other uses associated with the landing strip.
5. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 by federal standards.

Section 6.04 Animal Shelter.

Animal shelters shall comply with the following:

1. Site plan approval shall be required per Article 14.0 (Site Plan Review).
2. Structures, outdoor pens, and exercise areas for such animals shall be located outside of the required yard setback areas for the zoning district. The Planning Commission may require screening per Section 18.04D (Methods of Screening).

3. The animal shelter shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of any special use permit application.
4. All facilities shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises or bodies of water.
5. All animals shall be enclosed within a building at night.
6. The maximum number of animals that may be kept or sheltered at one time shall be set by the Planning Commission as part of a special use permit approval, consistent with Section 15.05 (Standards for Special Use Approval).
7. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances.

Section 6.05 Composting Facility.

Composting facilities shall be subject to the following:

1. **Design and operation standards.** The use shall conform to all applicable federal, state, and county laws and regulations.
2. **Separation requirements.** The area of land occupied by or intended for use as a composting center shall be set back a minimum of 500 feet from the boundary of any parcel in the Residential Districts or occupied by any existing residential uses.
3. **Screening requirements.** The area of land occupied by or intended for use as a composting center shall be screened from all road rights-of-way, Residential Districts, and existing residential uses by a berm of sufficient height to completely screen all composting areas, storage areas, and equipment. The berm shall be improved with landscape buffer plantings and groundcovers in accordance with Section 18.04D (Methods of Screening).
4. **Impact assessment.** An impact assessment, which shall describe the expected impacts associated with the use and any mitigation measures to be employed, shall be required as part of a site plan review application per by Article 14.0 (Site Plan Review). The assessment shall include the following minimum information and documentation:
 - a. Water, noise, and air pollution associated with the proposed use.
 - b. Effect of the proposed use on public utilities.
 - c. Displacement of people and other land uses by the proposed use.
 - d. Alteration of the character of the area by the proposed use.
 - e. Effect of the proposed use on the Township's tax base and adjacent property values.
 - f. Compatibility of the proposed use with existing topography, and topographic alterations required.

- g. Impact of the proposed use on surface and groundwater.
- h. Operating characteristics and standards of the proposed use.
- i. Proposed screening and other visual controls.
- j. Impact of the proposed use on traffic.
- k. Impact of the proposed use on flora and fauna.
- l. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

Section 6.06 Extraction Operations.

Extraction operations shall conform to all applicable federal, state, and county laws and regulations, and to the requirements of any Homer Township mineral extraction ordinance.

Section 6.07 Farm Operations and Hatcheries.

The farm or hatchery operation shall be maintained in conformance with the Right to Farm Act and applicable Generally Accepted Agricultural Management Practices (GAAMPS) from the Michigan Department of Agriculture. Any land kept as idle cropland or non-cropland areas shall be so treated as to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.

Farm products direct marketing businesses shall only be permitted accessory to an active farm operation. Such businesses shall include "you-pick" commercial agricultural operations, direct sales to area businesses, restaurants, and retail stores, Internet-based sales of farm products, and similar businesses.

Section 6.08 Farm-Based Tourism/Entertainment Activities.

Farm-based tourism or entertainment-oriented facilities and activities and farm markets shall be subject to the following:

A. Use Standards.

Land uses permitted under this Section shall be consistent with the definitions of "farm-based tourism/entertainment activities" and "farm market" per Section 25.03 (Definitions), and shall be limited to the following:

- 1. Agricultural festivals and events.
- 2. Farm-based or seasonal recreational attractions, such as a petting farm or play area, corn mazes, hayrides, and seasonal displays.
- 3. Winery or cider mill.
- 4. Farm-based educational center.
- 5. Indoor or outdoor facilities for group gatherings.
- 6. Accessory food service and retail sales, provided that such facilities are incidental in character as compared to the overall parcel size and scope of permitted uses.

7. Farm market, as defined in Section 25.03 (Definitions).
8. Similar facilities and activities, as accepted by the Planning Commission.

B. Additional Standards.

The following additional standards shall apply to all farm-based tourism or entertainment-oriented facilities or activities and farm markets:

1. A site plan shall be submitted for review per Article 14.0 (Site Plan Review). The plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
2. Screening shall be provided per Section 18.04D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. The Planning Commission may approve the use of existing vegetation or crop growing areas of a width of not less than 100 feet to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism/entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
5. All exterior lighting for permitted farm-based tourism/entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. The lighting shall not exceed 0.5 foot-candles in intensity as measured at any lot boundary or road right-of-way at a height of five (5) feet above grade.
6. The design, location, size, and hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.
7. Produce and other agricultural products sold in a farm market shall conform to all applicable Generally Accepted Agricultural Management Practices (GAAMPS) from the Michigan Department of Agriculture.
8. Hours of operation shall be subject to Planning Commission review and approval.
9. All facilities and improvements for permitted farm-based tourism/entertainment activities shall conform to the applicable county and state standards for water supply, food handling, liquid and solid waste disposal, and other health and sanitation requirements, with documentation of compliance to be provided to the Township Zoning Administrator upon request.
10. Emergency access shall conform to the requirements of the Township Fire Department.

Section 6.09 Keeping Of Farm Animals and Bees, Non-Farm.

This Section shall not apply to keeping of animals or apiaries as part of an active farm operation maintained in conformance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm beekeeping or raising and keeping of a limited number of poultry, rabbits, cows, sheep, goats, llamas and similar domesticated livestock shall be subject to the following:

Minimum Gross Lot Area Required	Non-Farm Raising and Keeping of Farm Animals and Bees Allowed by Lot Area					
	Bee Colonies or Hives	Hens (female chicken only) or Rabbits	Roosters, Ducks, Guinea Hen, Quail or Similar Small Poultry	Pygmy Goats and Similar Small Farm Animals	Peafowl, Geese, Turkeys, and other Large Poultry	Cows, Sheep, Goats, Llamas, Alpacas, Ostrich, Emu, and Similar Farm Animals
1.0 to 1.99 acres	Yes	Yes – a maximum of eight (8) of each	None	None	None	None
2.0 to 9.99 acres	Yes	Yes	Yes – a maximum total of 25 such animals		Two (2) acres for the first animal, plus one (1) additional acre for each additional animal	
10.0 or more acres	Raising and keeping of farm animals on lots ten (10) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.					

1. Non-farm raising and keeping of such animals shall be clearly incidental to the principal use of the property for a single-family dwelling, and shall be prohibited within any subdivision plat or site condominium development.
2. Hens and rabbits raised or kept on lots between 1.0 and 1.99 acres of gross lot area shall be kept within a secured pen or enclosure at all times.
3. Structures and hives for raising and keeping of farm animals or bees shall be located outside of the required yard setback areas for the zoning district, and accessory structures shall otherwise conform to Section 3.03 (Accessory Structures) standards.
4. Outdoor pens, corrals, pastures, and paddocks on lots of less than ten (10) acres shall be located outside of the required yard setback areas for the zoning district.
5. Feed shall be stored in rodent proof containers, and all pens and shelters shall be maintained in a sanitary condition. Enclosures shall be provided to prevent animals from roaming-at-large off the premises.
6. All facilities shall be constructed and maintained in accordance with an approved waste management plan, so that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises or bodies of water.

Section 6.10 Kennel.

The standards of this Section shall apply to the keeping, housing or raising of five (5) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets. Kennels shall be licensed as required by Midland County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. The minimum lot size shall be five (5) acres for the first five (5) dogs, plus an additional 0.20 acres for each additional dog at the maximum planned capacity of the kennel.
2. Structures, outdoor pens, and exercise areas for such animals shall be set back a minimum of 100 feet from any dwelling, or building used by the public, and shall be located outside of the required yard setback areas for the zoning district.
3. The maximum number of dogs that may be kept, housed or raised at one time shall be set by the Planning Commission as part of a special use permit approval, consistent with Section 15.05 (Standards for Special Use Approval).
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises or bodies of water.
5. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of any special use permit application.
6. All dogs shall be enclosed within a building at night.
7. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 6.11 Landscape Operations and Snowplow Businesses.

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses shall be subject to the following:

1. Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 14.0 (Site Plan Review).
2. On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code. The Planning Commission may require screening per Section 18.04D (Methods of Screening).
3. The Planning Commission may approve a limited accessory outdoor storage area for vehicles or equipment, subject to the standards and screening requirements of Section 8.15 (Outside Storage, General).
4. In the AR (Agricultural) District, such uses shall be accessory to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following additional requirements:

- a. A maximum of four (4) vehicles and trailers associated with such uses in the AR (Agricultural) District shall be permitted to be parked outside of a building. All other associated vehicles and equipment shall be stored inside an enclosed structure.
- b. Such businesses may occupy all or part of any accessory buildings on the parcel that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
- c. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.

Section 6.12 Nursery or Commercial Greenhouse.

Nursery and commercial greenhouse operations shall be subject to the following:

1. This Section shall not apply to a residential greenhouse, which shall conform to all requirements of Section 3.03 (Accessory Structures).
2. Retail sales of unprocessed/prepared nursery or greenhouse products raised on the premises shall be allowed as an accessory use in the AR (Agricultural) District, subject to site plan approval per Article 14.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to commercial uses. Retail sales shall be prohibited in the RR (Rural Residential) District.
3. The Planning Commission may approve limited outdoor storage area(s) as an accessory use to a nursery or commercial greenhouse, subject to the standards and screening requirements of Section 8.15 (Outside Storage, General). No outdoor storage shall be allowed in the RR (Rural Residential) zoning district.
4. Bulldozers, and similar types of heavy equipment shall not be permitted accessory to a nursery operation. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.
5. Plant growing areas, structures, and permitted storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district where the establishment is located, and shall be located outside of all corner clearance areas as defined in Section 5.08 (Corner Clearance Areas).
6. Where allowed as an accessory use in accordance with the zoning district requirements, the commercial greenhouse shall be accessory to an active farm operation.

Section 6.13 Private Off-Road Courses.

Private recreational motocross or BMX courses and similar off-road courses shall be subject to the following:

1. Site plan approval shall be required per Article 14.0 (Site Plan Review).

2. The principal dwelling of the property owner for the subject parcel shall be located on the same or an adjoining parcel.
3. The minimum contiguous lot area shall be ten (10) or more acres under single ownership. All structures, improvements, and other elements of the course shall be set back a minimum of 150 feet from all lot boundaries and road rights-of-way.
4. Site grading that would change the general topography of the site and adversely impact drainage patterns or adjacent watercourses shall be prohibited.
5. Noise levels shall not exceed 70 decibels at any lot boundary or road right-of-way. There shall be no obnoxious odors or other nuisances caused by course activity.
6. The hours of operation for such courses shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
7. Use of the course shall be limited to the family and guests of the property owner. Such courses shall not be open to the general public, and shall not be available for public tournaments or for rent. There shall be no commercial activity, other than incidental sales not unusual for a residential use.

A private off-road course exceeding these limitations shall be subject to approval as a racetrack in accordance with zoning district requirements and Section 8.16 (Racetracks).

Section 6.14 Roadside Stands.

Roadside stands shall be subject to the following:

1. Any building containing a roadside stand shall not be greater than 200 square feet in size.
2. A roadside stand that exceeds 200 square-feet in size or is operated more than eight (8) months during any calendar year shall be subject to approval as a Farm Market in accordance with zoning district requirements and Section 6.08 (Farm-Based Tourism/Entertainment Activities).
3. Suitable trash containers shall be placed on the premises for public use.
4. Any temporary structure, cart or similar facility serving as a roadside stand shall be set back a minimum of ten (10) feet from the road right-of-way and no closer than 25 feet to the road surface of any public road.
5. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 19.0 (Off-Street Parking and Loading Requirements), except that hard surfacing shall not be required.
6. Signs associated with the roadside stand shall comply with the standards of Article 20.0 (Signs) that apply to the principal use of the lot.

Section 6.15 Stables and Other Equestrian Facilities.

A parcel may be used, and a building or structure located thereon for a boarding stable and/or riding arena for keeping of horses, donkeys, and other equine animals, subject to the following:

1. Such facilities shall conform to all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
2. Structures for keeping such animals, outdoor corrals, and paddocks shall be located outside of the required yard setback areas for the zoning district.
3. Feed shall be stored in rodent proof containers, and all pens and shelters shall be maintained in a sanitary condition. Enclosures shall be provided to prevent such animals from roaming-at-large off the premises. All facilities shall be constructed and maintained to minimize any adverse impacts, so that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises or bodies of water.
4. One (1) such animal shall be allowed on the first two (2) gross acres, plus an additional one (1) acre for each additional animal for lots or parcels up to 9.99 acres in gross lot area. The number of animals on a lot or parcel having ten (10) or more acres in gross lot area shall be consistent with all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

Section 6.16 Topsoil Removal or Stockpiling.

The removal or temporary stockpiling of topsoil on a site under development in the Township shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. **Development sites and site plan approval.** Removal or temporary stockpiling of topsoil on a site under development shall be prohibited, except where a site plan has received final approval from the Township. Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire.
2. **Zoning permit.** Zoning permit approval per Section 2.03 (Zoning Permits) shall be required for removal or temporary stockpiling of topsoil from any site in the Township. The application shall include a plan showing areas of temporary topsoil stockpiling, proposed methods of containment, and proposed truck route for any removal of topsoil from the site. Calculations of the volume of existing topsoil on the site, minimum volume required to support planned use of the site, and any volume anticipated to be removed from the site shall also be provided.
3. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any Residential Districts and abutting existing residential uses.

4. **Access.** All truck access to the site for removal of topsoil shall be from a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
5. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting road rights-of-way, Residential Districts and existing residential uses per Section 18.04D (Methods of Screening).
6. **Limitation on removal.** Topsoil removal from the site shall be limited to the amount determined to be unnecessary for the planned use of the site, as demonstrated on a plan submitted for zoning permit approval.

Section 6.17 Veterinary Clinic or Animal Hospital.

Veterinary clinics and animal hospitals shall comply with the following:

1. Activities shall be conducted within a completely enclosed building, except that an outdoor exercise area may be allowed outside of any required yard setback areas.
2. The facility shall be so constructed and maintained that animal waste, odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises or bodies of water.
3. Care and treatment of animals shall be at the discretion of the veterinarian.
4. Site plan approval shall be required per Article 14.0 (Site Plan Review).

Section 6.18 Volatile Biofuel Production.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 30.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, the requirements of the Township Fire Department, and applicable state and federal laws and regulations.

5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other agencies with jurisdiction over any of the following:
 - a. Air pollution emissions;
 - b. Transportation of biofuel or another product or by-product of production;
 - c. Use or reuse of additional products resulting from biofuel production;
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district shall also provide an annual written report to the Zoning Administrator which demonstrates that:
 - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
 - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval per Article 15.0 (Special Uses).

B. Additional Standards for Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Zoning Ordinance:

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.

2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.
 - c. An emergency access and fire protection plan, subject to review and approval by emergency response agencies serving the Township.
 - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of any Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Special Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 2.08 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.
2. **Limitation on conditions of approval.** The Township’s authority to impose conditions on the approval of a biofuel production facility subject to this Section and Section 3513 of the Michigan Zoning Enabling Act shall be limited to conditions necessary to verify that the facility meets to all of the requirements of this Section and the state Act.

ARTICLE 7.0

USE STANDARDS –RESIDENTIAL DISTRICTS

Section 7.01 Table of Permitted Uses – Residential Districts.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article and Ordinance:

USES	RESIDENTIAL DISTRICTS		USE STANDARDS
	RA	RMH	
Accessory Dwelling Unit	S		Section 7.02
Accessory Structures and Uses	A	A	Section 3.03
Adult Foster Care Family Home	P	P	Section 7.06
Adult Foster Care Small Group Home	P	P	Section 7.06
Bed and Breakfast Inn	S		Section 7.03
Boarding House with a capacity exceeding four (4) persons	S		Section 7.04
Boarding House with a maximum capacity of four (4) persons	A		Section 7.04
Child Day Care Home, Family	P	P	
Child Day Care Home, Group	S	S	Section 7.07
Child Foster Family Home or Family Group Home	P	P	
Child Foster Family Large Group Home	S	S	Section 7.06
Day Care Center, Child or Adult		S	Section 9.03
Farm Labor Housing		S	Section 7.05
Garden for Private Production of Flowers, Herbs or Vegetables	P	P	
Greenhouse, Private or Non-Commercial Use	A	A	Section 3.03
Home Occupation listed in Section 7.08	A	A	Section 7.08
Home Occupation not listed in Section 7.08	S	S	Section 7.08
Manufactured Housing Park		P	Section 7.09
Manufactured Housing Sales Lot		S	Section 8.14
Recreational Facilities – Private Membership/Restricted Access	S		Section 9.05
Recreational Facilities – Publicly-Owned or Resident Access Parks, Ballfields, and Similar Low Intensity Uses	P		Section 9.05
Single Family Dwelling, Detached	P	P	Section 7.10
Solar Energy Collection Devices – Small	A	A	Section 18.02
Temporary Structures/Uses not otherwise listed in this table	S	S	Section 3.22
Temporary Structures for Construction Purposes	P	P	Section 3.22
Two-Family (Duplex) Dwelling	P		Section 7.10
Utility Transmission or Distribution Lines in a New Easement	S	S	Section 9.10

USES	RESIDENTIAL DISTRICTS		USE STANDARDS
	RA	RMH	
Utility Transmission or Distribution Lines in Existing Easements	P	P	Section 9.10
Wind Energy System – On-Site Use	A	A	Section 18.03

Type of District	Zoning District Name	Symbol	Symbol	Key
Residential Districts	Single-Family Residential District	RA	P	Permitted Uses in the Zoning District
	Manufactured Housing Park District	RMH	S	
			A	Accessory Use
			[Blank]	Prohibited Use in the District

The standards of this Article are intended to alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed; mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed; ensure that such uses will be compatible with surrounding land uses; and promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. Conformance with these standards shall be subject to site plan approval where required per this Article or Article 14.0 (Site Plan Review).

Section 7.02 Accessory Dwelling.

It is the intent of this Section to allow for an accessory dwelling within a principal single-family residential building in the Rural Districts and Residential Districts for the purposes of providing a variety of housing options in the Township, and accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives. It is further the intent of this Section to permit dwellings accessory to certain non-residential land uses, subject to specific standards designed to preserve the intended character of the zoning district. The standards of this Section are designed to preserve the character and appearance of the principal building and principal use that may also include an accessory dwelling unit. Accessory dwellings shall be subject to the following standards:

A. Accessory to Detached Single-Family Dwellings.

A maximum of one (1) accessory dwelling unit shall be permitted per principal detached single-family dwelling, which shall be subject to the following additional standards:

1. The accessory dwelling unit shall be located entirely within the principal building, and shall be separate from and subordinate to the principal dwelling. Parking for the accessory dwelling unit shall be provided per Section 19.03 (Residential Parking Standards).
2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory

dwelling unit shall be limited to a common foyer, or a separate entrance door on a sidewall. The Planning Commission may, for good cause shown or upon determination that no other means of access is feasible, approve use of an exterior stairway to provide primary or emergency access to an upper floor accessory dwelling unit.

3. The accessory dwelling unit shall not occupy more than twenty five percent (25%) of the principal building's total gross floor area, and shall conform to all applicable State Construction Code and County Environmental Health Division requirements.
4. The principal dwelling on the premises shall be the primary and permanent legal residence of the property owner(s), and shall occupy a minimum of 750 square feet of gross floor area in the principal building.

B. Accessory to Non-Residential Uses.

Accessory dwelling units permitted in the Business Districts and as otherwise authorized by this Ordinance shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit within a principal commercial building, such entrances may be provided from a common hallway. In the Business Districts, accessory dwelling units shall be prohibited on the ground floor or street level of the building.

C. Approval Required.

Construction or expansion of an accessory dwelling unit shall be subject to site plan approval per Article 14.0 (Site Plan Review). The site plan application shall include submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify compliance with this Ordinance. For dwellings served by privately owned well or septic facilities, proof of adequate system capacity shall be provided to the Township.

Section 7.03 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

1. A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. The bed and breakfast inn shall be confined to a part of the principal building, and shall be clearly incidental to the use of the property as a single-family residence. The maximum length of stay for any patron shall be 14 days in any period of 90 consecutive days.
2. A maximum of ten (10) sleeping rooms shall be allowed in a bed and breakfast inn in the AR (Agricultural) or RR (Rural Residential) Districts. A maximum of three (3) sleeping rooms shall be allowed in a bed and breakfast inn in the RA (Single-Family Residential) District. The Planning Commission may further limit the number of permitted sleeping rooms based on site or building limitations.
3. The principal building containing a bed and breakfast inn shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. A bed and breakfast inn shall have direct access to a public road. Such facilities shall be prohibited on lots abutting and with primary access to a private road, and on lots located in a platted subdivision or a site condominium project.
5. Retail sales and other commercial uses shall be prohibited, except incidental sales directly associated with the operation. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.
6. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.
7. There shall be no separate cooking facilities for the bed and breakfast inn, other than those that serve the principal residence. Dining space sufficient to seat all guests shall be provided.
8. The principal building for a bed and breakfast inn shall comply with the following minimum requirements:
 - a. There shall be at least two (2) exits to the outdoors.
 - b. Rooms used for sleeping shall have a minimum floor area of 100 square feet, and shall be designed to accommodate a maximum of two (2) occupants per room.
 - c. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
 - d. At least one (1) full bathroom with a toilet, sink, and shower or tub shall be provided for each two (2) sleeping rooms on the same floor. Bathrooms required for guests under this subsection shall be in addition to the facilities utilized by the resident family.
9. Parking for the bed and breakfast inn shall be provided per Article 19.0 (Off-Street Parking and Loading Requirements). Parking for the bed and breakfast inn shall not be located in any required front yard, and stacking of more than two (2) vehicles in a driveway shall be prohibited.
10. One (1) non-illuminated ground sign not more than 16 square feet in area and six (6) feet in height shall be permitted for the bed and breakfast inn, in addition to signage allowed for the principal dwelling per Article 20.0 (Signs).
11. Bed and breakfast inns shall be subject to site plan approval per Article 14.0 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors. Proof of adequate well and septic system capacity shall also be provided to the Township.

12. Final approval of a bed and breakfast inn shall not become effective and the bed and breakfast inn shall not be operated for business until a certificate of occupancy has been issued with a finding of no safety violations in accordance with applicable State Construction Code requirements, and all required outside agency licenses and permits have been issued.
13. Upon written request from the Zoning Administrator, the bed and breakfast inn operator shall provide copies of all required outside agency licenses and permits, and written evidence of inspection and compliance with applicable regulations.

Section 7.04 Boarding House.

Boarding houses, as defined in Section 25.03 (Definitions), shall conform to the following requirements:

1. In addition to any special use approval, where required, such land uses shall be subject to zoning permit approval per Section 2.03 (Zoning Permits) to confirm compliance with all applicable requirements of this Ordinance.
2. Contact information for the property owner and individual(s), partnership or legal entity responsible for operating the boarding or rooming house shall be provided to the Zoning Administrator as part of any application for approval under this Ordinance, and within 30 calendar days of any change.
3. To ensure compatibility with surrounding land uses, boarding houses shall be maintained in compliance with all requirements for single-family detached dwellings, including Section 7.09 (Single-Family and Two-Family Dwellings) and Section 19.03 (Residential Parking Standards).

Section 7.05 Farm Labor Housing.

Farm labor housing shall comply with the following:

1. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.
2. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 14.0 (Site Plan Review).
3. The maximum number of permitted farm labor housing units shall be set by the Planning Commission as part of a special use permit approval, consistent with Section 15.05 (Standards for Special Use Approval).
4. All structures for farm labor housing shall comply with the standards of Article 5.0 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.

5. The occupants shall be employed for farm labor by the farming operation owner at least fifty percent (50%) of the time while they occupy the housing.

Section 7.06 Foster Care Facilities.

The following shall apply to all child or adult foster care facilities as defined in Section 25.03 (Definitions) and regulated per the zoning district requirements:

A. General Standards.

The following standards shall apply to all foster care facilities in the Township:

1. **Licensing.** In accordance with applicable state laws, all foster care facilities shall be licensed by the State of Michigan, and shall be maintained in compliance with the minimum standards for such facilities.
2. **Appearance.** Where foster care facilities are located in the Residential Districts or a Planned Unit Development District planned for residential uses, the premises shall be consistent with the character of single-family dwellings per Section 7.10 (Single-Family and Two-Family (Duplex) Dwellings).

B. Additional Standards for Larger Facilities.

The following additional standards shall apply to all foster care large group homes and congregate care facilities in the Township, as well as to any adult foster care small group home for care of seven (7) or more people:

1. **Location.** These facilities shall have direct frontage on and vehicle access to a primary or collector road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Pick-up and drop-off areas.** These facilities shall provide adequate off-street space and facilities for safe pick-up and drop-off of residents.
3. **Outdoor recreation area.** For each person cared for in these facilities there shall be provided and maintained a minimum of 150 square feet of usable outdoor recreational area, which shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section 3.04 (Fences and Walls).
4. **Concentration of facilities.** These facilities shall be located a minimum of 1,500 feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest lot boundaries:
 - a. A licensed group day-care home.
 - b. A foster care small or large group home, or congregate care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

3. **Screening.** The Planning Commission may require any outdoor recreation or off-street parking area for these facilities to be screened from adjacent residential uses per Section 18.04D (Methods of Screening).
4. **Site plan approval required.** Construction, expansion, and alteration of these facilities shall be subject to site plan approval per Article 14.0 (Site Plan Review).

Section 7.07 Group Child Day Care Home.

Group child day care homes, except licensed group day care homes that lawfully operated before March 30, 1989, shall be subject to the following standards:

1. The group day care home shall be located a minimum of 1,500 feet from any of the following, as measured along public or private road rights-of-way:
 - a. Another licensed group day care home, or adult foster care small group home or large group home.
 - b. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, as licensed by the State of Michigan under the public health code.
 - c. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved special use permit for a group day care home. The Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.

2. If provided, any outdoor play area shall be located in the side or rear yard area of the lot or parcel, and shall be completely enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section 3.04 (Fences and Walls).
3. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.
4. The property shall be maintained consistent with the visible characteristics of a single-family dwelling. No signs shall be permitted for the group day care home, other than that permitted for a single-family dwelling per Article 20.0 (Signs).
5. The use shall not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
6. Such facilities shall be licensed by the State of Michigan, and a copy of the license shall be supplied to the Township.

7. A group child day care home shall be issued a special use permit upon determination that the proposed use conforms to this Section.

Section 7.08 Home Occupations.

Home occupations shall be subject to the following:

A. General Standards.

The following general standards apply to all home occupations:

1. The home occupation shall be conducted entirely within the dwelling or an accessory structure, except where specifically provided for in this Section, and shall be clearly incidental and secondary to the use of the premises for dwelling purposes.
 - a. The home occupation shall be limited to a maximum of twenty-five percent (25%) of the principal dwelling's gross floor area.
 - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation.
 - c. External and internal alterations not customary for a single-family dwelling shall be prohibited.
 - d. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
2. No persons other than members of the immediate family residing on the premises shall be engaged in the home occupation.
3. No signs shall be permitted for the home occupation, other than a nameplate as allowed for a dwelling per Article 20.0 (Signs).
4. No article shall be sold on the premises except as provided incidental to the service or profession conducted therein.
5. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
6. Parking for the home occupation shall not exceed two (2) spaces, and shall conform to the requirements of Section 19.03 (Residential Parking Standards).
7. The home occupation shall not generate traffic or utility use in excess of what is normally generated from a single-family dwelling.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, physical therapists, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).

3. Home office for a massage therapist, subject to the standards of Section 8.18 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year per zoning lot, and signage is limited to temporary signs allowed in the zoning district.
8. A lemonade stand or similar incidental sales activity operated under adult supervision by one (1) or more minor residents of the premises shall be permitted as a temporary home occupation, provided that signage is limited to temporary signs allowed in the zoning district.
9. Farm implement repair, classic or antique motor vehicle restoration activities, general repair and servicing of motor vehicles or recreational vehicles, and accessory welding shops shall be permitted as a home occupation on lots in the AR (Agricultural) District with a gross lot area of three (3) acres or greater, provided that all activities take place within a completely enclosed structure. Outdoor storage of vehicles, equipment or other items associated with the home occupation shall be prohibited.
10. Any home occupation not specifically listed in this Section may be approved by the Planning Commission with a special use permit, subject to the provisions of this Section and Article 15.0 (Special Uses).

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

1. Kennels and veterinary clinics.
2. Retail stores, and eating or drinking establishments.
3. Adult businesses and sexually oriented establishments.
4. Any use or process that at any time creates any hazard of fire, explosion, or radioactivity; or creates, causes or exacerbates any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, electrical interference, chemical or similar nuisances to persons off the premises.
5. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.

6. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

D. Inspection and Enforcement.

All home occupations may be subject to inspection by the Zoning Administrator to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

Section 7.09 Manufactured Housing Parks.

All manufactured housing parks shall comply with the requirements of the Mobile Home Commission Act, the Manufactured Housing Commission General Rules, and the following:

A. Plan Review.

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act. The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Planning Commission officially receives a complete and accurate application. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

B. Minimum Area for a Manufactured Housing Park.

The minimum parcel size for manufactured housing parks shall be 15 acres, excluding adjacent parcels proposed for expansion.

C. Minimum Manufactured Housing Site Size.

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 7.09I (Open Space), or the Manufactured Housing Commission General Rules.

D. Setbacks.

The minimum setback distances established in the Manufactured Housing Commission General Rules shall apply to all dwelling units in a manufactured housing park.

E. Roads.

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission General Rules. The main entrance to the park shall have access to a public road by a permanent easement, which shall be recorded by the developers at the county Register of Deeds Office. All roads shall be hard-surfaced.

F. Parking and Storage.

Each manufactured housing site shall include a minimum of two (2) vehicle parking spaces. If park resident-owned boats, boat trailers or utility trailers are allowed to be parked in the manufactured housing park, adequate storage space shall be provided separate from and in addition to the vehicle parking requirements of this Section.

G. Sidewalks.

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

H. Accessory Uses and Structures.

Accessory uses and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents, and shall be subject to the following standards:

1. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable State Construction Code requirements and shall be subject to approval of permits and certificates of occupancy by the Township.
2. The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.
3. One (1) storage shed with a maximum area of 144 square feet may be placed upon each manufactured home site for the storage of personal property. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted on a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home. No other personal property shall be stored outside or under any manufactured home, or within carports that are open on any side.
4. Trash disposal facilities shall be provided at locations convenient to park residents, which shall be fenced and secured to prevent unauthorized entry.

I. Open Space.

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.

J. Screening.

A screen consisting of a solid privacy fence between four (4) and six (6) feet in height, a row of evergreen trees or shrubs at least three (3) feet in height planted so as to provide a continuous screen at maturity or combination thereof shall be provided on the manufactured housing park site under the following circumstances:

1. A landscaped screen shall be provided along all public roads abutting the manufactured housing park.
2. Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

Alternative screening devices may be utilized if determined by the Planning Commission to provide the required screening as effectively as a fence or evergreen screen.

K. Parking Lot Landscaping.

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of ten (10) feet and a minimum area of 180 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 180 square feet of area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover the remainder of the island.

L. Utilities.

Water supply, stormwater management, and wastewater treatment and disposal systems shall conform to all applicable requirements of outside agencies with jurisdiction. All electric, telephone, gas, and other distribution lines within the park shall be underground per the Manufactured Housing Commission Rules.

M. Operational Requirements.

1. It shall be unlawful for any person or corporation to conduct or operate a manufactured housing park in Homer Township without a currently valid license and all necessary permits and approvals from outside agencies with jurisdiction.
2. The Zoning Administrator or other authorized Township agent or agents are hereby granted the power and authority, as specified in the Mobile Home

Commission Act, to enter upon the premises of a manufactured housing park for the purpose of determining compliance with or enforcing the provisions of this Ordinance or other regulations referenced in this Section.

3. Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section, the Zoning Administrator shall give notice in writing by certified mail to the agency of the State of Michigan with jurisdiction, including the specific nature of the alleged violations, a description of possible remedial action necessary to effect compliance, and any other information needed to fully describe the violations and potential hazards to the public health, safety, and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent. Sections 17(2) and 36 of the Mobile Home Commission Act shall govern this process.

Section 7.10 Single-Family and Two-Family (Duplex) Dwellings.

The intent of this Section is to ensure compliance of single-family and two-family (duplex) dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing residential dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park.

A. Number of Principal Single-Family or Two-Family Dwellings per Lot.

Not more than one (1) principal, single-family dwelling or one (1) two-family (duplex) residential building shall be located on a zoning lot, except as otherwise authorized by this Ordinance. For single-family condominium developments, not more than one (1) principal single-family dwelling shall be placed on each condominium lot.

B. Additional Standards for Single-Family and Two-Family Dwellings.

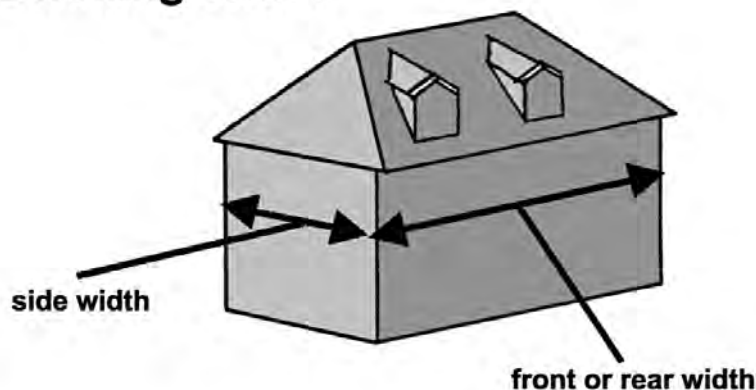
New single-family and two-family (duplex) dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The residential building shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. The residential building shall be placed on a permanent foundation meeting all requirements of the State Construction Code, subject to the following:
 - a. The building shall be secured to the permanent foundation by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the building.

3. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.
4. Each dwelling unit shall have a minimum floor area, not including any basement or attached garage, of 1,000 square feet.
5. The residential building, prior to any additions or expansions, shall have a minimum width across any front, side or rear elevation of 26 feet (see "Dwelling Width" illustration). The average width to depth or depth to width ratio of the building shall not exceed three to one (3:1).
6. Each dwelling shall be connected to a potable water supply and a wastewater treatment and disposal system that conforms to all applicable requirements of outside agencies with jurisdiction.
7. Each dwelling shall contain a minimum storage capability area of 100 square feet, which can be in a basement located under the dwelling, in an attic area or in closet areas.
8. Exterior finish materials, including siding and roofing materials, shall be integrated around the entire dwelling; including any addition needed to comply with the minimum requirements of this Section and Ordinance. Exterior finish materials on any addition shall match or be coordinated with existing finish materials on the dwelling.
9. A dwelling shall not be considered lawful under this Ordinance for use or occupancy as a residence until:
 - a. Access to the dwelling has been provided by a minimum of two (2) exterior doors, either on the front and rear or the front and side elevations;
 - b. Any addition needed to comply with the minimum requirements of this Section and Ordinance has been completed;
 - c. Establishment of an integrated core living area; and
 - d. Installation of exterior finish materials, including siding and roofing.

ILLUSTRATION

Dwelling Width



ARTICLE 8.0

USE STANDARDS – BUSINESS DISTRICTS

Section 8.01 Table of Permitted Uses – Business Districts.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article and Ordinance:

USES	BUSINESS DISTRICTS			USE STANDARDS
	NSC	CSC	HSC	
Accessory Dwelling Unit	A	A	A	Section 7.02
Accessory Structures and Uses	A	A	A	Section 3.03
Adult Entertainment Uses and Sexually-Oriented Businesses			P	Section 8.02
Agricultural Support Businesses			P	Section 6.02
Amusement Center, Indoor	S	P		Section 8.03
Amusement Center, Outdoor (Miniature Golf, Batting Cages)		P		Section 8.03
Animal Shelter			P	Section 6.04
Bakery	P	P	P	
Bank, Credit Union or Similar Financial Institution	P	P		Section 8.06
Banquet Hall and Catering Facilities	P	P		
Business Services – Copying, Mailing, and Packaging; Information Technology or Technical Training Facilities, and Similar Services	P	P	P	
Car Wash, Vehicle Detailing Shop, or Truck Wash		P		Section 8.05
Commercial Uses not otherwise listed in this table			S	Section 8.04
Day Care Center, Child or Adult	P	P	A	Section 9.03
Dealership – Indoor Showroom		P	P	Section 8.04
Dealership – Outdoor Sales Lot		S	S	Section 8.14
Drive-In or Drive-Through Facilities		P		Section 8.06
Farm Implement Sales and Repair		P		Section 6.02
Farm Market	P	P		Section 6.08
Fortune Telling Establishment		P		
Funeral Parlor or Mortuary	P	P		Section 8.07
Garden for Private Production of Flowers, Herbs or Vegetables	P	P	P	
Greenhouse, Commercial Operation	P	P	P	Section 6.12
Grocery or Convenience Store, Specialty Market, Bakery, Delicatessen, and Similar Food Stores	P	P		Section 8.04
Hardware Store	P	P	P	Section 8.04
Health Club or Fitness Center		P		

USES	BUSINESS DISTRICTS			USE STANDARDS
	NSC	CSC	HSC	
Hospital or Urgent Care Center	P	P	P	
Hotel	P	P		Section 8.04
Hydroponics Equipment and Indoor Growing Paraphernalia Sales		S		
Indoor Shooting Range	S	S	S	Section 8.08
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities	P	P	P	
Junkyards and Outdoor Dismantling or Recycling of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items			S	Section 8.10
Laboratories for Environmental and Life Sciences, Materials Research, Instrumentation, and Similar Applications		S	P	
Landscape Businesses and Seasonal Maintenance Operations	S	P	P	Section 6.11
Lumber Yard, Landscape Supply or Building Materials Sales Yard		S	P	Section 8.14
Machine, Welding, Tool and Die, and Sheet Metal Shops; Stone Finishing and Carving; and Similar Uses		S	P	
Manufacture, Processing, Production or Bulk Storage of Chemicals, Petroleum, Paper Products, Cement, Lime, Glue, Gypsum, Soap, Soda, Compound, Potash or Similar Materials			S	Section 8.09
Manufactured Housing Sales Lot		S	P	Section 8.14
Manufacturing, Processing, Treatment or Assembling of Food Products, Cosmetics or Pharmaceuticals; Appliances; Electronic Equipment; Measuring, Analyzing, and Controlling Instruments; Fabricated Metal Products; Motor or Recreational Vehicles or Parts; Manufactured or Modular Housing; Transportation Equipment; and Similar Items			P	
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist	P	P	P	Section 8.18
Motion Picture Cinema, Indoor	S	P		Section 8.04 Section 8.11
Motion Picture Cinema, Outdoor		P		Section 8.11
Motor Vehicle Fueling Station		S	P	Section 8.12
Motor Vehicle Repair Station – Transmission/Body Shop			P	Section 8.12
Motor Vehicle Service Center – Oil, Tires, and Minor Repairs		P	P	Section 8.12
Offices for Professionally, Technically, and Scientifically Skilled Personnel; Corporate, Administrative, Legal, Accounting, Real Estate, Insurance, and Similar Office Uses	P	P	P	
Outdoor Café or Eating Area	S	P		Section 8.13

USES	BUSINESS DISTRICTS			USE STANDARDS
	NSC	CSC	HSC	
Outdoor Sales or Display Area or Open Air Business		S	P	Section 8.14
Outdoor Storage of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items		P	P	Section 8.15
Outdoor Storage, General			P	Section 8.15
Packaging of Previously Prepared Materials		S	P	
Pawnshop		S		
Personal Service Establishments – Barber/Beauty Shop, Tanning Salon, Nail Care, Laundromat, Dry Cleaning Collection, and Similar Services	P	P	P	
Pharmacies, Drugstores and Medical Supply Stores	P	P		Section 8.04 Section 8.06
Power Generation Plant not otherwise listed in this table			S	Section 8.09
Printing, Lithography, Bookbinding, and Similar Uses		P	P	
Public Utilities and Essential Services	P	P	P	
Public Works or Road Maintenance Yards		P	P	Section 8.15
Racetrack			S	Section 8.16
Recycling Collection Facility			P	Section 8.15
Research, Development, Testing, and Engineering Facilities		S	P	
Residential Treatment Center	S			Section 9.07
Restaurants and Food Service Establishments	S	P		Section 8.04 Section 8.06
Retail Stores for Sale of Clothing, Musical Instruments, Furniture, Gifts, Appliances, Jewelry, Books, Music, Art, Antiques, Sporting Goods, Office Supplies, and Similar Items	P	P		Section 8.04
Sawmill			P	Section 8.15
Secondhand Store	S	S		
Self-Storage Warehouses	S	P	P	Section 8.17
Showroom for Display or Sales of Products Created On-Site		P	P	
Solar Energy Collection Devices – Small	A	A	A	Section 18.02
Studios for Filmmaking or Video Production	P	P	P	
Tattoo Parlor or Body Piercing Salon		S	S	
Temporary Concrete or Asphalt Batch Plants			P	Section 9.09
Temporary Structures/Uses not otherwise listed in this table	S	S	S	Section 3.22
Temporary Structures for Construction Purposes	P	P	P	Section 3.22
Utility Transmission or Distribution Lines in a New Easement	S	S	S	Section 9.10
Utility Transmission or Distribution Lines in Existing Easements	P	P	P	Section 9.10

USES	BUSINESS DISTRICTS			USE STANDARDS
	NSC	CSC	HSC	
Veterinary Clinic or Animal Hospital	P	P	P	Section 6.17
Warehouse, Material Distribution Center, Ice and Cold Storage Plant, Bulk Handling Facilities, and Other Non-Farm Bulk Indoor Storage			P	
Wind Energy System – On-Site Use	A	A	A	Section 18.03
Workshop Studios for Crafts, Photography, Art, Woodworking, or Decorative Metalworking (no welding, plating or industrial activities), Small Appliance Repair, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Activities	P	P	P	

Type of District	Zoning District Name	Symbol
Business Districts	Neighborhood Service Commercial District	NSC
	Community Services Commercial District	CSC
	Heavy Service Commercial District	HSC

Symbol	Key	
P	Permitted Uses in the Zoning District	Principal Use
S		Special Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

The standards of this Article are intended to alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed; mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed; ensure that such uses will be compatible with surrounding land uses; and promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. Conformance with these standards shall be subject to site plan approval where required per this Article or Article 14.0 (Site Plan Review).

Section 8.02 Adult Entertainment Uses and Sexually Oriented Businesses.

It is hereby recognized by the Township Board that there are certain uses which, because of their very nature, have serious and inherent objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. This includes specific impacts on local economic development and land use planning, such as lost business opportunities, increased costs for police and ordinance enforcement services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Adult entertainment uses or sexually-oriented businesses, as defined in Section 25.03 (Definitions), are hereby recognized as an impediment to stable growth and development and full implementation of the Township Master Plan. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of the Township to adopt reasonable regulations for such uses. Operation or expansion of any adult entertainment use or sexually-oriented business, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

A. General Standards.

Adult entertainment uses or sexually-oriented businesses shall not be owned, operated or managed by anyone who is a registered sex offender in any state, and shall not provide service to minors.

Any building and premises occupied by an adult entertainment use or sexually oriented business shall be designed and constructed so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in Section 25.03 (Definitions), cannot be observed by pedestrians or from vehicles on any public road right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Location Limitations.

It shall be unlawful to hereafter establish any adult entertainment use or sexually-oriented business within a 1,000 foot radius of any of the following:

1. Any existing adult entertainment use or sexually-oriented business on a separate zoning lot, and any adult entertainment use or sexually-oriented business for which a site plan has been approved per Article 14.0 (Site Plan Review).
2. Any public park, playground, community swimming pool or other recreational facility, ice or roller skating rinks, motion picture cinema, amusement center, community center, child or family services facility, or similar indoor or outdoor facility that typically caters to minors.
3. Churches, temples, synagogues or similar religious institutions; schools; or other institutional uses as defined in Section 25.03 (Definitions).
4. Child day care centers.
5. Any land in the Residential Districts, or in any zoning district that permits residential uses as a principal use.

The minimum required distance between uses shall be measured in a straight line between the nearest property lines, and shall be illustrated on any site plan submittal for the proposed controlled use per Article 14.0 (Site Plan Review).

C. Approval Process and Waiver of Restrictions on Location.

The approval process for any adult entertainment use or sexually-oriented business shall conform to the requirements of Article 14.0 (Site Plan Review) and this Section. Upon

written request from the applicant submitted with the application for approval, the Planning Commission may waive or reduce one (1) or more of the restrictions in Section 8.02B (Location Limitations), subject to the following:

1. The Planning Commission shall hold a public hearing on the waiver request in accordance with Section 2.08 (Public Hearing Procedures), prior to action on the site plan.
2. No waivers shall be given to the location limitations related to any institutional uses as defined in Section 25.03 (Definitions), or to any child day care center, public park or playground.
3. To waive or reduce the restrictions in Section 8.02B (Location Limitations), the Planning Commission shall find that all of the following conditions exist:
 - a. The proposed use will not be contrary to the public interests or injurious to nearby properties at the proposed location.
 - b. The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land.
 - c. The proposed use will not be contrary to or interfere with implementation of the Master Plan.

Section 8.03 Amusement Center.

Amusement centers shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers shall be subject to the following additional standards:
 - a. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
 - b. The hours of operation may be limited to ensure compliance with Section 15.05 (Standards for Special Use Approval).
 - c. Outdoor amusement center facilities shall be screened from Residential Districts and existing residential uses in accordance with Section 18.04D (Methods of Screening).
3. Pool and billiard parlors, pinball/video game parlors, and arcades without liquor sales shall be allowed as an indoor amusement center. Adult arcades and any activities defined under Adult Entertainment Uses or Sexually Oriented Businesses in Section 25.03 (Definitions) shall be prohibited.

Section 8.04 Commercial Uses and Developments.

Commercial uses and developments with more than 10,000 square-feet of total gross floor area in a single building footprint shall be subject to the following additional requirements:

1. Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
2. Sites shall have frontage on a state highway or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. All buildings on the site shall be designed and developed with a unified architectural treatment.
4. The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
5. Screening shall be required from adjacent Rural Districts, Residential Districts, and existing residential uses per Section 18.04D (Methods of Screening), along with screening for all loading facilities, trash dumpsters, and mechanical equipment.
6. Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 8.05 Car Washes.

Car wash facilities shall be subject to the following:

A. Use Standards.

1. All washing facilities shall be located within a roofed structure, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in or resulting from the cleaning process shall be contained within the structure.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USES. The hours of operation of any vacuuming facilities shall be subject to Planning Commission approval.

4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The hours of operation of a car wash shall be subject to Planning Commission approval.

B. Ingress/Egress.

1. Sites shall have frontage on a state highway, primary road or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads, as measured from the nearest point of intersection of the road right-of-way lines.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent Rural Districts and Residential Districts and existing Residential Uses per Section 18.04D (Methods of Screening).

Section 8.06 Drive-in Establishment or Drive-through Facility.

Drive-in establishments and drive-through facilities shall be subject to the following:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
 - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
 - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural Districts and Residential Districts and existing Residential Uses per Section 18.04D (Methods of Screening).

3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads, as measured from the nearest point of intersection of the road right-of-way lines. No more than one (1) driveway shall be permitted per road frontage.
4. Sites shall have frontage on a state highway, primary road or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
5. An internal bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
6. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
7. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
8. Menu boards may be installed and maintained for a food service drive-through facility, subject to the following:
 - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.
 - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

Section 8.07 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall provide an adequate off-street assembly area for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.

Section 8.08 Indoor Shooting Range.

Indoor shooting ranges shall be subject to the following:

1. The establishment of a new indoor shooting range shall be prohibited within 300 feet of any lot occupied by a public park, playground, child day care center or school; or the boundary of any Residential Districts or lots occupied by existing principal residential uses. Separation distances shall be measured in a straight line between the nearest indoor range building wall and associated lot or zoning district boundaries.
2. Indoor shooting ranges shall be prohibited within a multi-tenant building.

3. Indoor shooting ranges shall be properly designed, constructed and equipped for the discharge of firearms within the facility, and to safely contain projectiles, noise, dust, and odors within the range portion of the building.
4. A minimum of one range safety officer shall be on duty during all operating hours. Range safety officers shall be certified by the National Rifle Association Range Safety Officer Program or equivalent law enforcement training program, and shall be responsible for range operation and maintenance, inspection of firearms and ammunition, and enforcement of range safety protocols.
5. Firearms safety rules and regulations shall be prominently posted in a general area of the facility.
6. Indoor shooting ranges shall be permitted to operate during the hours of 8:00 a.m. to 10:00 p.m., unless amended by the Special Use Permit.
7. On-site sale or rental of firearms, ammunition, and shooting accessories shall be allowed as an accessory use. On-site ammunition manufacturing shall be prohibited, except for bullet reloading.
8. Range safety and operation plans shall be subject to review and approval as part of any Special Use Permit, and shall include, at a minimum, detailed standards, protocols, and procedures for safety, noise reduction and mitigation, air handling and environmental protection, hazardous waste disposal, and conformance with all applicable Township standards, outside agency requirements, and established national guidelines and best practices as accepted by the Planning Commission.
 - a. Failure to adequately implement or maintain the range safety and operation plans shall be grounds for rescinding the Special Use Permit in accordance with Section 15.09 (Rescinding Special Use Permit Approval).
 - b. A noise study shall be submitted to the Township as part of any application for approval of a new or expanded indoor shooting range. The range shall not exceed an exterior peak event sound level of 65 dBA, as measured at any lot boundary or road right-of-way; and shall not cause the noise within buildings on the same lot or adjacent lots to exceed an interior peak event sound level of 45 dBA.
9. The Planning Commission may require screening from adjacent Residential Districts and existing residential uses per Section 18.04D (Methods of Screening).

Section 8.09 Intensive Industrial Operations.

Intensive industrial operations and other land uses made subject to the standards of this Section by provisions of Section 8.01 (Table of Permitted Uses – Business Districts) shall be subject to the following:

A. General Standards.

The uses shall comply with all standards of this Ordinance, other applicable Township ordinances, state and federal laws, and all standards established by the Michigan

Department of Environmental Quality, Midland County Environmental Health Division, and other agencies with jurisdiction.

B. Impact Assessment.

An impact assessment, which shall describe the expected impacts associated with the use and any mitigation measures to be employed, shall be required as part of a site plan review application per by Article 14.0 (Site Plan Review). The assessment shall include the following minimum information and documentation:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
5. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use determined by the Planning Commission to be necessary to minimize any adverse impact on nearby properties, in addition to the conditions of approval specified in Article 15.0 (Special Uses).

C. Development Standards.

The uses shall not be located within 500 feet of any Residential Districts or existing residential uses, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation. The uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 18.04D (Methods of Screening).

Section 8.10 Junkyards.

Junkyards and similar outdoor vehicle and equipment dismantling or material recovery facilities shall conform to all applicable federal, state, and county laws and regulations, and to the requirements of the Homer Township Junk/Salvage Yard Ordinance No. 502.

Section 8.11 Motion Picture Cinema.

Motion picture cinemas shall be subject to the following:

1. Screening shall be required from adjacent Rural Districts, Residential Districts, and existing residential uses per Section 18.04D (Methods of Screening).
2. Sites shall have frontage on a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. The Planning Commission may require a traffic impact study and proposed mitigation measures for facilities with a seating capacity of over 500 persons.

Section 8.12 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

A. Construction and Operation Standards.

All motor vehicle service centers, repair stations, and fueling stations shall be constructed and operated to conform to the following standards:

1. The entire area used for vehicle access, parking, and service shall be paved. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
2. Required parking shall be calculated separately for each use, including any accessory convenience store, food service establishment or other permitted commercial uses. Such calculations shall be based upon the floor area occupied by each use.
3. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan.
4. Display of temporary signs attached to the pump island canopy, light poles or permanent sign structures shall be prohibited.
5. In addition to the requirements contained in Article 14.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes and odors, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.
6. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s). Service bays and overhead doors shall not face towards any Residential Districts or existing residential uses.

B. Vehicle Access.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

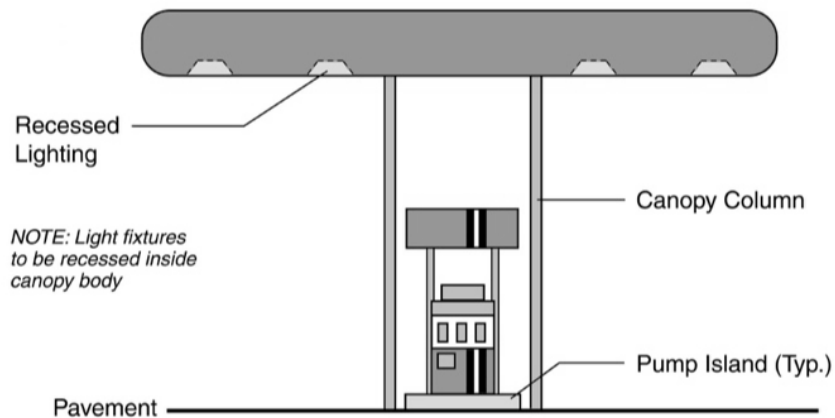
1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a state highway, primary road or collector road by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
2. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
3. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.
4. The maximum width of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway with the street line shall be not less than 60 degrees.
5. The minimum distance between driveways shall be 40 feet, and from any driveway to a lot boundary shall be 20 feet, as measured at the right-of-way line.
6. No left turns on to the M-20 or M-30 state highways shall be permitted within 100 feet of an intersection.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 14.0 (Site Plan Review), the preliminary and final site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures.

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission, based on consistency with one (1) or more of the following criteria:
 - a. Unified color scheme;
 - b. Consistent use of building materials;
 - c. Coordinated use of architectural design elements; or
 - d. Other relevant factors as accepted by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. A maximum intensity of 30.0 footcandles shall be allowed for lighting directly under the canopy, provided that the facility's exterior lighting is otherwise in compliance with Section 3.06 (Exterior Lighting).
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.

4. Such structures, including canopies, shall meet the yard and setback requirements of the zoning district in which located.



Pump Island Canopy Lighting

D. Incidental Outdoor Storage.

Incidental outdoor storage shall comply with the following requirements:

1. Storage of any vehicles rendered inoperative, either through damage or disrepair or any other cause, and any vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junkyard or other premises for permanent disposition or disposal.
2. Outdoor storage of trash, vehicle components or other materials to be discarded or recycled, shall be screened and enclosed within a gated masonry enclosure per Section 18.04D (Methods of Screening).
3. Incidental outdoor storage shall not occur in front of the front building line.
4. Inoperative vehicles shall not be advertised for sale on the premises.
5. Outdoor storage shall be limited to areas identified on an approved site plan.

Section 8.13 Outdoor Eating Area.

Outdoor eating areas for a restaurant or food service establishment shall be allowed as an accessory use, subject to the following:

1. The outdoor eating area shall be accessory to and incidental to a restaurant or food service establishment that is a principal use within a building on the same zoning lot.
2. Creation, expansion or alteration of outdoor eating areas on a zoning lot shall be subject to site plan approval per Article 14.0 (Site Plan Review).

3. The outdoor eating area shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
4. Broadcasting of music or any other amplified sound shall be prohibited, unless otherwise allowed by the Planning Commission as part of a special use permit approval, consistent with Section 15.05 (Standards for Special Use Approval).
5. Additional signs shall not be permitted beyond those allowed for the principal use.

Section 8.14 Outdoor Sales or Display Areas.

Outdoor sales or display areas shall be subject to the following:

1. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
2. The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved site plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
3. The hours of operation may be limited to ensure compliance with Section 15.05 (Standards for Special Use Approval).
4. Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any driveway or access drive. No outdoor sales area shall be located within 50 feet of any Residential Districts or existing residential uses.
5. The Planning Commission may allow a maximum light intensity of 20.0 footcandles for lighting within the outdoor sales or display area of a dealership business, provided that site lighting is otherwise in compliance the requirements of this Ordinance.
6. Additional signs shall not be permitted beyond those permitted for the principal use.
7. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
8. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.
9. The Planning Commission may require screening from Residential Districts and existing residential uses in accordance with Section 18.04D (Methods of Screening).

Section 8.15 Outdoor Storage, General.

Where permitted under the terms of this Ordinance, outdoor storage of equipment, products, machinery, equipment or similar items shall be subject to the following:

1. The storage area shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, and all ingress/egress points shall be gated. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Such walls and/or fences shall be subject to the following:
 - a. The wall or fence shall not be located within the required yard setbacks
 - b. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
 - c. Gates shall also be made of solid, opaque material.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 18.04D (Methods of Screening).
3. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
 - a. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
 - b. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
 - c. No materials shall be stored above the height of the required wall or fence.
 - d. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage or similar materials to be dismantled or recycled shall be prohibited.

Section 8.16 Racetracks.

Racetracks and similar facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar facilities shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within a racetrack facility for exclusive use of patrons, employees, and guests.

3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 18.04D (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than ten (10) feet in height.
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of any Residential Districts and existing residential uses.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and proposed mitigation measures. At a minimum, the assessment shall address the following:
 - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure and provide financially for such services.
 - b. Anticipated noise levels shall be provided at the lot boundaries and road rights-of-way, and any proposed noise mitigation measures.
 - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
 - d. Any other anticipated impacts of the proposed use.

Section 8.17 Self-Storage Facilities.

The following regulations shall apply to self-storage facilities:

1. The minimum gross lot area shall be two (2) acres.
2. Outdoor storage may be provided accessory to a self-storage facility as a special use, subject to the requirements of Section 8.16 (Outdoor Storage, General).
3. Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 18.04D (Methods of Screening).
4. An accessory dwelling may be provided as allowed in the zoning district for purposes of a caretaker living quarters, subject to the requirements of the zoning district and Section 7.02 (Accessory Dwelling).

Section 8.18 Therapeutic Massage.

A therapeutic massage practitioner and all employees of the establishment performing these services must satisfy a minimum of one (1) or more of the following requirements:

1. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF), or other recognized massage association with equivalent professional standards.
2. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license or certification from another state.
3. The person has completed a massage training program at a community college, college, university, or technical school located in the United States.
4. The person has passed the national certification exam for massage and bodywork practitioners.

Proof of such licenses or certifications shall be provided to the Township upon request. All activities that meet the definition of an adult entertainment use or sexually oriented business shall be prohibited.

ARTICLE 9.0 USE STANDARDS – OTHER DISTRICTS

Section 12.01 Table of Permitted Uses – Other Districts.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the standards as specified in this Article and Ordinance:

USES	OTHER DISTRICTS	USE STANDARDS
	PSP	
Accessory Dwelling Unit	A	Section 7.02
Accessory Structures and Uses	A	Section 3.03
Adult Foster Care Congregate Care Facility	S	Section 7.06
Adult Foster Care Large Group Home	P	Section 7.06
Campgrounds and Recreational Vehicle Parks	P	Section 9.05
Cemetery	P	Section 9.02
Conservation Area or Preserve	P	
Day Care Center, Child or Adult	A	Section 9.03
Farm Market	P	Section 6.08
Garden for Private Production of Flowers, Herbs, Vegetables, etc.	P	
Government Offices, and Fire, Police or Ambulance Stations	P	
Greenhouse, Private or Non-Commercial Use	A	Section 3.03
Hospital or Urgent Care Center	P	
Institutional Uses	P	Section 9.04
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities	P	
Public Utilities and Essential Services	P	
Public Works or Road Maintenance Yards	P	Section 8.15
Recreational Facilities – Private Membership/Restricted Access	S	Section 9.05
Recreational Facilities – Publicly-Owned or Resident Access Parks, Ballfields, and Similar Low Intensity Uses	P	Section 9.05
Recreational Facilities – Sportsman’s Clubs and Shooting Ranges, Golf Driving Ranges, and More Intensive Recreational Uses	S	Section 9.05
Recycling Collection Facility	P	Section 8.15
Residential Treatment Center	S	Section 9.07
Resort, Group Camp or Conference Center	P	Section 9.06
Senior Housing – Independent and Assisted Living Facilities; and Dependent, Nursing or Convalescent Care	P	Section 9.08
Solar Energy Collection Devices – Small	A	Section 18.02
Solar Energy Collection Systems – Large Freestanding	S	Section 18.02

USES	OTHER DISTRICTS	USE STANDARDS
	PSP	
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table	S	Section 7.06
Temporary Concrete or Asphalt Batch Plants	S	Section 9.09
Temporary Structures/Uses not otherwise listed in this table	S	Section 3.22
Temporary Structures for Construction Purposes	P	Section 3.22
Utility Transmission or Distribution Lines in a New Easement	S	Section 9.10
Utility Transmission or Distribution Lines in Existing Easements	P	Section 9.10
Wind Energy System – On-Site Use	A	Section 18.03
Wind Energy Systems – Utility Grid	S	Section 18.03

Type of District	Zoning District Name	Symbol
Other Districts	Public/Semi-Public Services District	PSP

Symbol	Key	
P	Permitted Uses in the Zoning District	Principal Use
S		Special Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

The standards of this Article are intended to alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed; mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed; ensure that such uses will be compatible with surrounding land uses; and promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. Conformance with these standards shall be subject to site plan approval where required per this Article or Article 14.0 (Site Plan Review).

Section 9.02 Cemeteries.

Cemeteries shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be five (5) acres.
2. All access shall be provided from a primary road classified as an arterial or collector road by the master transportation plans of the Township, or county or state road authorities.
3. The cemetery shall be screened from abutting residential districts or existing residential uses per Section 18.04D (Methods of Screening).
4. All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be set back a minimum of 100 feet from all lot boundaries.

5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

Section 9.03 Day Care Center.

Day care centers for children or adults shall be subject to the following standards:

1. Such facilities shall be licensed by the State of Michigan, and a copy of the license shall be supplied to the Township.
2. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.
3. Day care centers shall have direct vehicle access to a primary road classified as an arterial or collector by the master transportation plans of the Township, or county or state road authorities.
4. Child day care centers shall provide an on-site, outdoor recreation area in the side or rear yard area, which shall be completely enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height capable of securing the users of the facility.

Section 9.04 Institutional Uses.

The following shall apply to all institutional uses as defined in Section 25.03 (Definitions):

1. The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
 - a. The building height shall be permitted to exceed the district's maximum height requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks for each side of the building shall be increased by one (1) foot per foot of additional building height above the maximum.
 - b. The highest point of chimneys, stage towers of scenery lofts, hose towers for fire stations, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
2. Institutional uses shall have direct frontage on and direct vehicle access to an impervious hard surface paved road.
3. The Planning Commission may require a traffic impact study and proposed mitigation measures for facilities with a seating capacity of over 500 persons.

Section 9.05 Recreational Facilities.

Recreational facilities, including but not limited to golf driving ranges, campgrounds, recreational vehicle parks, and sportsman’s clubs and ranges, shall be subject to the following:

A. General Standards.

1. No building shall be located within 100 feet of any property line.
2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
3. Swimming pools, tennis courts, and similar recreational uses and improvements shall comply with the greater of the minimum required yard setback in the zoning district or a minimum setback of 50 feet. Screening shall be provided per the requirements of Section 18.04D (Methods of Screening).
4. Construction, expansion, and alteration of recreational facilities shall be subject to site plan approval per Article 14.0 (Site Plan Review).

B. Golf Driving Ranges.

The following requirements shall apply to all golf driving ranges, in addition to the general standards above:

1. A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:
 - a. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.
 - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.
2. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Residential Districts or existing residential uses.
3. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
 - a. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
 - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

C. Campgrounds and Recreational Vehicle Parks.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. Minimum gross lot area shall be ten (10) acres. Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 18.04D (Methods of Screening).
2. The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses per Section 18.04D (Methods of Screening).
3. Campgrounds and recreational vehicle parks shall not be occupied as a principal residence, except where an accessory dwelling is allowed in the zoning district for purposes of a caretaker living quarters, subject to the requirements of the zoning district and Section 7.02 (Accessory Dwelling).
4. The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
5. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.
6. Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.

D. Sportsman’s Clubs and Outdoor Shooting Ranges.

The following additional standards shall apply to all sportsman’s clubs, outdoor shooting ranges, and similar uses:

1. The minimum lot area for such facilities shall be 40 acres.
2. Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet and a maximum height of eight (8) feet, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facilities shall conform to current National Rifle Association specifications and practices and applicable state and federal laws.
4. Indoor shooting ranges shall be allowed as an accessory use as part of a larger sportsman’s club or outdoor shooting range, subject to the requirements of Section 8.08 (Indoor Shooting Range).
5. Outdoor shooting ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries.

6. Range safety and operation plans shall be subject to review and approval as part of any Special Use Permit, and shall include, at a minimum, detailed standards, protocols, and procedures for safety, noise reduction and mitigation, environmental protection, hazardous waste disposal, and conformance with all applicable Township standards, outside agency requirements, and established national guidelines and best practices as accepted by the Planning Commission.
 - a. Failure to adequately implement or maintain the range safety and operation plans shall be grounds for rescinding the Special Use Permit in accordance with Section 15.09 (Rescinding Special Use Permit Approval).
 - b. A noise study shall be submitted to the Township as part of any application for approval of a new or expanded indoor shooting range. The range shall not exceed an exterior peak event sound level of 65 dBA, as measured at any lot boundary or road right-of-way; and shall not cause the noise within buildings on the same lot or adjacent lots to exceed an interior peak event sound level of 45 dBA.
7. Hours of operation for outdoor shooting ranges for firearms shall be limited to between one (1) hour after sunrise and one (1) hour before sunset, unless the Planning Commission approves alternative hours as part of a special use permit approval, consistent with Section 15.05 (Standards for Special Use Approval).

Section 9.06 Resort, Group Camp Facility or Conference Center.

Resort or group camps facilities, conference centers, and similar uses shall be subject to the following:

1. Such facilities shall be located on a minimum contiguous lot area of 30 acres.
2. Structures associated with such uses shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
3. The facility shall provide vehicular access improvements, off-street parking and barrier-free access in accordance with the requirements of the State Construction Code, this Ordinance, and other outside agencies with jurisdiction.
4. The owner or operator of the facility shall submit a management plan as part of any application for approval of this land use. At a minimum, the plan shall address security and public safety, provision of public facilities, maintenance of the facility and grounds, public ingress/egress and mitigation of impacts on the public roads, proposed hours of operation, and whether the facility will be a seasonal or year-round operation.
5. The Planning Commission may limit the hours of operation for outdoor activities associated with the facility or any activities that would create significant or undue disturbance or adversely impact the quiet enjoyment of adjoining properties.
6. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.

7. Use of this facility for residential care and treatment of addictions, mental or physical healthcare, or similar activities shall be prohibited.

Section 9.07 Residential Treatment Centers.

Residential treatment centers, as defined in Section 25.03 (Definitions), shall conform to the following:

1. Residential treatment centers shall provide secure living arrangements for those being treated, with around the clock supervision by trained staff members and direct staff supervision of residents who leave the facility for any reason.
2. Such uses shall conform to all applicable standards and licensing requirements of the State of Michigan and other outside agencies with jurisdiction. Documentation of compliance shall be provided to the Township upon request.
3. Such uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
4. Such uses shall be screened from abutting Rural Districts, Residential Districts, and existing residential uses per Section 18.04D (Methods of Screening).
5. The land area required for such uses shall be a minimum of one (1) acre. The maximum number of permitted dwelling units, rooms, or beds for such uses shall be set by the Planning Commission as part of site plan approval, based on a determination of consistency with the following:
 - a. The general principles, goals, objectives, and policies of the adopted Master Plan.
 - b. The needs of the residents for light, air, and outdoor recreation.
 - c. Compatibility between such uses and the surrounding area, including adequate land area for screening and buffering purposes.
 - d. Compliance with all applicable site design and development standards of this Ordinance.
 - e. Capacity of on-site soils and existing site conditions to support septic systems, drainage, and stormwater management facilities for such uses.
 - f. The existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, availability of municipal water services for drinking and fire suppression, and capacity of other existing or planned utility facilities.

Section 9.08 Senior Housing.

Senior housing, as defined in Section 25.03 (Definitions), shall conform to the following:

1. Such uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. Such uses shall be screened from abutting Rural Districts, Residential Districts, and existing residential uses per Section 18.04D (Methods of Screening).
3. Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps as required by the State Construction Code and other applicable codes or ordinances.
4. Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development and specific needs of the residents. Such areas shall be centrally and conveniently located to be physically and visibly accessible to the residents, and shall be in addition to any required yard setbacks or required building separation areas.
5. Limited retail, food service, office, and service activities shall be allowed as accessory uses within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
6. Such uses shall conform to all applicable standards and licensing requirements of the State of Michigan and other outside agencies with jurisdiction. Documentation of compliance shall be provided to the Township upon request.
7. The land area required for such uses shall be a minimum of one (1) acre. The maximum number of permitted dwelling units, rooms, or beds for such uses shall be set by the Planning Commission as part of site plan approval, based on a determination of consistency with the following:
 - a. The general principles, goals, objectives, and policies of the adopted Master Plan.
 - b. The needs of the residents for light, air, and outdoor recreation.
 - c. Compatibility between such uses and the surrounding area, including adequate land area for screening and buffering purposes.
 - d. Compliance with all applicable site design and development standards of this Ordinance.
 - e. Capacity of on-site soils and existing site conditions to support septic systems, drainage, and stormwater management facilities for such uses.
 - f. The existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, availability of municipal water services for drinking and fire suppression, and capacity of other existing or planned utility facilities.

Section 9.09 Temporary Concrete or Asphalt Batch Plants.

Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. Review of an application for approval shall follow the preliminary and final site plan review procedures outlined in Article 14.0 (Site Plan Review).
2. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.
3. The hours of operation may be limited where the batch plant is located within 1,000 feet of any residential zoning district or existing residential uses.
4. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 180 calendar days.
5. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
6. The batch plant shall furnish concrete or asphalt only to the specific development or construction project to which the plant is accessory as a temporary use.
7. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
8. Within 30 calendar days of completion of the project, the plant owner or operator site shall clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and repair or replace any public improvements damaged during plant operation.
9. The Township Board may require the owner or operator to provide a guarantee, per Section 2.06C (Performance Guarantees), sufficient to ensure full site restoration and repair or replacement of damaged public improvements.

Section 9.10 Utility Transmission and Distribution Lines.

Electricity transmission and distribution lines, communication lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures and above-ground site improvements shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district, subject to approval per Article 14.0 (Site Plan Review).
4. All overhead distribution lines shall be maintained to assure a minimum clearing of sixteen (16) feet above ground at all points.

Effective Date: January 1, 2018

Articles 10.0 - 13.0
Reserved

ARTICLES 10.0 - 13.0 RESERVED

Effective Date: January 1, 2018

**Articles 10.0 - 13.0
Reserved**

ARTICLE 14.0 SITE PLAN REVIEW

Section 14.01 Purpose.

The purposes of this Article are to establish uniform requirements of procedure for review of site plans for new development in Homer Township; to assure both those developing property and the responsible Township officials that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a zoning permit and the starting of construction; and to ensure that development in the Township is consistent with the adopted policies of the Township's Master Plan. Flexible standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and intensity.

The Planning Commission shall have the authority to review and take action on minor site plan, preliminary site plan, and final site plan applications in accordance with the standards of this Article and Ordinance.

1. **Minor site plan.** The reduced information requirements for a minor site plan submittal, as specified in Section 14.07 (Required Site Plan Information), are intended to allow for efficient and economical review of a limited range of low intensity projects that do not include significant engineering details.
2. **Preliminary site plan.** The requirements for a preliminary site plan submittal are intended to allow for review of the general character of the proposed use(s), general site layout, and location of structures and other site improvements; and to confirm that the overall development can conform to Ordinance requirements.
3. **Final site plan.** A final site plan is a detailed construction document based upon an approved preliminary site plan, prepared by a registered design professional, with approval from all applicable review agencies, and meeting all requirements of this Article and Ordinance.

Section 14.02 Site Plan Approval Required.

No permits shall be issued, no construction of or addition to any structure shall take place, and no land use for which site plan approval is required shall be established or expanded until all required site plans have been approved in accordance with this Article. Except as permitted in accordance with this Article, no grading, grubbing, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved.

A. Preliminary/Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Special uses in any zoning district, except for those eligible for minor site plan approval per Section 14.02B (Minor Site Plan Approval).

2. All land uses allowed in the Rural Districts for which site plan approval is required per Article 6.0 (Use Standards – Rural Districts). All rural uses subject to the Right to Farm Act shall be exempt from site plan approval.
3. All land uses allowed in the Residential Districts for which site plan approval is required per Article 7.0 (Use Standards – Residential Districts). The following residential uses shall be exempt from site plan approval:
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Home occupations as listed in Section 7.08 (Home Occupations).
4. All land uses allowed in the Business Districts, as specified in Article 8.0 (Use Standards – Other Districts), except accessory structures and uses, temporary construction buildings and uses, and essential service and public utility facilities.
5. All land uses allowed in the Other Districts, as specified in Article 9.0 (Use Standards – Business Districts), except accessory structures and uses, temporary construction buildings and uses, and essential service and public utility facilities.
6. Any parking lot or addition thereto of more than five (5) parking spaces.
7. Construction, expansion or alteration of a manufactured housing park shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 7.09 (Manufactured Housing Park).
8. Construction, expansion or alteration of a condominium development shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 17.0 (Condominium Regulations).
9. Construction, expansion or alteration of a planned unit development project shall be subject to development plan approval in accordance with the procedures and standards of Article 16.0 (Planned Unit Development District).
10. Private roads; new construction, extensions or alterations.
11. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
12. Any other projects for which site plan approval is required under this Ordinance or other Township ordinances.

B. Minor Site Plan Approval.

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or

structural alteration of any structure or use:

1. Farm-based tourism or entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.
4. Adult foster care large group home.
5. Bed and breakfast inn.
6. Child day care home, group.
7. Home occupations not listed in Section 7.08 (Home Occupations).
8. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. No variances to the requirements of this Ordinance are required.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
9. Any parking lot or addition thereto of five (5) or fewer parking spaces.
10. Land balancing, dumping or filling per Section 3.16 (Grading, Removal, and Filling of Land).
11. Similar projects and uses, as accepted by the Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

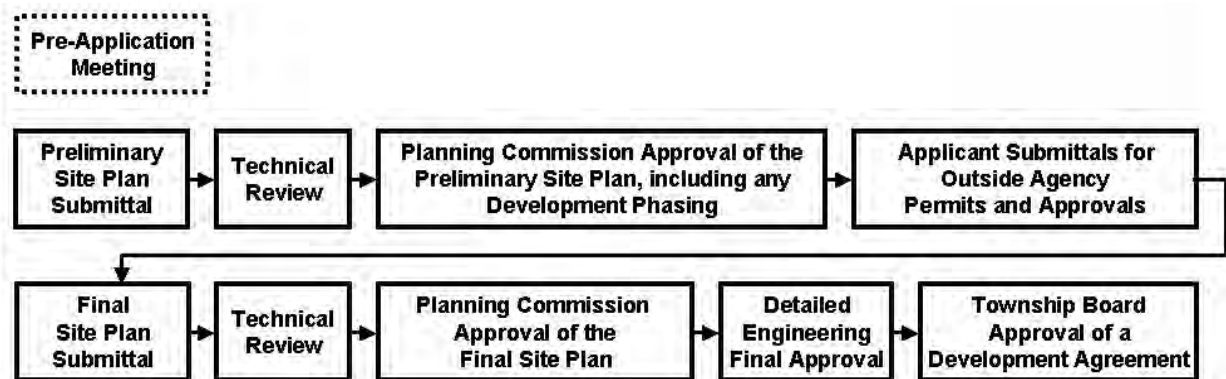
C. Administrative Approval.

The following activities are eligible for Zoning Administrator review and approval. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
2. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.

3. Changes to a site required to comply with State Construction Code requirements.
4. Sidewalk or pedestrian pathway construction, or barrier-free improvements.
5. Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
6. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.
7. Re-occupancy of an existing building that has been vacant for more than 30 calendar days, provided that no variances to the requirements of this Ordinance are required and the proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.

D. Summary of the Site Plan Review Processes.



Preliminary and Final Site Plan Approval Process



Minor Site Plan Approval Process

Section 14.03 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Planning Commission or Zoning Administrator for the purpose of discussing conceptual development plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, and the general layout of proposed structures and site improvements. Comments or suggestions regarding a conceptual site plan shall be advisory only, and shall constitute neither approval nor a disapproval of the plan.

Section 14.04 Applications for Site Plan Approval.

All site plan approval applications shall be submitted and reviewed as follows:

A. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which site plan approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for site plan approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution, fees and escrow deposits for review of site plan approval applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a site plan approval application submitted by the Township.

C. Filing of Application.

A site plan approval request shall be made by filing at least nine (9) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk or designee, along with the required review fee and escrow deposit. Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 14.07 (Required Site Plan Information), and shall be filed at least 21 calendar days prior to a regularly scheduled Planning Commission meeting. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant without further review.

D. Technical Review.

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Administrator or Planning Commission Chair may also request preliminary comments from other officials or outside agencies with jurisdiction.

Section 14.05 Planning Commission Action.

The Planning Commission shall review the minor, preliminary, or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any other officials or outside agencies with jurisdiction.

A. Actions.

The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the minor, preliminary or final site plan as follows:

1. **Approval.** The site plan shall be approved by the Planning Commission upon determination that:
 - a. All required information for the type of site plan has been provided per Section 14.07 (Required Site Plan Information);
 - b. The site plan satisfies the standards of Section 14.10 (Standards for Site Plan Approval) applicable to the type of site plan; and
 - c. The site plan is in compliance with all other applicable standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.
2. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
3. **Postponement.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
4. **Denial.** Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.

B. Recording of Site Plan Action.

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission’s action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. Sending a copy of the meeting minutes at which action was taken by first class mail, electronic mail, or facsimile may constitute written notification.
2. After the Commission has taken action on the site plan, the Planning Commission Secretary shall mark copies of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval.

The Secretary, applicant, and owner(s) of record or the legal representative thereof shall also sign copies of the site plan.

3. If a site plan is denied, the Secretary shall provide a written record to the applicant within ten (10) days following the action listing the findings of fact and conclusions or reasons for such denial.
4. Signed copies of the approved final site plan shall be transmitted to the Zoning Administrator, Township Clerk, and the applicant. The Secretary shall also attach a certificate of approval to the applicant's copy. At least one (1) paper copy and/or one (1) digital copy of the site plan shall be placed on file at the Township offices per State of Michigan retention guidelines.

C. Effect of Minor Site Plan Approval.

Approval of a minor site plan by the Planning Commission authorizes issuance of zoning permits to begin site work or construction, provided all construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a zoning permit and a certificate of occupancy, provided all other requirements for such certificate of occupancy have been met.

D. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 14.10 (Standards for Site Plan Approval). Preliminary site plan approval does not authorize any issuance of permits, preliminary site work, site clearing or any construction or development activity associated with the project.

E. Outside Agency Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to final site plan approval.

F. Effect of Final Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of zoning permits associated with the project, and authorizes the optional execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 18.05 (Development Agreement).

Section 14.06 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

Section 14.07 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION			
Name, address, and other contact information for the applicant and property owners, along with proof of ownership and signed consent if applicant is not the owner.	●	●	●
Name, address, and other contact information of the firm or individual preparing the site plan. Site plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal.	●	●	●
A final site plan shall be prepared and sealed by an architect, engineer, landscape architect or land surveyor registered in the State of Michigan.			●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●
Legal description(s) of the subject parcel(s).		●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.		●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.			●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●
Gross and net dwelling unit density for residential projects.		●	●
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.		●	●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●
SITE PLAN DATA AND NOTES			
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 11 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●		
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●
Vicinity map showing the general location of the site.	●	●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).		●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.		●	●
Calculations for parking and other applicable Ordinance requirements.	●	●	●
EXISTING CONDITIONS			
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
SITE PLAN DETAILS			
Delineation of required yards, setback areas, and transition strips.	●	●	●
Identification of general location(s) and area(s) of each development phase.		●	●
Planned construction program and schedule for each development phase.		●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●	●	●
Location, type, area, height, and lighting specifications of proposed signs.	●		●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	●		●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●	●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.		●	●
BUILDING DESIGN AND ORIENTATION			
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.		●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.		●	●
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.		●	●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.			●
ACCESS AND CIRCULATION			
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●	●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.			●
Parking space dimensions, pavement markings, and traffic control signage.	●	●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.		●	●
Identification of proposed names for new public or private roads serving the site.		●	●
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.			●
NATURAL FEATURES AND OPEN SPACE AREAS			
A general description and preliminary delineation of existing natural features on and abutting the site, per Section 18.06 (Natural Resources Protection).		●	●
Details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 18.06 (Natural Resources Protection).			●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.			●
SCREENING AND LANDSCAPING			
Location and size of all required transition buffers and landscape strips.		●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●	●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.			●

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.			●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●	●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●	●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING			
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.		●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.		●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.			●
Calculations for capacity of stormwater management and drainage facilities.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●
General areas of intended filling or cutting.		●	●
Directional arrows showing existing and proposed drainage patterns on the lot.	●		●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.			●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.		●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.			●
ADDITIONAL REQUIRED INFORMATION			
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●

Section 14.08 Expiration of Site Plan Approval.

Planning Commission approval of a site plan shall expire in accordance with the following:

A. Expiration of Minor Site Plan Approval.

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission's approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

B. Expiration of Preliminary Site Plan Approval.

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

C. Expiration of Final Site Plan Approval.

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Planning Commission's approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; or
2. Within 545 calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

D. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.

Section 14.09 Phasing of Development.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and

character of each phase.

2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 2.06C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

Section 14.10 Standards for Site Plan Approval.

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed development conforms to the applicable standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●
The final site plan is consistent with the approved preliminary site plan.			●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
The plan, including all engineering drawings, meets Township standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.			●
The drainage plan conforms to applicable drainage and stormwater management standards, and any proposed improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Proposed screening, buffering, and landscaping improvements are adequate for the location and intended purpose, and conform to the standards of this Ordinance.	●		●
Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 14.11 Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation. To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township in accordance with Section 2.06C (Performance Guarantees).

Section 14.12 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Article. Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change.

1. **Application.** The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages

mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.

- a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. **Review.** The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
3. **Amendment.** If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Article for a new site plan submittal.

Section 14.13 Rescinding Site Plan Approval.

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 2.08 (Public Hearing Procedures), at which time the property owner and the owner or operator of the use(s) for which site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

Section 14.14 Conforming to Construction Drawings.

The applicant shall provide drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. One (1) paper copy and one (1) digital copy (in a format compatible with Township systems) of the drawings shall be submitted to the Zoning Administrator, which shall be subject to field verification prior to the release of any performance guarantee or part thereof for the completion of such improvements.

Conforming to construction drawings shall show, at a minimum, the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves,

fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines. The drawings shall be identified as "Conforming to Construction Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

Section 14.15 Inspection.

The Zoning Administrator shall be responsible for verifying that all improvements conform to the approved site plan, with inspection assistance as needed from the Township Planner or Township Engineer. The applicant shall be responsible for requesting such inspections. Sub-grade improvements, such as utilities, sub-base for drives and parking lots, and similar improvements shall be subject to Township inspection prior to covering.

The Zoning Administrator shall notify the Township Supervisor and Planning Commission Chair in writing when an approved development has passed inspection with respect to the approved site plan. When an approved development does not pass inspection with respect to the approved site plan, the Zoning Administrator and Township Planner shall provide periodic reports to these same officials on the steps taken to achieve compliance, and on progress toward compliance with the approved site plan.

Section 14.16 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Administrator to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board. Any violation of any provision of this Article or approved site plan, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section 2.07 (Violations and Penalties).

ARTICLE 15.0 SPECIAL USES

Section 15.01 Purpose and Authority.

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses that are mutually compatible. In addition, it is recognized that there are certain special land uses that may be necessary or desirable to allow in definable locations within certain districts, but on account of anticipated impacts on neighboring uses or public facilities, may not be appropriate in all areas of the district. Special use permit approval shall be required for all land uses listed in Article 6.0 (Land Use Table) as a special land use.

A. Purpose.

The purpose of this Article is to establish procedures and standards for review and approval of special land uses that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent land, uses, residents, and the Township as a whole. This Article is intended to provide a consistent and uniform method for review of special use applications; ensure full compliance with the standards of this Ordinance; achieve efficient use of land; prevent adverse impacts on neighboring uses or public facilities; and facilitate development in accordance with the Master Plan.

B. Authority to Grant Permits.

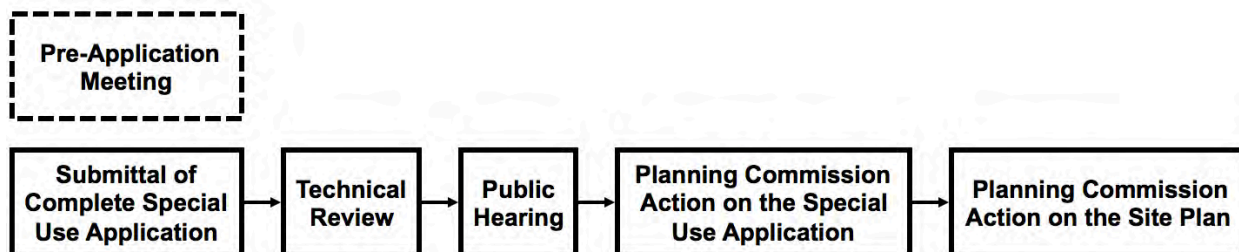
The Planning Commission shall have the authority to grant, to deny, or to grant with conditions special use permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all land uses listed in Article 6.0 (Land Use Table) as a special land use.

Section 15.02 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Planning Commission or Zoning Administrator for the purpose of discussing the proposal, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Section 15.03 Special Use Review Procedure.

All special use permit applications shall be submitted and reviewed as follows:



Special Use Review Process

A. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for special use approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution, fees and escrow deposits for review of special use permit applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a special use permit application submitted by the Township.

C. Filing of Application.

A special use permit request shall be made by filing at least nine (9) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit. The application shall be filed at least 21 calendar days prior to a regularly scheduled Planning Commission meeting, and shall include the following minimum information:

1. Name, address, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Legal description, address, and tax parcel number of the property.
4. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements.
5. A detailed description of the proposed use.
6. A site plan meeting the requirements of Article 14.0 (Site Plan Review).

D. Review Procedure.

Special use permit applications shall be shall be reviewed in accordance with following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Zoning Administrator or Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Coordination with site plan review.** A site plan associated with a special land use shall not be approved unless the special use permit has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 2.08 (Public Hearing Procedures).

4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use permit approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 15.05 (Standards for Special Use Approval).
5. **Planning Commission action.** The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the special use as follows:
 - a. **Approval.** The special use shall be approved upon determination that it is in compliance with the provisions of this Ordinance, including Section 15.05 (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
 - b. **Approval subject to conditions.** The special use may be approved subject to reasonable conditions established in accordance with Section 15.04 (Conditions of Approval).
 - c. **Postponement.** The Planning Commission may postpone action on the special use application until a later meeting upon determination that a special use application is incomplete or additional information is needed, upon failure of the applicant to attend the meeting, or upon request by the applicant.
 - d. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 15.05 (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for denial of the special use permit.

E. Recording of Planning Commission Action.

Planning Commission action on the special use application shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and parcel tax identification number; the findings of fact and conclusions or grounds for the Commission's action, and any conditions of approval. One (1) copy of the written record shall be placed on file at the Township offices per State of Michigan retention guidelines, and one (1) copy shall be forwarded to the applicant as evidence of the Commission's action.

Section 15.04 Conditions of Approval.

In granting a special use permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance, the Township’s Master Plan, and the public health, safety, and welfare.

- 1. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed land use or activity, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- 2. The conditions shall be related to the valid exercise of the police power of the Township, and purposes that are affected by the proposed special land use.
- 3. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for special uses, and shall be necessary to ensure compliance with those standards.
- 4. Conditions imposed with respect to the approval of a special use permit shall remain unchanged except upon the mutual consent of the Township and the landowner as approved in accordance with this Article. Such conditions shall be continuing obligations and are binding on any heirs and assigns, and upon any persons taking title to the subject property.

Section 15.05 Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

- 1. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- 2. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
- 3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance requirements.
- 4. **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- 5. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the

public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.

6. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 15.06 Compliance with Special Land Use Approval.

It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Section 2.07 (Violations and Penalties); and shall constitute grounds for rescinding special land use permit approval in accordance with Section 15.09 (Rescinding Special Land Use Approval).

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 any subsequent owner(s). Compliance with special use permit terms and conditions shall be evaluated periodically by the Zoning Administrator or other Township designee, or as directed by the Planning Commission.

Section 15.07 Alteration and Expansion.

An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any alteration or expansion of an existing special land use shall require approval of a special land use permit in accordance with this Article.

Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a special land use under this Ordinance or amendment may continue as a nonconforming use subject to Article 22.0 (Nonconformities) until such time as a special use permit application is submitted and approved in accordance with this Article.

Section 15.08 Re-Application.

No re-application, re-consideration, or re-hearing of a special land use request that has been denied by the Planning Commission shall be considered until the expiration of 365 calendar days from the date of denial, unless based upon proof of materially changed conditions or new information sufficient to warrant consideration by the Planning Commission. Review of a re-application shall follow the same process as for a new application under this Article.

Section 15.09 Rescinding Special Land Use Approval.

Approval of a special use permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use permit approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 2.08 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 15.10 Appeals.

The decision of the Planning Commission under this Article is final. The Zoning Board of Appeals shall have no authority to consider any appeal of a special use permit decision by the Planning Commission.

ARTICLE 16.0 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 16.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by Section 503 of the Michigan Zoning Enabling Act as an optional method of development review and approval to achieve the following objectives:

1. To allow for development that is consistent with the Township's Master Plan; and encourages the long-term preservation of open space, agricultural land, unique rural character, and natural features.
2. To promote flexibility and creativity in land development and land use consistent with the Master Plan and the site's location, character, and adaptability.
3. To establish planning, review, and approval procedures that will properly relate the type, design, and layout of development to the site and neighborhood.

The provisions of this Article are intended to result in land development substantially consistent with Ordinance standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

Section 16.02 Scope.

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 16.03 (Eligibility Criteria). Approval of a PUD application shall require an amendment to the Official Zoning Map. These regulations are not intended as a device for ignoring specific Township standards or the planning upon which such standards are based. The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

Section 16.03 Eligibility Criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Single ownership or control.** The development shall be under the ownership or control of a single person or entity having responsibility for completing and maintaining the project in conformity with this Article and Ordinance.
2. **Location.** The proposed development is located in an area of the Township suitable and desirable for such development, and consistent with Master Plan policies regarding land uses and residential density.
3. **Sufficient land area for proposed uses.** The PUD site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. Additional non-

contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.

4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted under this Ordinance or planned for in the Township's Master Plan.
5. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
6. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
7. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the on-site soil capacity to support septic systems; and the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and capacity of existing or planned utility facilities.
8. **Additional eligibility criteria.** The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:
 - a. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, where such land could otherwise be subdivided or converted to non-agricultural uses through development permitted by this Ordinance.
 - b. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development otherwise permitted by this Ordinance.
 - c. **Public benefit.** Recognizable and material benefit(s) will be realized by the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under this Ordinance.
 - d. **Remediation and redevelopment.** The development includes remediation and redevelopment of a site classified as a brownfield under state or federal law, containing one (1) or more functionally obsolete buildings, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of this Ordinance.

Section 16.04 Regulatory Flexibility.

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses in a planned unit development. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be approved as part of Area Plan approval by the Township Board after recommendation by the Planning Commission, subject to the following:

1. Proposed deviations shall be identified on the PUD Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to dimensional standards; height requirements; use standards; or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall be consistent with the intent and scope of this Article, and shall result in a higher quality of development than would be possible without the granting of the deviation.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.

Section 16.05 Use Standards.

Proposed uses within a PUD project shall be compatible with the goals, objectives, and policies of the Township's Master Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted principal and accessory uses in a PUD District shall be limited to the allowable land uses and associated standards listed in Articles 6.0 - 9.0 (Use Standards...), and the following use limitations:
 - a. Uses in a PUD District shall be limited to those that are compatible with the Township's adopted Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
 - b. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
 - c. A residential area as designated on the approved Area Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
 - d. Home occupations shall be permitted in single-family dwellings per Section 7.08 (Home Occupations), unless otherwise addressed in the approved Area Plan.
 - e. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.

2. **Use standards.** The specific standards of Articles 6.0 - 9.0 (Use Standards...) shall apply to all uses permitted within a PUD project, subject to any approved deviations per Section 16.04 (Regulatory Flexibility).
3. **Variety of housing types.** The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.
4. **Non-residential uses in a residential PUD.** Where the Township's Master Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project after recommendation by the Planning Commission, subject to the following:
 - a. Permitted non-residential uses shall be limited to a maximum of five percent (5%) of the gross area of residential land and ten percent (10%) of the gross floor area of any building occupied by residential uses.
 - b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.

Section 16.06 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in the Township. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

A. Permitted Residential Density.

The maximum permitted density of a residential PUD shall be determined as follows:

1. The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district(s) that the Planning Commission determines most nearly reflect(s) the policies of the Master Plan. If the Master Plan does not show a residential density for land included in a PUD rezoning application, the residential density and character of the surrounding area and maximum net residential density permitted in the standard zoning district most nearly reflecting the Master Plan policies for the area in question shall be used as the density limit.
2. The applicant shall prepare and present to the Planning Commission as part of the PUD application a parallel design for the project consistent with state and Township requirements.
 - a. This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies of the Master Plan.
 - b. The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall be considered by the Planning Commission, in addition to the other

requirements of this subsection, in calculating the maximum net residential density of the PUD District.

3. The standards of Article 5.0 (Dimensional Standards) shall apply to the parallel plan design and dwelling unit calculation.
4. The Planning Commission shall review the design and determine the number of dwelling units that may feasibly be constructed following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the Planning Commission per Section 16.06B (Density Bonus).

B. Density Bonus.

At its discretion and after recommendation from the Planning Commission, the Township Board may authorize a residential PUD project to include additional dwelling unit density above that otherwise permitted by Section 16.06A (Permitted Residential Density), in accordance with one (1) or more of the following options:

1. **Open space preservation.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon a demonstration by the applicant that not less than fifty percent (50%) of the gross area of the PUD shall be permanently preserved for open space, including outdoor recreational use. The purpose of this development technique is to encourage further preservation of natural features such as mature trees, water and wetland areas, floodplains, and agricultural areas, and to create permanent open spaces or recreation facilities. To be eligible for the density increase under this option, the proposal must comply with the following:
 - a. These preserved open space areas shall include land areas abutting a primary road as defined in the master transportation plans of the Township or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
 - b. The area(s) of the parcel to be preserved as open space shall contain one or more of the following:
 - (1) Streams, lakes, ponds or other watercourses, and associated upland areas.
 - (2) Designated wetlands or floodplains.
 - (3) Agricultural lands.
 - (4) Woodlands.
 - (5) Other areas as determined appropriate for open space preservation by the Planning Commission.
 - c. Open space areas intended for recreational use shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.

- d. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes.
 - e. All open space shall be conserved and maintained in perpetuity by any of the following methods, or other method accepted by the Township Board:
 - (1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
 - (2) Dedication of open space to a public body or private land conservancy or trust.
 - (3) Conservation easement granted to a public body or private land conservancy or trust.
 - f. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
 - g. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.
2. **Exemplary project design.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon determination by the Township Board after recommendation by the Planning Commission that the PUD project design significantly exceeds the minimum requirements of this Ordinance and includes a minimum of three (3) of the following elements:
- a. On-site or off-site pedestrian access improvements substantially above the minimum required by this Ordinance.
 - b. Improvements to public facilities, access or utilities above the minimum required by Township ordinances or other agencies with jurisdiction.
 - c. Provisions for new or improved public recreation facilities.
 - d. An integrated mixture of housing types or lot sizes.
 - e. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
 - f. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project not otherwise achievable under the minimum standards of this Ordinance.

Section 16.07 Development Standards.

All planned unit development (PUD) projects shall conform to the following general development standards:

A. Unified Control.

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

B. Dimensional Standards.

The standards of Article 5.0 (Dimensional Standards) for the zoning district most nearly reflecting the Master Plan policies for the area in question shall apply to uses permitted within a PUD project.

1. **Lot area and setbacks for individual lots.** Minimum lot area and required yard setbacks for individual lots shall be specified on the approved PUD Area Plan. Such standards shall conform to the requirements of the zoning district most nearly reflecting the Master Plan policies for the area in question, subject to any approved deviations per Section 16.04 (Regulatory Flexibility).
2. **Building height and location.** The proposed height of each building shall be indicated on the Area Plan. Building location(s) and separation distances shall be sufficient to meet fire protection requirements; and to provide for natural light, air circulation, and solar access. Unless approved as a deviation per Section 16.04 (Regulatory Flexibility), no building shall exceed a height of three (3) stories or 40 feet. Larger lot areas or deeper setbacks may be required to make a taller building more compatible with surrounding land uses.

C. Vehicular Access.

Each lot or principal building shall have direct vehicular access to a public road or private road located within a dedicated right of way of at least 66 feet in width and constructed and maintained per the applicable standards of the Midland County Road Commission.

1. The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable.
2. The PUD shall demonstrate that the design minimizes traffic impact on the Township road network, and shall include all on-site and off-site improvements necessary to mitigate the impact of the PUD in accordance with a traffic impact study accepted by the Township.
3. Where planned future road rights-of-way for existing roads within and along the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.

D. Pedestrian Access.

As property is developed within a PUD, a pathway system shall be provided linking all principal residential and non-residential development areas, both with on-site amenities (e.g., recreation areas, shopping, places of employment) and with pedestrian connections to adjoining parcels and existing pathways, unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development. The pathway system design and construction materials shall be appropriate for non-motorized modes of transportation (e.g., bicycling, walking), but may also include accommodations for equestrian or snowmobile trails and similar uses.

E. Infrastructure.

Drainage, septic system, and utility design shall meet or exceed the applicable requirements of the regulatory agencies with jurisdiction. All utilities shall be installed underground, where feasible. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

Notwithstanding the increase in dwelling unit, lot, unit or building site density available within a PUD, in no event shall dwelling unit, lot, or building site size be less than necessary for proper and sanitary water quality and sanitary or waste discharge.

A standard pattern of streetlights shall be required for the PUD, unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development. Maintenance shall be ensured through a special assessment district or other means of providing for equitable participation in maintenance costs by all owners within the development.

Section 16.08 Project Phasing.

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

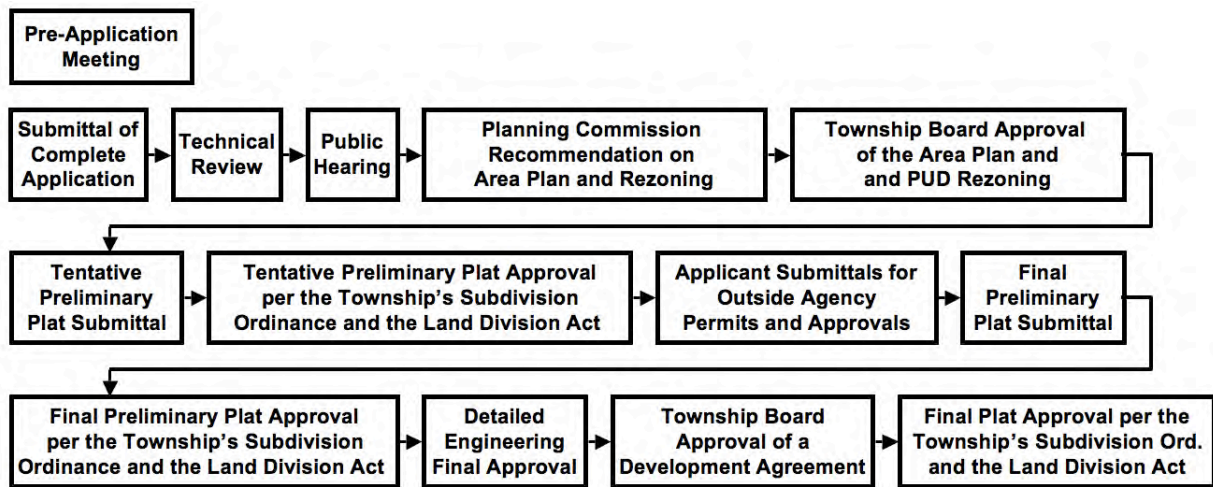
1. A narrative description of the phased process that describes all work to be done in each phase shall be included on the PUD Area Plan along with a conceptual phasing plan layout. A detailed phasing plan shall be subject to review and approval as part of the preliminary site plan or subdivision plat.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, utilities, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

Section 16.09 Fees and Performance Guarantees.

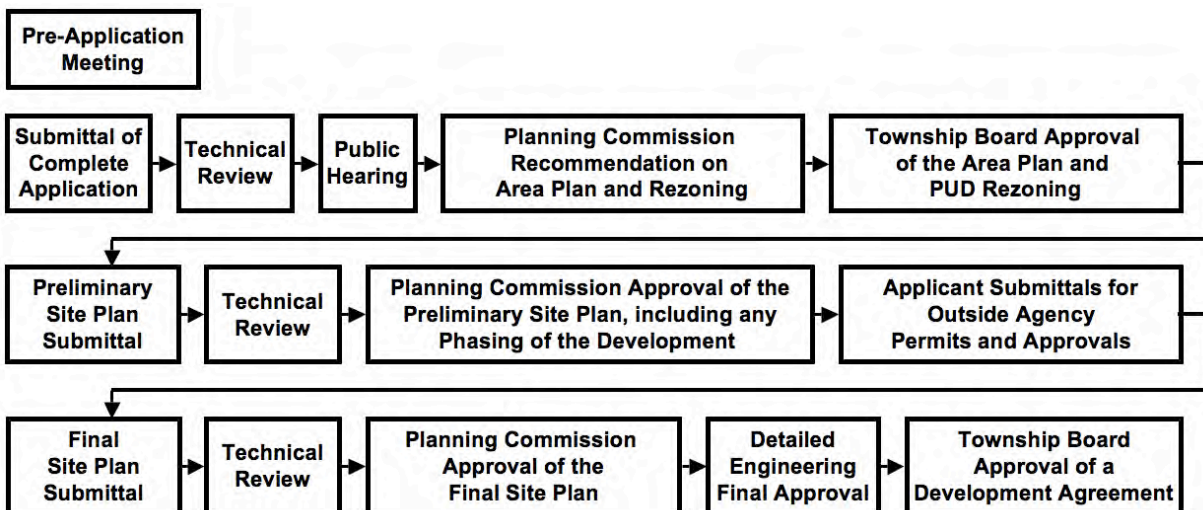
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by Township Board resolution. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 2.06C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

Section 16.10 Summary of the PUD Approval Process.

Final approval of a PUD application shall include approval of a rezoning of the subject property, approval of a PUD final site plan, and approval of a development agreement for the project. The PUD review and approval process shall be as follows:



Special District Approval Process - Subdivision Plats



PUD Approval Process - Site Plans

Section 16.11 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Planning Commission or Zoning Administrator for the purpose of discussing conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent Area Plan review.

Section 16.12 PUD Area Plan and Rezoning Review.

PUD applications shall be subject to review and approval in accordance with the following:

A. PUD Area Plan and Rezoning Application Requirements.

Application for PUD approval shall be as an amendment to the Official Zoning Map, subject to the following review procedures:

1. **Initiating application.** Application for PUD approval shall be made by filing at least nine (9) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and Area Plan with the Township Clerk or designee at least 21 calendar days prior to a regularly scheduled Planning Commission meeting, along with the required review fee and escrow deposit. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
 - a. The application shall be submitted by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The applicant shall provide evidence of ownership of all land in a proposed PUD District, such as legal title or execution of a binding sales agreement, prior to Township Board action.
 - b. An Area Plan shall be required as part of an application for PUD approval, with the minimum required information for such plans as specified in Section 16.13 (Required PUD Area Plan Information).
2. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application in accordance with Section 2.08 (Public Hearing Procedures). At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:

- a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.
- b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
- c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.

Evidence and expert opinion describing the nature and extent of the proposal shall be submitted by the applicant, including maps, charts, reports, other materials, and expert testimony. Materials shall be submitted in sufficient quantity for public display and review by the Planning Commission, Township officials, and consultants.

4. **Optional development impact assessment.** Following the public hearing and before making a report and recommendation to the Township Board, the Planning Commission may also require that the applicant prepare and present a more detailed assessment of the economic feasibility of the proposed uses; potential environmental impacts from the development; demand for public and private utility services; and anticipated impacts to public roads and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township.
5. **Planning Commission report and recommendation.** Following the public hearing and review of all application materials, the Planning Commission shall take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for PUD Area Plan and rezoning approval; including:
 - a. Confirmation that the proposed PUD meets the requirements of Section 16.02 (Eligibility Criteria);
 - b. An analysis of proposed deviations from applicable Zoning Ordinance standards per Section 16.04 (Regulatory Flexibility);
 - c. Confirmation that the proposed PUD Area Plan conforms to all other applicable standards of this Article and Ordinance; and
 - d. Recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the Planning Commission's report and recommendation(s), public hearing record, and application materials. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the PUD Area Plan and rezoning; or to deny the application or postpone action to a date certain for future consideration.

- a. As part of its action, the Township Board shall state the basis for its decision and any conditions imposed on an affirmative decision.
- b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time period specified by the Township Board.
- c. Reasonable conditions may be required with the approval of a PUD Area Plan. Conditions imposed shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure Ordinance compliance.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

7. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the PUD Area Plan, a notice of adoption shall be published in accordance with Section 24.06 (Notice of Adoption). Once the amendatory ordinance is effective, the PUD designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 4.105B (Changes to Official Zoning Map).

B. Effect of Application and Area Plan Approval.


Approval of the PUD Area Plan and rezoning by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from Zoning Ordinance requirements. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects.

1. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan or preliminary plat for tentative approval in accordance with Section 16.14 (Site Plan or Subdivision Plat Approval).
2. Where new or additional information required for site plan or subdivision plat approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units or permitted land uses on the site, such changes shall be subject to approval per Section 16.18 (Amendments).

Section 16.13 Required PUD Area Plan Information.

The following minimum information shall be included with any application for PUD Area Plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review:

Minimum PUD Area Plan Information	✓
Name, address, and other contact information for the applicant and property owners of record, along with proof of ownership and signed consent if applicant is not the property owner.	<input type="checkbox"/>
Name, address, and other contact information of the firm or individual preparing the Area Plan. Plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal.	<input type="checkbox"/>
Location, address(es), and tax identification number(s) of subject parcel(s).	<input type="checkbox"/>
Dimensions of the site, and the gross and net land area.	<input type="checkbox"/>
Legal description(s) of the subject parcel(s).	<input type="checkbox"/>
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.	<input type="checkbox"/>
Gross and net dwelling unit density for residential projects.	<input type="checkbox"/>
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.	<input type="checkbox"/>
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	<input type="checkbox"/>
The Area Plan shall be drawn to an engineer's scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.	<input type="checkbox"/>
Vicinity map showing the general location of the site.	<input type="checkbox"/>
Scale, north arrow, initial plan date, and any revision date(s).	<input type="checkbox"/>
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).	<input type="checkbox"/>
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.	<input type="checkbox"/>
Dimensions of all property boundaries and interior lot lines.	<input type="checkbox"/>
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	<input type="checkbox"/>
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	<input type="checkbox"/>
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.	<input type="checkbox"/>
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.	<input type="checkbox"/>

Minimum PUD Area Plan Information	
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	<input type="checkbox"/>
A general description and preliminary delineation of existing natural features on and abutting the site, per Section 18.06 (Natural Resources Protection).	<input type="checkbox"/>
Outdoor open space and recreation areas; location, area, and dimensions.	<input type="checkbox"/>
Location and size of all required transition buffers and landscape strips.	<input type="checkbox"/>
General layout of existing and proposed water supply systems, septic systems, and stormwater management facilities.	<input type="checkbox"/>
General areas of intended filling or cutting.	<input type="checkbox"/>
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	<input type="checkbox"/>

Section 16.14 Site Plan or Subdivision Plat Approval.

Review and approval of preliminary and final site plans shall be required for all PUD projects in accordance with the requirements of Article 14.0 (Site Plan Review). Preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission, and to all applicable requirements of this Ordinance and other Township ordinances. Nonconformance to the approved Area Plan shall be considered grounds for denial of site plan approval. The preliminary site plan shall include the entire PUD District, and shall include details of any phasing per Section 16.08 (Project Phasing).

For developments following the subdivision plat process, a preliminary plat for all or part of a PUD District may be submitted for review and approval in accordance with the Township’s subdivision regulations after approval of the Area Plan by the Township Board. The Township Board may deny or postpone action on an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 16.15 Development Agreement.

Upon Township approval of a PUD final site plan or preliminary plat and prior to the start of construction of the PUD project, a written development agreement shall be prepared setting forth all conditions of approval of the PUD Area Plan and PUD final site plan or preliminary plat to ensure that the PUD project will conform with the standards of this Article and Ordinance. The development agreement shall be subject to Township Board approval.

A. Technical Review.

Prior to consideration by the Township Board, the Township Attorney and Township Planner shall review the proposed agreement, and may recommend revisions to the proposed agreement to ensure conformance with the standards of this Ordinance.

B. Minimum Contents.

The agreement shall at a minimum:

1. Incorporate by reference the approved PUD Area Plan, PUD final site plan, and any associated development documents.
2. List all conditions of PUD approval.
3. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
4. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open space conservation areas.
5. Identify and describe all conservation easements, maintenance agreements, and dedications for common recreation areas, rights-of-way, utilities, and other infrastructure associated with the PUD.
6. Detail a program and related financing mechanisms for maintaining common areas and other site improvements.
7. Detail a program and related financing mechanisms for maintenance of any private roads and infrastructure improvements required to serve the PUD project.
8. Verify that the site will be developed in strict conformance with the approved PUD and any conditions of approval, and that existing site features will be preserved as shown on the approved plans.
9. Provide a detailed timeline for completion of all components of the PUD project, as shown on the approved PUD Area Plan and final site plans.

C. Recording of Approved Development Agreement.

The applicant shall record the approved PUD agreement with the County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township Clerk.

Section 16.17 Appeals.

Decisions of the Township Board under this Article shall be final. The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned unit development application.

Section 16.18 Amendments.

Changes to an approved PUD Area Plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the meeting minutes.

A. Request for Major/Minor Change.

Requests for approval of a major or minor change to an approved Area Plan shall be made by the applicant in writing to the Planning Commission. The request shall be filed with the Township Clerk or designee, who shall transmit the request to the Planning Commission for review and action. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.
2. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

B. Major Changes.

The Planning Commission shall determine whether the requested amendment is a major or minor change. Major changes shall require an amendment to the approved Area Plan following the procedures and standards of this Article for a new application. Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved Area Plan.
4. Change in the number of dwelling units.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in development area lot coverage of more than one percent (1%).
7. Rearrangement of lots, blocks or building tracts.
8. Change in the character or function of any road or street.
9. Reduction in land area set aside for common area open space or the relocation of such area(s).
10. Increase in building height.
11. A change in residential floor area of plus or minus ten percent (10%).
12. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The

Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

D. Changes Following Completion of the Development.

After the completion of any development within an approved PUD, alterations to existing uses or structures shall be consistent with the intent and character of the approved Area Plan and final site plan(s).

Section 16.19 Expiration of PUD Approval.

Approval of a PUD Area Plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

A. Expiration of Area Plans.

An approved PUD Area Plan shall only expire under the following circumstances:

1. A final site plan has not been submitted to the Planning Commission for review and approval of the first phase of the project, or of the entire property in the PUD if the development is not to occur in separate phases within three (3) years of the date of Area Plan approval; or
2. If the development is to occur in separate phases, a final site plan for each subsequent phase has not been submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

Upon expiration of the Area Plan, the Township Board may take action to revoke the PUD Area Plan and rezoning approval per Section 16.20 (Rescinding PUD Approval) and initiate a zoning amendment to place the subject property into one or more zoning districts per Article 24.0 (Amendments).

If no action is taken by the Township Board, the Area Plan shall remain in effect for purposes of classification of land on the Official Zoning Map and for establishment of the permitted land uses on the property, but new preliminary and final site plan approvals shall be required in accordance with the then current standards of this Article and Ordinance. No further permits for any development or use shall be issued until applicable requirements of this Article and Ordinance have been met.

B. Extension of Area Plan Approval.

Upon written request received prior to the expiration date and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

Section 16.20 Rescinding PUD Approval.

Approval of a PUD Area Plan and rezoning may be rescinded by the Township Board upon determination that the Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the Area Plan has expired per Section 16.19 (Expiration of PUD Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 2.08 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** After the hearing, the decision of the Township Board with regard to the rescission shall be made, and written notification provided to the developer, owner or designated agent.

Section 16.21 Violations.

Violation of any plan approved under this Article, or failure to comply with any provision of this Article, any Development Agreement or conditions attached to any approved plan shall be deemed a violation of this Ordinance; and shall be grounds for the Township Board or Zoning Administrator to order that all construction be stopped and all permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of such removal is provided to the Board.

ARTICLE 17.0 CONDOMINIUM REGULATIONS

Section 17.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township’s site development standards. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Land Division Act and any Township subdivision regulations.
2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
3. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Township’s subdivision regulations.

Section 17.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

Section 17.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall be considered a lot under this Ordinance.
2. **Attached residential units.** Condominium buildings and units created by the construction of attached residential units as allowed in the zoning district and containing individually owned condominium units, or by conversion of existing attached units or an existing building into residential condominium units shall conform with all applicable requirements of this Ordinance.

3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

Section 17.04 Condominium Site Plan Requirements.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 14.0 (Site Plan Review), and the following:

A. Preliminary Condominium Site Plan Requirements.

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 14.07 (Required Site Plan Information).

B. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 14.07 (Required Site Plan Information), and all information required by the Condominium Act.

C. Site Condominium Developments.

In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

Section 17.05 Changes to an Approved Condominium.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 14.12 (Amendment and Revision).

Section 17.06 Effect of Condominium Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement and engineering approval authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s), and the execution and recording of the Development Agreement.
2. If a building, structure or use to be placed on a condominium lot requires site plan approval per Section 14.02 (Site Plan Approval Required), a site plan for that structure or use shall be approved per Article 14.0 (Site Plan Review) before a building permit or certificate of zoning compliance may be issued.

Section 17.07 Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 14.08 (Expiration of Site Plan Approval).

Section 17.08 Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 14.13 (Rescinding Site Plan Approval).

Section 17.09 Density Regulations.

For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, as specified in Article 5.0 (Dimensional Standards). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

1. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except as permitted in a Planned Unit Development (PUD).
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
 - a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings shall conform to the standards of Article 5.0 (Dimensional Standards) for the zoning district.
 - b. Required yards shall be measured from:
 - (1) The building envelope boundaries to abutting road rights-of-way;
 - (2) Required perimeter setback lines from parcel boundaries;
 - (3) Required setback lines from wetlands and watercourses; and

- (4) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.

4. Residential condominium developments and individual condominium lots shall conform to the lot area, lot coverage, and dwelling unit density standards for the zoning district, per Article 5.0 (Dimensional Standards).

Section 17.10 Design and Development Standards.

The following shall apply to all condominium units and developments in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose.

1. Condominium units situated on corners or abutting a cross access pedestrian way easement in residential subdivisions shall be at least 15 feet wider than the minimum lot width required in the zoning district.
2. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by commercial uses. Residential lots shall not open or face directly onto primary roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:
 - a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 50-foot wide transition buffer with screen plantings along the abutting property line(s) per Section 18.04 (Landscaping and Screening). The transition buffer shall not be part of the lot, but shall be part of the common area for the condominium development. The required transition buffer shall be part located outside of any road rights-of-way and utility easements.
 - b. Lots may face onto a marginal access road.
 - c. Lots may face onto intersecting local roads with driveways opening onto the intersecting local roads.
 - d. Lots may be grouped around a cul-de-sac or loop road that opens onto a primary road or collector road.

3. All lots shall abut, by their full frontage, on a public or private road. Double frontage lots are prohibited, except where the lot backs directly onto a primary road as defined by the master transportation plans of the Township, or county or state road authorities.
4. Side condominium unit lines shall be at right angles or radial to the road right-of-way lines.
5. The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Each lot shall have the following characteristics:
 - a. A suitable site for placing a dwelling and usable area for outdoor living and other outdoor activities, without excessive grading.
 - b. Reasonable driveway grades and adequate surface drainage away from the dwelling site and outdoor living areas.
 - c. Minimal general site grading with retention of significant trees.
 - d. Minimal use of acute angles and non-geometric shapes as part of the lot.
6. Lots intended for non-residential uses shall be identified on the plan.

C. Roads and Road Rights-of-Way.

Road and block layout and design shall be further subject to the following standards:

1. Public and private roads in a condominium development shall be developed to the standards of the Midland County Road Commission. Limited deviations from specific standards may be authorized for private roads only as part of a Planned Unit Development (PUD) District condominium development.
2. The developer shall provide dedicated road rights-of-way where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.
3. The road layout shall provide for continuation of adjoining roads, or of the proper projection of future roads when adjoining parcels are developed in accordance with the Township Master Plan. The Planning Commission may require:
 - a. Additional road connections to adjacent parcels, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - b. New collector roads or road extensions within or through a condominium development in accordance with the policies of the master transportation plans of the Township or Midland County Road Commission; or upon

determination that such roads will reduce traffic impacts or improve the compatibility of the development with the surrounding area.

4. The road layout shall conform to the topography so as to result in usable lots; safe roads and sidewalks; and reasonable road, driveway, and sidewalk grades. Access to roads across ditches shall be provided in accordance with the Midland County Road Commission's specifications for driveway installation.
5. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, interstate highway or limited access state highway right-of-way, the Commission may require marginal access roads, reverse frontage or such other treatment necessary for reduction of traffic hazards and adequate protection of residences.
6. Half roads shall not be permitted. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half road, the other half shall be platted or otherwise included in the condominium subdivision.
7. Should a proposed condominium development border upon or contain an existing or proposed stream or other waterway, the Commission may require the location of a bridge facility suitable to maintain water flow and the passage of boats.
8. All roads shall be provided with facilities for adequate surface drainage. Curbs and gutters shall be constructed as required by the standards of the Midland County Road Commission.
9. Residential condominium developments blocks shall not exceed 1,320 feet in length as measured from the road centerlines, subject to the following:
 - a. The minimum length for residential cul-de-sac roads shall be 140 feet, with a maximum length of 600 feet.
 - b. No block width shall be less than twice the normal lot depth except where lots back onto a major road, natural feature, or development boundary.
 - c. For blocks exceeding 660 feet in length, a cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.
 - d. Where lot sizes average over 20,000 square feet, an additional 480 feet of block length shall be permitted.

D. Access.

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

1. Driveways and curb cuts shall conform to county Road Commission standards and applicable Township ordinances. The curb section of driveways and aprons shall be designed to avoid excessive breakover angle or vehicle dragging.
2. Private reserve strips to control road access shall be prohibited.

3. Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in accordance with the master transportation plans of the Township, or county or state road authorities with jurisdiction; and applicable Township ordinances and engineering standards.

E. Natural Features.

All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances.

F. Street Trees and Landscaping.

Trees shall be provided in the margins of both sides of all condominium development roads, and shall be placed at the minimum rate of one (1) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.
2. Trees to be installed in the road margins or pedestrian ways shall be of a large deciduous type, and shall conform to the standards of Section 18.04 (Landscaping and Screening). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required road trees.
3. Landscape strips shall be provided along all road rights-of-way adjacent to attached, multiple-family residential, and non-residential condominium units per Section 5.04E (Landscape Strip). All other unimproved surface area of the site shall be planted with grass, groundcover, shrubbery or other suitable landscape materials per Section 18.04 (Landscaping and Screening).

G. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library or other public use area shown in the Master Plan is located in whole or in part in a proposed development, such area(s) shall be shown on the final site plan for the development.

1. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.
2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
 - b. The reservation shall be valid for a period of 545 calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.

- (1) Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.
 - (2) The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
 - (3) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).
3. The Township Board may require, as part of a Development Agreement, that the owner(s)/developer(s) demonstrate that future maintenance and upkeep of such areas have been adequately provided for through a dedicated funding source, endowment, or other means acceptable to the Township.

H. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the applicable standards of Section 3.06 (Exterior Lighting) and the following:

1. Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.
2. Streetlighting, where provided for as part of a condominium development, shall utilize underground wiring, and shall be downshielded and designed to minimize glare. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.

I. Utilities and Improvements.

The improvements set forth under this subsection are to be considered as the minimum acceptable standard. Those improvements for which standards are not specifically set forth shall be established by the Township Board with assistance from the Township Engineer.

1. **Street pavement.** Road improvements shall be provided by the developer in accordance with standards of the Midland County Road Commission.
2. **Storm drainage.** Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located to best conform to the layout of existing facilities, and shall conform to the requirements of the Midland County Drain Commissioner and other agencies with jurisdiction. All roads shall have storm drainage in accordance with standards of the Midland County Road Commission.

3. **Cable and conduits.** The developer shall make arrangements for all telephone, electric, Internet and other services distributed by wire or cable to be placed underground within dedicated public rights-of-way or private easements, throughout the development area.
 - a. Overhead lines shall only be permitted upon written recommendation of the Township Engineer and approval of the Planning Commission at the time of site plan approval, where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development.
 - b. All such facilities shall be constructed in accordance with applicable standards of outside agencies with jurisdiction.

Section 17.11 Manufactured Housing Park Condominium.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:

1. All roads and driveways in the development shall conform to the standards set forth in Section 17.10C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
2. Collector roads shall conform to County Road Commission specifications.
3. Each lot shall abut and have direct access to a public or private road.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 17.10D (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
6. All lots shall be connected to approved sanitary sewer and water systems.
7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 18.30 (Wireless Communication Facilities).

Section 17.12 Non-Residential Condominium.

Condominium developments consisting of non-residential land uses shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

- 1. **Roads.** Roads in a non-residential condominium development shall be paved, and designed and constructed to adequately handle truck traffic. Roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
- 2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
- 3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
- 4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
- 5. **Transition buffers.** Transition buffers shall be provided along the perimeter of a condominium development as required by Section 5.04D (Transition Buffer).
- 6. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Section 17.13 Planned Unit Development (PUD) District Condominium Developments.

Developments in a Planned Unit Development (PUD) District may be granted certain approved deviations from this Article in accordance with the requirements of Article 16.0 (Planned Unit Development District). Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards of this Article.

Section 17.14 Relocation and Subdivision of Lot Boundaries.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 5.0 (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article 14.0 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 5.0 (Dimensional Standards) or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

Section 17.15 Monuments.

All condominium developments that consist in whole or in part of detached condominium units or site condominium lots shall be marked with monuments or lot markers, subject to the following:

1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium development; the intersection of alleys with the boundaries of the condominium development; all points of curvature, tangency, compound curvature, and reverse curvature; angle points in the side lines of roads and alleys; and at all angles of an intermediate traverse line.
3. It is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.

7. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half (1/2) inch in diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed 365 calendar days, on the condition that the proprietor deposits with the Township Clerk a performance guarantee, per Section 2.06C (Performance Guarantees), for the installation of required monuments and markers within the time specified.

Section 17.16 Construction in a General Common Element.

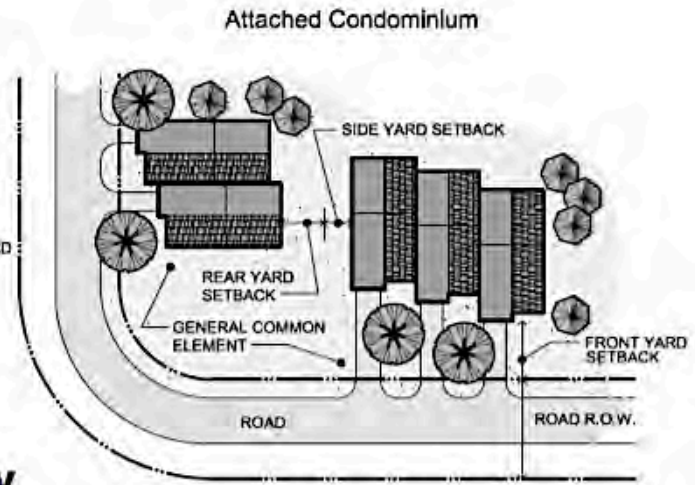
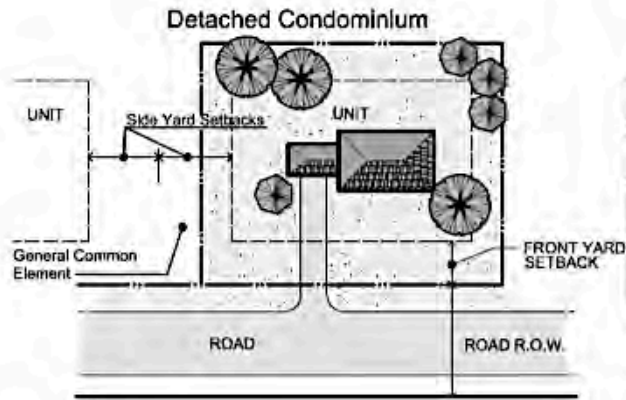
Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

Section 17.17 Recording of Condominium Documents.

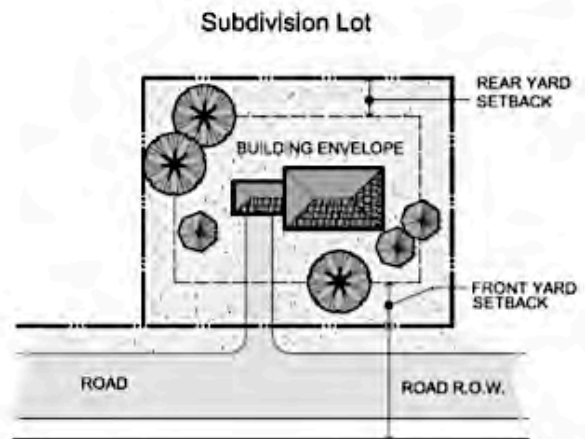
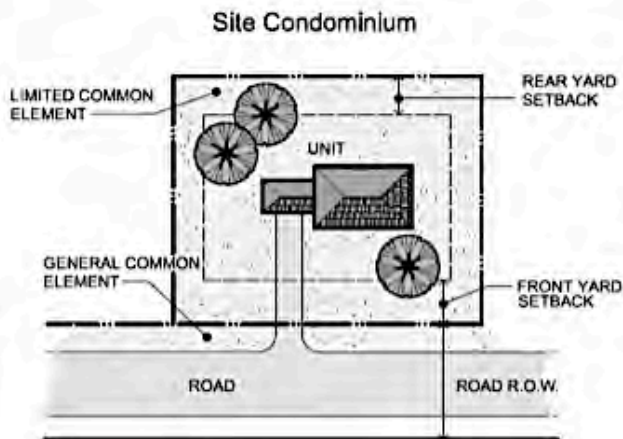
The owner(s)/developer(s) shall record all condominium documents and exhibits with the Midland County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish paper copies and digital copies (in a format compatible with Township systems) of the following items to the Township Clerk:
 - a. The recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act; and
 - b. Required drawings per Section 14.14 (Conforming to Construction Drawings).
2. The Zoning Administrator may withhold certificate of zoning compliance approval for any structure within the condominium project, if such documents have not been submitted within ten (10) days after written request from the Zoning Administrator to do so.
3. A final certificate of occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Midland County Register of Deeds and the recorded document filed with the Township Clerk.

ILLUSTRATIONS



Condominium Terminology



Site Condominium Unit Equivalent to Subdivision Lot

ARTICLE 18.0

SUPPLEMENTARY DEVELOPMENT REGULATIONS

Section 18.01 Wireless Communication Facilities.

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

A. Purpose.

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit location of wireless communication facilities, while limiting adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques to preserve the character of the Township;
2. Require provisions for collocation of antennae on existing towers, and on new and replacement towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use; and
4. Establish review procedures for construction, alteration or enlargement of such facilities consistent with Michigan Zoning Enabling Act requirements, and to permit administrative review and approval of certain types of projects that have a limited scope and impact.

B. General Application Information.

The following minimum required information shall be provided with any application for approval of a wireless communications facility allowed under this Section and Ordinance:

1. **Applicant information.** Name, address, and contact information for the applicant, property owner, tower operator, and installation contractor; and the address or parcel identification number of the proposed site.
2. **Plans for the facility.** Plans for all wireless communication facilities shall include the following minimum required information:
 - a. An accurate, scaled drawing of the parcel, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.
 - b. A description of the type and design of the proposed wireless communication facility.

- c. Setback distances between any proposed tower(s) and the nearest lot boundaries and road rights-of-way, and boundaries of any residential zoning district or lot occupied by a dwelling.
- 3. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify the type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures; and the name and location of the tower manufacturer, if applicable.
- 4. **Manufacturer’s specifications.** Written documentation shall be provided from the wireless communication facility manufacturer demonstrating the manner in which the structure will fall in the event of accident, damage or failure, and that the facility is designed in accordance with applicable dead load and wind pressure standards.
- 5. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including any access, landscaping, screening, and security improvements.
- 6. **Airport zoning information.** A statement of compliance regarding the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), airport approach plans, and Federal Aviation Administration (FAA) regulations; including identification of any anticipated variances from local airport zoning ordinance standards.

C. Type of Review Required.

Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communications Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
AMATEUR RADIO ANTENNAE & ANTENNA STRUCTURES				
Installation of any amateur radio transmission or reception antenna or antenna structure, short wave facility, contractor’s business antenna structure, television reception antenna, wireless Internet antenna, citizen’s band base station antenna or similar antennae or antenna structure:	Exceeding 130.0 feet in height	●		
	Up to 130.0 feet in height		●	
SATELLITE DISH ANTENNAE				
Installation of a satellite dish antenna with a diameter of:	1.5 meters or larger		●	
	Less than 1.5 meters			●
OTHER ANTENNAE MOUNTED ON A STRUCTURE				
Antenna(e) installation on an existing principal building or accessory structure that also includes use of an outside ground equipment enclosure area		●		

Type of Wireless Communications Facility		Required Review and Approval		
		Planning Commission	Zoning Administrator	Exempt
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the building or structure			●	
OTHER WIRELESS COMMUNICATION FACILITIES				
Construction of a new wireless communication facility not otherwise addressed in this table		●		
Alteration or enlargement of an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 18.01G	●		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure			●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Section 18.01G		●		
Collocation of new antennae on an existing tower that would conform to maximum height requirements:	With an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 18.01G	●		
	Without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater		●	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet			●	
Installation of new ground equipment within an approved ground equipment building or enclosure			●	
OTHER PROJECTS EXEMPT FROM TOWNSHIP REVIEW				
Installation of municipal and other facilities subject to federal or state preemption of local authority				●
Repair, service or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans and applicable codes				●

D. Exempt Facilities.

Facilities listed as exempt from review in Section 18.01C (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

E. Facilities Subject to Zoning Administrator Approval.

Facilities requiring Zoning Administrator approval per Section 18.01C (Type of Review Required) shall be subject to zoning permit review and approval in accordance with the applicable standards of this Section and Section 2.03 (Zoning Permits).

F. Wireless Communications Facilities Subject to Planning Commission Approval.

Wireless communications facilities subject to Planning Commission approval per Section 18.01C (Type of Review Required) shall require a public hearing, and review by the Planning Commission in accordance with the procedures and standards of this Section and the following:

1. **Special provisions.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of any application subject to Planning Commission approval per Section 18.01C (Type of Review Required) shall be modified as follows:
 - a. **Limitation on review fees.** A fee required to accompany an application for Planning Commission approval under this Section shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
 - b. **14-day time limit to determine eligibility and completeness.** After an application for Planning Commission approval under this Section is filed in accordance with this Section, the Clerk shall immediately transmit a copy of the application materials and plans to the Township Planner to determine whether the application is administratively complete.
 - (1) The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating that all required application information has been provided and that the application is administratively complete, or listing the specific information needed for a complete application.
 - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
2. **90-day time limit on Planning Commission action.** For any application for Planning Commission approval not subject to the additional requirements of Section 18.01G (Special Provisions for Review of Certain Alterations and Collocations), the Planning Commission shall complete its review and take final action per Section 18.01H (Planning Commission Action) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.

G. Special Provisions for Review of Certain Alterations and Collocations.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment

enclosures subject to Planning Commission approval per Section 18.01C (Type of Review Required) and referencing this subsection shall be modified as follows:

1. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application in accordance with Section 18.01H (Planning Commission Action) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 60 calendar day period.
2. **Limitation on conditions of approval.** Planning Commission authority, per Section 18.01H.4.d. (Approval Subject to Conditions), to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:
 - a. Verify compliance with the applicable requirements of this Ordinance; or
 - b. Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

H. Planning Commission Action.

After an administratively complete application has been received by the Township in accordance with the requirements of this Section, wireless communications facilities subject to Planning Commission approval per Section 18.01C (Type of Review Required) shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.
 - a. The Township may retain, at the applicant's expense, services of wireless communications and engineering experts to review application materials.
 - b. The Zoning Administrator or Planning Commission may also request comments from outside agencies with jurisdiction.
2. **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval in accordance with Section 2.08 (Public Hearing Procedures).
3. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.
 - a. The Planning Commission shall verify whether all required application information has been provided.
 - b. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Section and Ordinance.

4. **Planning Commission action.** The Planning Commission is authorized to approve, approve subject to conditions, deny or postpone action on the proposed wireless communications facility as follows:
- a. **Postponement.** Upon determination by the Planning Commission that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
 - c. **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable standards of this Section.
 - d. **Approval subject to conditions.** Planning Commission approval of such facilities may be subject to reasonable conditions:
 - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
 - (2) Related to valid exercise of police power and impacts of the use; or
 - (3) Necessary to meet the intent and purposes of this Section and Ordinance, related to the standards established in this Section, and necessary for compliance with those standards.
- Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.
5. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.

6. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to issue a zoning permit for the work associated with the application.
 - a. No work may take place on the site except in accordance with an approved zoning permit and plans approved by the Planning Commission.
 - b. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
7. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a zoning permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Section.

I. General Provisions for All Wireless Communication Facilities.

The following general provisions shall apply to all wireless communication facilities:

1. **Compliance with airport zoning.** The height and location of all wireless communication facilities shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), adopted airport approach plans, and Federal Aviation Administration (FAA) regulations. Proof of compliance and approval under local airport zoning ordinance requirements shall be provided to the Township prior to the start of construction.
2. **Existing wireless communications facilities.** Wireless communications facilities lawfully existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval.
3. **Rescinding approval of wireless communications facilities.** Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:
 - a. Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 2.08 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.

- b. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.
4. **Abandonment and removal.** Any wireless communications facility that is not used for 365 calendar days shall be deemed to be abandoned. The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:
- a. The facility shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
 - b. Failure by the owner to remove the facility in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner’s expense, and to make use of any performance guarantee or other security provided for that purpose.
 - c. Removal of a tower shall include removal of any foundation, including concrete footings, support structures or other appurtenances to a depth of 48 inches below grade, and the land restored to the original grade.
 - d. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved facility.
 - e. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.

J. Standards for Amateur Radio Antennae and Similar Facilities:

The following additional standards shall apply to all amateur radio antennae, short wave facilities, citizen band radio base station antennae, contractor’s business antennae, television reception antennae, wireless Internet antennae, and associated antenna structures, which shall be allowed in any zoning district subject to approval per Section 18.01C (Type of Review Required) and the following:

- 1. The antennae and antenna structure shall be accessory to a principal building or land use on the same lot, and shall be limited to lots with adequate lot area to accommodate the minimum requirements of this subsection.
- 2. The antennae and any associated antenna structure shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to fifty percent (50%) of the overall height of the antennae and antenna structure or the required yard setback area for the zoning district, whichever is greater.
 - a. For retractable, telescoping, or tilt-down antennae, the height shall be established by the height of the antennae and antenna structure in the

"down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

- b. For a ground-mounted antenna structure that is adjacent to and permanently secured to a principal building or accessory structure on the lot, the height shall be established by the distance between the highest point of the antennae or antenna structure and the highest anchor point to the principal building or accessory structure.
3. The height of an antenna that is permanently mounted on a principal building or accessory structure shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.

K. Standards for Satellite Dish Antennae:

The following additional standards shall apply to all satellite dish antennae, which shall be allowed in any zoning district subject to approval per Section 18.01C (Type of Review Required) and the following:

1. The antennae shall be accessory to a principal building on the same lot, and shall be located outside of all required yard setback areas.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

L. Standards for Other Antennae Mounted on a Structure.

The following additional standards shall apply to other wireless communication antennae mounted on a principal building or accessory structure, which shall be allowed in any zoning district subject to approval per Section 18.01C (Type of Review Required) and the following:

1. The antenna and mounting apparatus shall be permanently secured to the structure, and shall not exceed the height limitations that apply to the building or structure in the zoning district by more than 15.0 feet, as measured from grade level to the highest point of the antenna.

2. The antenna and mounting apparatus shall be designed and arranged to minimize visibility and to blend with the principal building materials and colors.
3. The antenna and mounting apparatus shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

M. Standards for Other Wireless Communications Facilities.

The following additional standards shall apply to all other wireless communications facilities allowed under this Section and Ordinance:

1. **Additional application information.** The following additional application information shall be required for all other wireless communications facilities:
 - a. **Site plan.** A detailed site plan conforming to the applicable requirements of Section 14.07 (Required Site Plan Information).
 - b. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide the following minimum inventory of existing towers in the Township and within one (1) mile of the Township's boundaries:
 - (1) Identification of the owner or operator, location, height, type, and design of each tower.
 - (2) A description and assessment of the suitability of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - (3) An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance, based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.
 - (4) An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
 - c. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
 - d. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.

- e. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
- f. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- g. **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
- h. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- i. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:
 - (1) The agreement shall be in accordance with the requirements of Section 18.01P (Removal of Wireless Communications Facilities).
 - (2) The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
 - (3) The performance guarantee shall be in accordance with Section 2.06C (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility and restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.
- j. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

- k. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
 - l. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
 - m. **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating that the setback area will contain the facility in the event of a failure, and that the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.
2. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the Planning Commission's satisfaction that:
- a. There exists a need for the facility in the area of the proposed location, based on one (1) or more of the following factors:
 - (1) Proximity to a state highway, areas of population, or commercial, industrial or other business activities not presently or adequately served by existing facilities;
 - (2) Areas where signal interference has occurred due to tall buildings, topography, masses of trees or other obstructions; or
 - (3) Other identified reason(s) accepted by the Planning Commission.
 - b. No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment.
 - d. The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa.
 - e. The fees, costs or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for collocation, exceed the cost of new tower development.
 - f. Other limiting factors render existing towers or structures unsuitable.
 - g. There is no suitable alternative technology available which would not require the use of additional towers or structures. Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.

3. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:
 - a. Wireless communications towers shall only be permitted on land in the AR (Agricultural), HSC (Heavy Service Commercial), and PSP (Public/Semi-Public Services) zoning districts with sufficient lot area to accommodate the setback requirements of this Section.
 - b. No tower shall be located within one (1) mile of another wireless communication tower, irrespective of Township boundaries. The Planning Commission may waive this restriction upon determination that the facility's technical requirements make necessary an additional tower.
 - c. No tower shall be located closer than 800 feet to the boundary of any Residential District or any Planned Unit Development (PUD) incorporating residential uses.
4. **Maximum height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a taller tower upon determination that the additional tower height:
 - a. Will result in improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower;
 - b. Will expand opportunities for collocation of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents; and
 - c. Will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum permitted height standard.
5. **Minimum setbacks.** A tower and any anchoring cables shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the height of the tower. Ground equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
6. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
7. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure per Section 18.04D (Methods of Screening). Existing site vegetation and landforms shall be preserved to the maximum extent feasible. The Planning Commission may waive screening requirements upon determining that existing site vegetation or landforms provide a sufficient buffer.

8. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
9. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.
10. **Design.** All new towers shall conform to the following design standards:
 - a. The tower and associated antennae shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
 - b. The tower and associated antennae shall be painted a color or color combination found acceptable by the Planning Commission to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
 - c. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for identification purposes.
 - d. All new towers shall be of a monopole design, and constructed of or treated with corrosive resistant materials. The base of the tower shall occupy no more than 500 square feet.
11. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
12. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limited to temporary repair and service activities.
13. **Tower address.** Each wireless communications tower shall be designated with a specific and unique street address.

Section 18.02 Solar Collection Devices.

Solar collection devices in the Township shall be subject to the following requirements:

A. General Standards.

The following standards shall apply to all solar collection facilities in the Township:

- 1. **Responsibilities.** The duties, obligations and liabilities associated with solar collection devices shall lie with the applicant or operator and the property owner, jointly and severally.
- 2. **Code Compliance.** Solar collection devices shall be designed and installed in compliance with the manufacturer's installation instructions and comply with all State Construction Code and Fire Code requirements.
- 3. **Reflection/Glare.** Solar collection devices shall be installed so that reflection or glare does not adversely impact surrounding residents, land uses, structures or road rights-of-way. This may be accomplished by both the placement and angle of placement as well as substantial manmade or environmental barriers. If trees are used as barriers they must be of such initial height as to provide dense and immediately effective, year-round screening from the reflection or glare in accordance with Section 18.04 (Landscaping and Screening).
- 4. **Electromagnetic Interference.** Solar collection devices shall be installed so as not to cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission (FCC) guidelines. In the event that such interference is experienced, the applicant or operator shall be responsible for correcting the conditions that created the interference, or for providing alternate service to each resident or property owner affected. The applicant shall be responsible for compensation to persons or property damaged by stray voltage.

B. Review Procedures and Required Information.

Solar collection devices allowed as an accessory use per Articles 6.0 – 9.0 (Use Standards...) shall be subject to administrative review and approval per Section 2.03 (Zoning Permits). All other solar collection devices shall be subject to site plan approval per Article 14.0 (Site Plan Review). The following additional information requirements shall apply to any application for approval of a solar collection device:

- 1. The following additional information shall be required as part of any application:
 - a. A written narrative describing the proposed project.
 - b. Height, length, and angle of the solar collection devices.
 - c. Detailed descriptions of all proposed grading, filling, and tree or woodland clearing, site security measures, potential light reflection, concentration, and glare impacts from solar collection devices on adjacent land, structures, uses, and road rights-of-way, and proposed measures for mitigation of any anticipated impacts.
 - d. A copy of the manufacturer's instructions and design prints, along with documentation that the solar collection devices will be installed in

compliance with the manufacturer's instructions and all applicable State Construction Code and Fire Code standards.

- e. Any other information deemed necessary by the Planning Commission to verify compliance with the standards of this Section.
2. The Township, within its reasonable discretion, may retain the services of a solar energy conversion systems expert to assist with review of the application or any site inspections. The expense thereof shall be the responsibility of the applicant in accordance with Section 2.06 (Fees and Performance Guarantees).

C. Additional Standards for Solar Collection Systems – Large Freestanding.

The following additional standards shall apply to solar energy collection systems – large freestanding, as defined in Section 25.03 (Definitions):

1. A signed and notarized removal agreement for the future removal of the facility in accordance with the requirements of this Section, which shall also include the following:
 - a. An estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer; and
 - b. A performance guarantee, per Section 2.06C (Performance Guarantees), sufficient to ensure device removal, site restoration, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the devices in a timely manner.
2. If the applicant's intent is to install a solar collection device that will be interconnected to the power grid, written documentation shall be provided that the electrical utility provider has been notified, along with any utility-required interconnection and parallel operating agreement.

D. Additional Standards for Solar Collection Devices - Small.

Freestanding solar energy collection devices – small, as defined in Section 25.03 (Definitions), shall not exceed the height allowed for accessory structures in the zoning district where the devices are located. Solar energy collection devices that are mounted on a principal building shall not exceed the height of the building by more than ten (10) feet, and shall not exceed the maximum height allowed in the zoning district.

E. Inspection.

The Township shall have the right upon issuing the required permits or approvals to inspect the premises on which the solar collection device is located at all reasonable times for the purpose of verifying compliance with the requirements of this Ordinance.

F. Abandonment and Removal.

Any solar collection device that is not used for 365 calendar days shall be deemed to be abandoned. The owner or operator shall remove a solar collection device for which a required special use permit approval has been rescinded per Section 15.09 (Rescinding

Special Land Use Approval), that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

1. The device(s) shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the device.
2. Failure by the owner to remove the device(s) in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the device at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
3. Removal of the device shall include removal of any foundation, including concrete footings, support structures or other appurtenances to a depth of 48 inches below grade, and the land re-graded and restored to the original grade.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved device.

Section 18.03 Wind Energy Systems.

Wind energy systems in the Township shall be subject to the following requirements:

A. General Standards.

The following standards shall apply to all wind energy systems in the Township:

1. **Responsibilities.** The duties, obligations, and liabilities associated with the on-site wind energy system shall lie with the applicant or operator and the property owner, jointly and severally.
2. **Code Compliance.** Wind energy systems shall be designed and installed in compliance with the manufacturer's installation instructions and comply with all State Construction Code and Fire Code requirements. Maintenance plans and the manufacturer's installation instructions and blueprints shall be submitted to the Township as part of the application, and shall include scheduled maintenance that complies with manufacturer's guidelines and the standards of this Section. These instructions should include drawings of the structural components of the system and support structures, including base and footings provided along with engineering data and calculations to determine compliance with the structural design provisions of the State Construction Code and applicable Township engineering standards. All drawings, specifications and calculations shall be certified by and under seal of a registered professional engineer licensed in the State of Michigan.
3. **Electromagnetic Interference.** Wind energy systems located in proximity to any wireless communications system tower, antennae or backhaul network link where there could be electromagnetic interference with signal transmission or reception shall comply with all Federal Communications Commission (FCC) guidelines. No wind energy system shall materially interfere with any communications systems. In the event that such interference is experienced, the applicant or operator shall be responsible for correcting the conditions that created the interference, or for providing alternate service to each resident or property owner affected. The applicant shall be responsible for compensation to persons or property damaged by stray voltage.
4. **Safety.** The following safety standards shall apply to all wind energy systems, in addition to applicable State Construction Code or Fire Code requirements:
 - a. Ground-mounted towers shall be enclosed with a six (6) foot tall fence, or the tower base shall not be climbable for a distance of twelve (12) feet.
 - b. When towers are supported by guy wires, the wires shall be clearly visible to a height of at least 15 feet above the guy wire anchors.
 - c. All systems shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.
 - d. Since ice throw may occur from the turbine blades, notice of this should be given to each residence located on the perimeter of the site as well as posted on all sides of the site perimeter. The sign should state, "Lee throw of ice from the rotating parts of the tower may occur under certain

weather conditions.” The operator and property owner shall be jointly and separately responsible for any damages caused by ice throw.

- e. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site.
 - f. All wind energy system towers shall have lightning protection.
 - g. Appropriate warning signage with emergency contact information shall be placed on wind energy towers, electrical equipment, and site entrance. Road address signage shall also be posted at the site entrance.
5. **Visual elements.** The following shall apply to all wind energy systems:
- a. Tower-mounted systems shall be a neutral, non-reflective exterior color, or a galvanized steel finish. The Planning Commission may waive this requirement upon determining that an alternative finish is more appropriate for the site or conditions, or that the Federal Aviation Administration (FAA) or other outside agency with jurisdiction requires otherwise.
 - b. Roof-mounted systems and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.
 - c. On-site wind energy collection systems shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
 - d. Wind energy systems shall not be used to display any signage or advertising, except for an incidental sign listing the manufacturer, installer, model, and serial number, as well as how to reach the system operator in an emergency.
6. **Wind site assessment.** An assessment of wind speeds, turbidity, and duration shall be provided at the time of application to determine the expected range of wind speeds and the feasibility of using the site. Installation of a temporary anemometer tower to determine wind speeds will require a separate special use permit. The minimum distance from the center of the anemometer tower and all lot boundaries and road rights-of-way shall equal the tower’s height.
7. **Sound pressure levels.** The application shall include sufficient modeling and analysis to demonstrate that the system will not exceed the maximum permitted sound pressure levels allowed for the type of Wind Energy System per this Section, along with detailed mitigation plans for what will be done to resolve any violations. Within 60 days of operation, documentation shall be provided to the Township Clerk of actual sound pressure level measurements taken, preferably by a third party, at all perimeter areas of the site. If the maximum permitted levels are exceeded, the initial mitigation plan presented must be implemented

within 30 days of the initial assessment. The Township may require additional studies based on community input.

8. **Other studies.** The Planning Commission may require the applicant to conduct and provide documentation of any of the following additional studies as part of their review of the special use permit or site plan application for a Wind Energy System:
 - a. An environmental assessment or impact study conducted by a third party identifying the impact on wetlands, fragile ecosystems, historical or cultural sites, and antiquities.
 - b. An avian and wildlife impact study conducted by a third party identifying refuges, migration routes, endangered species, and mortality studies from other such sites.
 - c. A financial impact study on the surrounding properties and area.
 - d. A shadow flicker analysis showing where shadows or changes in light density caused by any moving components of any Wind Energy System shall fall upon any occupied structures. The analysis should show areas where shadow flicker may occur from sunrise to sunset over the course of a calendar year. If shadow flicker falls upon any occupied structure more than 30 hours per calendar year, detailed plans shall be provided to document all measures that shall be taken to mitigate or eliminate this problem.
9. **Decommissioning plan.** The applicant shall submit a plan describing the intended disposition of the Wind Energy System at the end of its useful life. The plan should include anticipated life of the project, estimated decommissioning costs, net of salvage value in current dollars, and the method of ensuring that funds will be available for the decommissioning and restoration.
10. **Complaint resolution.** The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction, the applicant shall maintain and make available to nearby residents direct contact information where a project representative can be reached during normal business hours.
11. **Insurance.** The applicant, operator and/or property owner shall insure each Wind Energy system for an amount sufficient to cover any potential claims and acceptable to the Township Board. The insurance shall cover the applicant, operator, property owner, and the Township. Proof of such insurance shall be presented to the Township Clerk prior to any work being done at the proposed site.
12. **Performance guarantee.** A performance guarantee shall be deposited with the Township Treasurer by the applicant following final approval of the project by the Township, but prior to any work being done at the proposed site. The

monetary amount shall be determined by the Township, taking into consideration the potential for initial and subsequent development damages, ongoing monitoring, site restoration that will be required upon abandonment, and the requirements of Section 2.06C (Performance Guarantees). If the actual costs in any area exceed the amount in the guarantee, the applicant, facility operator, and/or property owner shall be financially responsible for the total costs.

B. Additional Standards for Wind Energy Systems – On-Site Use.

The following additional standards shall apply to any Wind Energy System – On-Site Use, as defined in Section 25.03 (Definitions):

1. The minimum clearance between the lowest projection of the blade/rotor or any moving part and the ground at the base shall be 15 feet; and shall be ten (10) feet from any nearby structure, excluding roof-mounted systems.
2. Roof-mounted systems that can be accessed by the public shall be adequately secured with gates, locks and warning devices.
3. Written evidence that the area's electrical utility provider has been informed of the customer's intent to install an interconnected customer-owned generator shall be presented to the Township Clerk in the form of an interconnection and parallel operating agreement (or equivalent documentation as accepted by the Township). Off-grid systems are exempt from this requirement.
4. Sound pressure levels shall not exceed 45 dB(A) for more than three (3) minutes out of any hour of the 24-hour day, except for short-term events such as power outages or severe windstorms.
5. The following additional standards shall apply to Wind Energy Systems – On-Site Use located in any of the Residential Districts or on any land occupied or planned to be occupied by residential uses:
 - a. A maximum of two (2) Wind Energy Systems shall be allowed per parcel, and may be mounted on towers, pedestals or roof-mounted.
 - b. Tower mounted systems shall not exceed a maximum height of 40 feet. Pedestal mounted systems shall not exceed the permitted height for accessory structures in the zoning district where they are located. Roof-mounted systems may exceed the height of the tallest part of the roof to which it is attached by no more than ten (10) feet.
 - c. Tower structures requiring guy wires are not permitted. Rotor diameter shall not exceed 24 feet.
 - d. The Wind Energy System, including mechanical shadow, shall not encroach into the minimum required yard setbacks for the zoning district where it is located.
 - e. No Wind Energy Systems shall be located between the road right-of-way line or front lot line and the front building line of a principal building on the lot.

- f. All Wind Energy Systems shall be set back a distance equal to their mechanical shadow from all adjacent occupied structures.
 - g. All access doors to towers and electrical equipment shall be lockable, and shall be locked when not being used by authorized personnel.
6. The following additional standards shall apply to Wind Energy Systems – On-Site Use located in any of the Rural Districts, Business Districts or Other Districts:
- a. Wind Energy Systems in these districts may be mounted on towers, pedestals, or roof-mounted.
 - b. Tower mounted system shall not exceed 80 feet. Pedestal mounted systems shall not exceed the height for accessory structures in the zoning district where they are located. Roof-mounted systems may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.
 - c. Wind Energy Systems, including mechanical shadow, of 60 feet or less in height shall not encroach into the minimum required yard setbacks for the zoning district in which they are located, nor shall they be located between the road right-of-way line or front lot line and the front building line of a principal building on the lot.
 - d. Tower mounted systems up to 80 feet shall be set back a minimum distance equal to one hundred and ten percent (110%) of the system height from all lot boundaries, road rights-of-way, utility lines or other Wind Energy Systems on the same lot or any abutting land.
 - e. Roof/pedestal-mounted systems shall be set back a distance equal to their mechanical shadow from all adjacent occupied structures, or other Wind Energy Systems on the same lot or any abutting land.

C. Additional Standards for Wind Energy Systems – Utility Grid.

The following additional standards shall apply to any Wind Energy System – Utility Grid, as defined in Section 25.03 (Definitions):

- 1. The minimum vertical blade tip clearance from grade shall be 20 feet for Wind Energy Systems – Utility Grid employing a horizontal axis rotor.
- 1. A written agreement shall be required between applicant and property owner for use of land and acknowledgement that the decommissioning process poses some risk of the concrete bases remaining in place if they are unable to be properly removed.
- 2. Sound pressure levels should not exceed 55 dB(A) for more than three (3) minutes out of any hour of the day, except for short-term events such as utility outages or severe windstorms.
- 3. The electrical collection system shall be placed underground at a depth designated to accommodate the existing agricultural land use to the maximum extent practicable. Overhead transmission lines may be placed from substations

to points of interconnection to the electric grid or in other areas necessary in accordance with setback requirements applicable to public utilities.

4. Each Wind Energy System - Utility Grid shall be set back from the nearest habitable structure, school, hospital, church, public library, other occupied buildings, all road rights of way, and all lot boundaries a minimum distance equal to the total height of the Wind Energy System, including the top of the blade in its vertical position.
5. Access roads shall be located so as to minimize the disruption to agricultural activity or other existing or planned uses of the land.

B. Review Procedures and Required Information.

Wind energy systems shall be subject to site plan approval per Article 14.0 (Site Plan Review). The following additional information requirements shall apply to any application for approval of any Wind Energy System:

1. The following additional information shall be required as part of any application:
 - a. Written narrative describing the proposed Wind Energy System project.
 - b. Location, height, type, generating capacity, and blade span of each Wind Energy System unit.
 - c. Detailed descriptions of all proposed grading, filling, and tree or woodland clearing, site security measures, and impacts from the Wind Energy System on adjacent land, structures, uses, and road rights-of-way, and proposed measures for mitigation of any anticipated impacts.
 - d. A copy of the manufacturer's instructions and design prints, along with documentation that the Wind Energy System will be installed in compliance with the manufacturer's instructions and all applicable State Construction Code and Fire Code standards.
 - e. All studies required by this Section, and any other information deemed necessary by the Planning Commission to verify compliance with the standards of this Section.
 - f. A signed and notarized removal agreement for the future removal of the Wind Energy System in accordance with the requirements of this Section, which shall also include an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
2. If the applicant's intent is to install a Wind Energy System that will be interconnected to the power grid, written documentation shall be provided that the electrical utility provider has been notified, along with any utility-required interconnection and parallel operating agreement.
3. The Township, within its reasonable discretion, may retain the services of an Wind Energy Systems expert to assist with the review of the application or any site inspections. The thereof shall be responsibility of the applicant in accordance with Section 2.06 (Fees and Performance Guarantees).

C. Inspection.

The Township shall have the right, upon final approval of all permits or approvals, to inspect the Wind Energy System site at all reasonable times for the purpose of verifying compliance with the requirements of this Ordinance.

D. Abandonment and Removal.

1. Any Wind Energy System that is not used for 365 calendar days shall be deemed to be abandoned. Within 90 calendar days of written notification of abandonment and a request for removal from the Zoning Administrator, the operator or property owner shall dismantle and completely remove the Wind Energy System, including any underground foundation or infrastructure, and shall return the site to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed.
2. Upon written request from the operator or property owner, and determination by the Zoning Administrator that there are mitigating circumstances as to why the device has not been used, and it will shortly be restored to an operational status, the Zoning Administrator shall grant an extension of the deadline for removal for up to 180 calendar days. If the Wind Energy System is restored to operation within that deadline, the request for removal shall be rescinded.
3. If a site has been deemed abandoned and no request for an extension is received, based on two (2) separate written notices from the Zoning Administrator, the Township may take all necessary actions to complete the Wind Energy System removal and site restoration at the operator or property owner's expense, and in accordance with the terms of any performance guarantee held by the Township.

E. Post Construction Certification.

A post construction certification that the project complies with all applicable codes, industry standards, and federal and state and laws, along with copies of the "as built" plan set of the completed site in paper and digital file formats compatible with Township computer systems, shall be submitted to the Township Clerk before actual operations begin.

Section 18.04 Landscaping and Screening.

Screening and land use buffers are necessary to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. The purposes of this Section are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section, and shall maintain that effectiveness as the plant materials mature.

A. Scope.

The standards of this Section shall apply to all development projects and parcels subject to site plan approval per Article 14.0 (Site Plan Review), condominium site plan approval per Article 17.0 (Condominium Regulations), planned unit development approval per Article 16.0 (Planned Unit Development District), or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations.

B. General Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

- 1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 5.08 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.
- 2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utilities.
- 3. **Plant material standards.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc.
 - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.
 - d. The use of plant materials native to the State of Michigan is encouraged.

4. **Groundcovers.** The following shall apply to all groundcover materials:
 - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or otherwise planted using techniques suitable to the climate, with adequate measures taken to maximize seed germination and minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged; such as native prairie grasses, wildflowers, and similar plantings. Groundcover plantings shall be labeled on the site plan, and designed to present a finished appearance after one (1) growing season.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

5. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material. Mulch used around trees and shrubs shall be a minimum depth per landscape industry specifications. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

6. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

7. **Maturity.** The mix of plant material species and sizes at installation shall be designed to provide immediate screening or buffering benefits, and to achieve at least eighty percent (80%) of the mature density of vegetation within five (5) years.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2.0 - 3.0 caliper-inches diameter and 8.0 feet in overall height
Evergreen Trees	5.0 - 6.0 feet in overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter and 6.0 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Methods of Screening.

Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:

1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration at end of Section):
 - a. Greenbelts shall have a minimum width of 20 feet, and may be interrupted only to provide for pedestrian or vehicular access.
 - b. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of two (2) trees and three (3) shrubs per 10 linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
 - c. Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - d. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.
2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration at end of Section):
 - a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
 - b. Maintained plant height at maturity shall be adequate for the intended screening function.
 - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
 - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration at end of Section):
 - a. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height

is determined by the Planning Commission to be necessary to provide adequate screening.

- b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval. Fence maintenance shall conform to Section 3.06D (Fence and Wall Maintenance)
4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration at end of Section):
 - a. Berms shall have side slopes no steeper than one (1) foot vertical to three (3) feet horizontal (1:3 ratio).
 - b. The berm and combination of plantings shall be of sufficient height to meet screening requirements.
 - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
 - d. The berm shall be designed to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.

5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. A mix of coniferous tree species consistent with Section 18.04C (Standards for Size and Variety of Plant Materials) shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration at end of Section).

6. **Masonry wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts

between land uses of differing intensities. Such walls shall be subject to the following (see illustration at end of Section):

- a. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
- b. Walls shall be solid in character and capped with stone or concrete.
- c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

E. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be designed and arranged to enhance the appearance of the parking area, improve the level of safety for pedestrians and motorists, guide traffic movement, and define ingress/egress points. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting Rural Districts, Residential Districts, residential uses, and all road rights-of-way per Section 18.04D (Methods of Screening).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. Landscaped islands shall be subject to the following (see illustration):
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 180 square feet.
 - b. A minimum of two (2) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and live groundcover plantings may be used to cover the remaining areas of the island.
 - c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
 - d. Rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings may be incorporated into required parking lot landscaping.
4. **Protection.** Where pavement and landscape areas interface, curbing or similar measures shall be provided to protect plants from vehicle encroachment.

F. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 18.04D (Methods of Screening).

G. Detention and Retention Basin Screening.

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

H. Prohibited Plant Materials.

The following trees have been determined by the Township to be undesirable for the landscaping and screening purposes of this Ordinance, and shall not be used to satisfy the requirements of this Section except in the following limited circumstances:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties

Species	Common Name
<i>Salix x</i>	Willow varieties; except ornamental willows and use in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust, except select sterile varieties
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties

I. Installation and Maintenance.

Screening elements and plant materials shall be installed in a manner consistent with American Association of Nurserymen standards, approved site plans, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Township Planner or Zoning Administrator may require submittal of a performance guarantee, per Section 2.06C (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Administrator shall conduct an inspection of the plant materials before the guarantee may be released.
4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:
 - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
 - b. Adequate provisions shall be made to regularly supply water to required plant materials as necessary to ensure proper growth and development.
 - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.

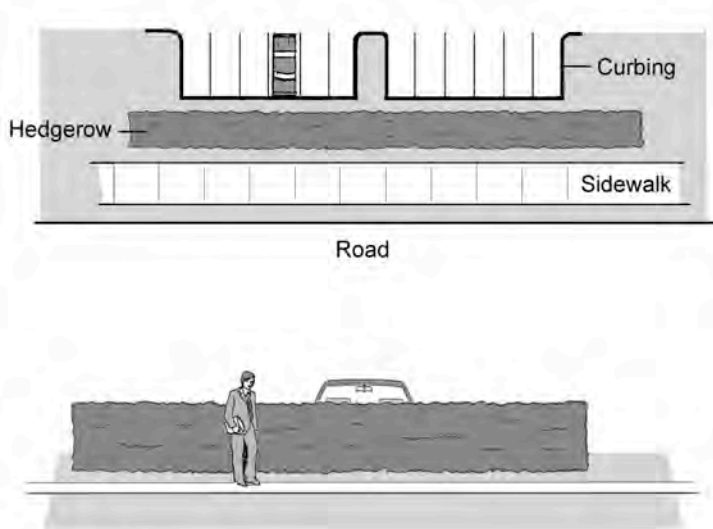
- d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
- e. Required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

K. Modifications.

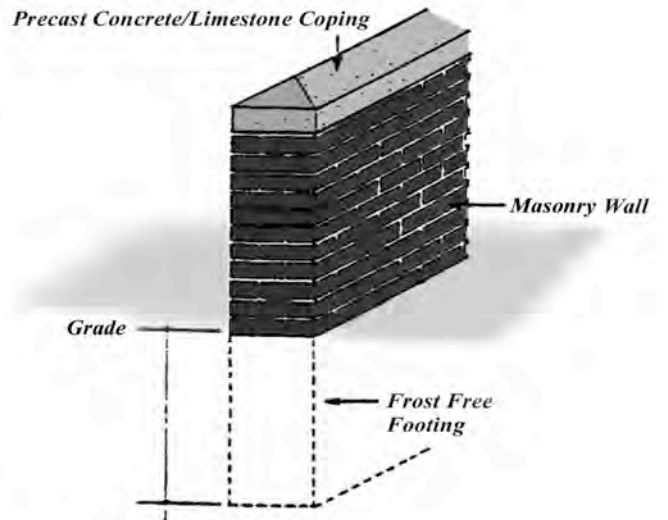
The Planning Commission shall have the authority to approve alternative designs or plant materials as part of final site plan approval upon determination that the alternative landscape designs or plant materials would meet the purpose and objectives of this Section; or the requirements of this Section have been satisfied by existing topography, vegetation or other acceptable means.

Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

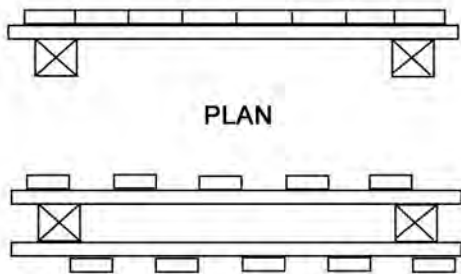
ILLUSTRATIONS



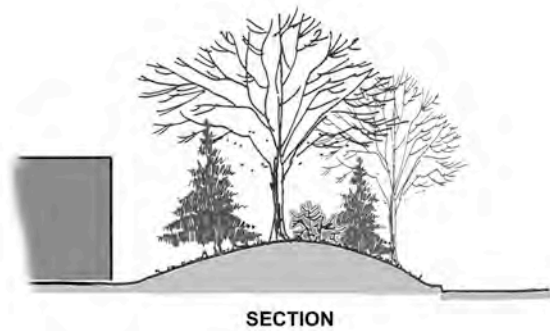
Hedgerow



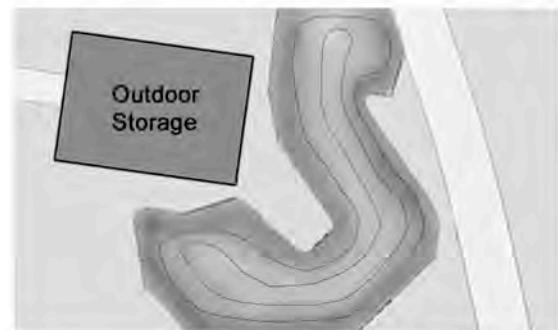
Screen Wall



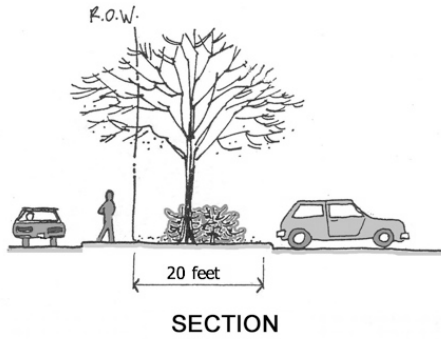
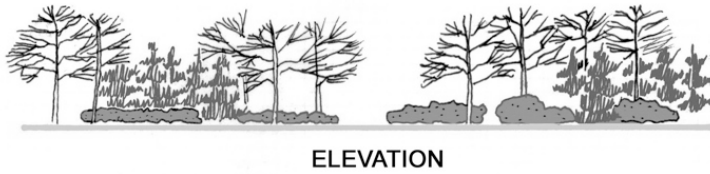
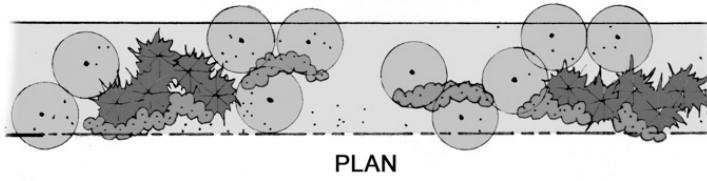
Fence



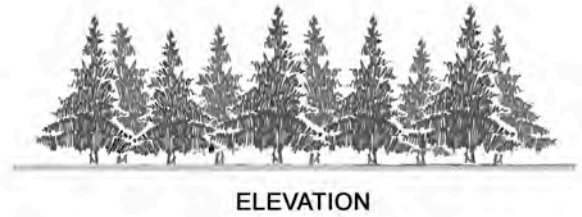
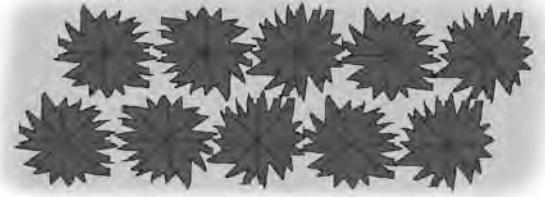
Berm



ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen

Section 18.05 Development Agreement.

A Development Agreement shall be entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place following final site plan approval and prior to the commencement of any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;
2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;
3. Provide for maintenance of any common facilities and open space areas;
4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;
5. Describe the phasing and timing of development activities;
6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;
7. Describe any required escrow accounts or performance guarantees;
8. Include the approved development plans and any associated development documents as exhibits; and
9. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement shall be subject to review by the Township Planner and Township Attorney, and approval by the Township Board. The owner(s)/developer(s) of the subject property shall record the approved Development Agreement with the Midland County Register of Deeds office, and shall furnish paper copies and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Clerk.

Section 18.06 Natural Resources Protection.

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites subject to development. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

A. Scope.

The standards of this shall apply to all development projects and parcels subject to site plan approval per Article 14.0 (Site Plan Review), condominium site plan approval per Article 17.0 (Condominium Regulations), planned unit development approval per Article 16.0 (Planned Unit Development District), or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations. In addition, the standards of Section 18.06B (Watercourses, Wetlands, and Floodplains) shall also apply to any projects and improvements subject to administrative approval per Section 2.03 (Zoning Permits).

B. Watercourses, Wetlands, and Floodplains.

No person shall alter, obstruct, fill or otherwise vary the shoreline, area, course, water level or flow, vegetation or natural conditions of any lake, river, stream or other watercourse, wetland or drainage way, except in conformance with this Ordinance and the requirements of outside agencies with jurisdiction.

1. The following setbacks from wetlands and watercourses shall apply:
 - a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any lake, river, stream or other watercourse, provided that development shall be prohibited in the 100-year floodplain.
 - b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 25.03 (Definitions).
 - c. A minimum 25-foot open space setback shall be maintained from the boundary of any county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.
2. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.
3. Development shall be prohibited within the 100-year floodplain of any existing watercourse or wetland. It shall be the applicant's responsibility to delineate the 100-year floodplain boundaries, subject to confirmation by the Township.

C. Trees and Woodlands.

The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Required plan information.** The following required information shall be incorporated into the applicable development review processes of this Ordinance or other Township ordinances:

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
All information required by this Section shall be provided by a land surveyor, civil engineer, landscape architect or arborist, who shall verify the contents by seal or signature, whichever applies.	●	●
The most current available aerial photograph of the site, at a scale not less than one (1) inch equals 100 feet.	●	●
General evaluation of the quality of woodland areas and trees on and around the site, including but limited to the following: <ol style="list-style-type: none"> 1. Diversity of tree species, tree sizes, and density. 2. Health and vigor of the trees, including general documentation of dying and diseased trees by species and condition. 3. Soil conditions and drainage characteristics of the site. 4. Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer or other environmental benefit. 	●	
General assessment of trees in adjacent road-rights-of-way, and trees located beyond the lot boundaries that may be affected by development-related access or utility improvements, grading, or other changes; with trees identified by location, size, and species.	●	●
Tree inventory of all regulated trees as specified in Section 18.04C.5. in a form acceptable to the Planning Commission, including: <ol style="list-style-type: none"> 1. A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land. 2. All regulated trees shall be inventoried by field survey and shown on the topographical map by identifying tag number, type, location, and crown spread drawn to scale. 3. Existing trees and woodlands shall be superimposed on the related site plan, plat or survey drawing for division of land. 4. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown as a group with the overall crown spread drawn to scale, with estimated number and size of each predominant species. 		●

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
5. A detailed inventory of woodlands not impacted by the development shall not be required, provided that the inventory includes the general outline and an evaluation of such areas.		
6. The inventory shall include regulated trees within adjoining road rights-of-way or beyond the lot boundaries where the drip line of such trees overlaps a lot boundary or right-of-way line.		
Proposed locations of any existing trees to be relocated, together with a description of how such trees are to be removed, protected, and transplanted during land clearance, development, and construction; and how they are to be maintained after construction.		●
A statement of compliance setting forth how existing trees to be preserved will be protected during land clearance and construction and on a permanent basis thereafter, including proposed use of tree wells, protective barriers, directional drilling, retaining walls, etc.		●
Invasive species information, including the general locations of invasive plants and woody shrubs found on the site, a description of the extent of growth of such species on the site, and a plan for eradication and control of such invasive plants and woody shrubs as part of the development.		●
A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.	●	●
Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.		●

2. **Tree preservation and replacement.** Any development subject to this Section shall not conduct land clearing or grubbing activities; or remove, replace, transplant, damage, or destroy any woodland or individual tree regulated by this Section, except in accordance with the following:

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees																		
<p>The following trees located within the lot boundaries, along with trees adjacent to the lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line, shall be considered to be regulated trees for purposes of this Section, and shall be replaced if removed as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Regulated Trees</th> <th style="text-align: center;">Replacement Ratio (number of replacement trees per removed tree)</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">Coniferous (height)</td> </tr> <tr> <td style="text-align: center;">6.0 to 15.0 feet</td> <td style="text-align: center;">one to one (1:1)</td> </tr> <tr> <td style="text-align: center;">15.01 to 50.0 feet</td> <td style="text-align: center;">three to one (3:1)</td> </tr> <tr> <td style="text-align: center;">More than 50.0 feet</td> <td style="text-align: center;">five to one (5:1)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Deciduous (D.B.H.)</td> </tr> <tr> <td style="text-align: center;">6.0 to 10.0 inches</td> <td style="text-align: center;">one to one (1:1)</td> </tr> <tr> <td style="text-align: center;">10.01 to 18.0 inches</td> <td style="text-align: center;">three to one (3:1)</td> </tr> <tr> <td style="text-align: center;">More than 18.0 inches</td> <td style="text-align: center;">five to one (5:1)</td> </tr> </tbody> </table>	Regulated Trees	Replacement Ratio (number of replacement trees per removed tree)	Coniferous (height)		6.0 to 15.0 feet	one to one (1:1)	15.01 to 50.0 feet	three to one (3:1)	More than 50.0 feet	five to one (5:1)	Deciduous (D.B.H.)		6.0 to 10.0 inches	one to one (1:1)	10.01 to 18.0 inches	three to one (3:1)	More than 18.0 inches	five to one (5:1)	●	●
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<p>The development shall preserve and leave standing a minimum of twenty-five percent (25%) of the total number of regulated trees within the development site as currently existing or that have existed on the subject site within the last five (5) years.</p>	●																			
<p>No replacements shall be required for following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information. Such trees shall not count towards the minimum required percentage of preserved trees:</p> <ol style="list-style-type: none"> 1. Dying and diseased trees. 2. Any invasive species subject to a plan for eradication and control in accordance with the requirements of this Section. 3. Any of the following species of trees: Box Elder (<i>acer negundo</i>), Silver Maple (<i>acer saccharinum</i>), Cottonwood (<i>populus deltoids</i>), Ash varieties (<i>fraxinus x</i>), and Red Cedar (<i>juniperus virginiana</i>). 	●	●																		
<p>If regulated trees were removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees; and the amount of additional tree mitigation required for such removed trees.</p>	●	●																		
<p>Removal of regulated trees shall be limited to the following:</p> <ol style="list-style-type: none"> 1. When necessary for location of a structure or site improvement where no alternative location can be identified after consideration of all development options available per this Ordinance. 2. Where necessary, as determined by the Township Engineer, to provide reasonable drainage on the site, and when no reasonable 	●																			

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>alternative drainage is available without the removal of the trees.</p> <p>3. Land clearing shall be minimized and limited to designated road rights-of-way, drainage and utility easements, minimum building and driveway envelopes, and other minimum areas necessary for site improvements, considering the development options available under this Ordinance.</p>		
Regulated trees shall be tagged in the field, using non-corrosive metal tags, with by the identifying number designated on the required tree inventory.	●	
All trees to be removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.	●	
<p>Replacement trees shall be of a species suitable for the habitat and location that is on the list of landmark trees in this Section or otherwise native to Michigan, except those listed in Section 18.04H (Prohibited Plant Materials).</p> <p>Trees of such species otherwise required by this Ordinance for screening purposes may also be used to satisfy up to fifty percent (50%) of the replacement tree requirements of this Section.</p>		●
<p>Replacement trees shall conform to Section 18.04B (General Plant Material Standards) and Section 18.04C (Standards for Size and Variety of Plant Materials). Such trees shall be:</p> <ol style="list-style-type: none"> 1. Nursery grown or comparable relocated from the same lot, with a straight trunk and a well-developed crown. 2. Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. 		●
<p>The location of any replacement tree shall be on the same lot as the removed tree wherever feasible, as determined by the Township. If tree replacement on the same lot is not feasible, the Township may:</p> <ol style="list-style-type: none"> 1. Accept an alternative planting location within the Township; or 2. Allow a deposit into a tree-planting fund maintained by the Township in an amount acceptable by the Township, based upon the current retail market value for the tree replacement, to be utilized for planting, maintenance, and preservation of trees and woodland areas in the Township. 		●
<p>Installation and maintenance shall conform to Section 18.04I (Plant Material Installation and Maintenance), and the following:</p> <ol style="list-style-type: none"> 1. Replacement and transplanted trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer’s expense if they die within three (3) years. 2. Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per 	●	●

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>Section 1.08C (Performance Guarantee)] in an amount estimated by the developer and approved by the Township to ensure preservation or installation of required trees for a period of three (3) years from the date of receiving written notification from the developer that the last required tree has been planted or preserved, and has been inspected in accordance with this Section.</p> <p>3. The developer shall be responsible for replacing any tree used to satisfy the replacement requirements of this Section that is determined by the developer, Zoning Administrator or Township Planner to be diseased, dead or dying within three (3) years after installation.</p> <p>4. The developer shall be responsible for replacing any regulated tree preserved within the development area that is that is determined by the developer, Zoning Administrator or Township Planner to have been damaged due to on-site construction activity, or that is determined to be diseased, dead, dying, or otherwise destroyed or removed within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section.</p>		
Three (3) years after all trees have been planted within the development, the Township shall release the guarantee, less any funds needed to complete required tree replacement.	●	●
After this initial three (3) period, the developer or any successor entity responsible for common area maintenance shall be responsible for replacing any healthy regulated tree or replacement tree within a general common element or other common area of the development that is that is determined by the Zoning Administrator to have been damaged, destroyed or otherwise removed from the site. Such tree(s) shall be replaced per the replacement ratios of this Section.	●	●
Road rights-of-way, utility easements, and large land areas separate from the construction or land-clearing area may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, or other brightly visible materials at least 30 inches above the ground from stake to stake along the perimeter.	●	
Protected area around trees preserved under this Section, defined by the drip line of all woodlands and individual trees designated to remain, plus an area outside of the drip line defined by a parallel boundary line placed a minimum of five (5) feet outward from the drip line, shall be protected and maintained during development, land clearing, filling or any alteration or construction activity.	●	
Protective barriers of wood, metal or other suitable materials (such as snow or cyclone fencing) acceptable to the Township Engineer shall be placed parallel to the outer perimeter of protected areas.	●	

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
No person shall conduct any construction activity; place, park or store solvents, building materials, equipment, soil, gravel, debris, vehicles, trailers, temporary structures or similar items; or attach a device or wire to any remaining tree within such protected areas except to cordon off such areas as required.	●	
Protective barriers shall remain in place and be maintained in proper condition until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first.	●	
Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree shall be done by hand. No tracked or wheeled vehicles or machinery shall be permitted within this area.	●	

3. **Additional tree removals.** Additional removal of regulated trees resulting from review or approval of construction plans or outside agency permits or approvals, or any action by the developer following final development plan approval, shall be subject to the requirements of this Section.

4. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels during all phases of construction and development as well as for up to three (3) calendar years after completion of the development project.

ARTICLE 19.0 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 19.01 Purpose and Scope.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Plans and specifications showing required off-street parking and loading spaces, including the means of ingress, egress and circulation, shall be provided in accordance with the provisions of this Article, subject to approval per Article 14.0 (Site Plan Review). Where site plan approval is not required, such plans and specifications shall be subject to Zoning Administrator approval per Section 2.03 (Zoning Permits).

Section 19.02 Use Of Parking Facilities.

Any area designated as required off-street parking, stacking, and loading spaces shall not be relinquished or reduced in any manner below the requirements established by this Ordinance, or changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

No commercial repair work, servicing, storage of merchandise or vehicle parts, or selling of any kind shall be conducted on any required parking area, except as authorized by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area. Required parking areas shall not be used for parking of unlicensed or inoperable motor vehicles.

Section 19.03 Residential Parking Standards.

The following standards shall apply to parking accessory to all dwellings and other residential uses in the Township.

1. Required off-street parking facilities for residential uses shall be limited to any combination of an accessory garage or carport, private driveway, off-street parking pad, or space within an off-street parking lot meeting the requirements of this Ordinance. Parking elsewhere on a residential lot shall be prohibited.
 - a. The required number of off-street parking spaces for a dwelling unit shall be maintained and kept available for parking of motor vehicles.
 - b. Such parking shall not block or impede the use of sidewalks, pedestrian pathways, fire lanes or emergency access.

2. Required off-street parking shall be located on the same lot and within 150 feet of the dwelling the facilities are intended to serve.
3. Parking of motor vehicles accessory to a dwelling unit shall be limited to passenger vehicles, a limited number of recreational vehicles and commercial vehicles, subject to the following:
 - a. A maximum of one (1) commercial vehicle of a light delivery type not exceeding 14,000 pounds Gross Vehicle Weight (GVW) shall be allowed per zoning lot, which shall be parked outside only on an approved parking pad or driveway outside of any road rights-of-way. Any trailer unit of an allowable commercial vehicle shall be parked outside only on an approved parking pad or driveway outside of any side and rear yard setback areas and road rights-of-way.
 - b. A maximum of one (1) recreational vehicle shall be allowed per zoning lot, which shall be parked outside only on an approved parking pad or driveway located outside of any side and rear yard setback areas and road rights-of-way.
 - (1) Where required by the Michigan Vehicle Code, the recreational vehicle shall be legally operable on the highways of the State of Michigan and shall have a current and valid registration and license plate.
 - (2) Recreational vehicles shall not be used for living, sleeping or housekeeping purposes when parked on a residential lot, except for incidental camping for up to a maximum of 15 consecutive calendar days, and a total of 90 days per calendar year, accessory to a permanent dwelling on the same lot.
 - c. Recreational or commercial vehicles shall not be parked or stored on any lawn areas of the lot, and shall not be used for storage purposes.

Section 19.04 Shared Facilities.

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted, subject to the following:

1. Prior to approval, the Planning Commission shall determine that peak activity for each use will occur at different periods of the day or week.
2. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy percent (70%) nor more than one hundred thirty percent (130%) of the sum of the minimum requirements for the individual uses as specified in Section 19.07 (Schedule Of Required Parking by Use):
$$\text{Minimum Shared Parking} = (\text{sum of requirements for individual uses}) \times 70\%$$
$$\text{Maximum Shared Parking} = (\text{sum of requirements for individual uses}) \times 130\%$$
3. Shared facilities and the permitted reduction in required parking shall be subject to a shared facility agreement between the property owners. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

Section 19.05 Schedule Of Required Parking by Use.

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

A. Parking Calculations.

The following standards shall apply to calculations of required parking:

1. Where calculation of the number of required parking spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded, and any fraction over one-half ($\frac{1}{2}$) shall be rounded-up to the next highest whole number.
2. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.
3. For requirements stated in terms of capacity or maximum occupancy, the calculation shall be based upon the largest occupancy rating by the State Construction Code, or applicable local, county or state fire or health codes.
4. Where a use is not specifically mentioned in this Section, the standards for a similar listed use shall be applied, or the Planning Commission may accept an alternative parking standard in accordance with Section 19.08 (Modification of Standards).
5. The following uses shall be exempt from the required parking standards of this Section:
 - a. Farm and agricultural related land uses not specifically listed in this Section.
 - b. Child Foster family home or family group home.
 - c. Home occupations listed in Section 7.08 (Home Occupations).
 - d. Cemetery, other than any office uses.
 - e. Public utility and essential service uses.
 - f. Aircraft landing strip and helipad, other than any office uses.

B. Minimum and Maximum Parking Requirements.

The following minimum and maximum parking space standards shall apply:

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 19.05C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
2. **Maximum permitted parking spaces.** The maximum off-street parking permitted for any use shall not exceed one hundred thirty percent (130%) of the minimum requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 19.08A (Off-Site Parking Facilities).

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
Accessory Dwelling Unit	One (1) per dwelling unit, plus any required spaces for the dwelling.
Adult Entertainment Uses and Sexually-Oriented Businesses	One (1) per 200 square feet of usable floor area.
Adult Foster Care Family Home	One (1) per on-duty employee, plus any required spaces for the dwelling.
Adult Foster Care Small Group Home, Large Group Home or Congregate Care Facility, State Licensed Residential Facilities, and Other Managed Residential Facilities	One (1) per three (3) resident sleeping rooms, plus one (1) per on-duty employee.
Agricultural Support Businesses	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee.
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of usable floor area.
Banquet Hall and Catering Facilities	One (1) per on-duty employee, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Barber/Beauty Shop, Tanning Salon, Nail Care or Similar Services	One (1) per service chair or station, plus one (1) per on-duty employee.
Bed and Breakfast Inn	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Boarding House	One (1) per person, based on the maximum capacity.
Car Wash	Two (2), plus one (1) per on-duty employee, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.
Composting Facilities	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Day Care Home - Family and Group	One (1) per on-duty employee, plus any required spaces for the dwelling.
Day Care Center – Child or Adult	One and one-half (1.5) per six (6) individuals of state licensed or authorized capacity, plus one (1) per on-duty employee.
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee.
Drive-in or Drive-through Facilities	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Senior Housing – Independent	One (1) per dwelling unit, plus one (1) per on-duty employee.
Senior Housing – Assisted Living Facilities; or Dependent, Nursing or Convalescent Care	One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee.
Extraction Operations	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
Farm Market and Farm Implement Sales or Repair	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee.
Farm-Based Tourism or Entertainment Activities	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Fire, Police or Ambulance, Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Hospital or Urgent Care Center	One (1) per four (4) beds, plus one (1) per on-duty employee.
Hotel	One (1) per occupancy unit, plus one (1) per on-duty employee.
Hydroponics Equipment and Indoor Growing Paraphernalia Sales	One (1) per 200 square feet of usable floor area.
Industrial, research, and laboratory uses not otherwise listed in this table – established for a known user.	Five (5), plus one (1) per on-duty employee, plus required parking for any accessory office or other uses.
Industrial, research, and laboratory uses not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Five (5), plus one (1) per 2,000 square feet of usable floor area for the proposed principal use(s), plus required parking for any accessory office or other uses.
Institutional Uses	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Junkyards and Outdoor Dismantling and Recycling Activities	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Laundromat or Dry Cleaners	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Parks	Two (2) per dwelling.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist, or Physical Therapy Facility	One (1) per on-duty employee, plus one (1) per examination or treatment room.
Motor Vehicle Fueling Station	One (1) per on-duty employee, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center or Repair Stations	One (1) per on-duty employee, plus one (1) per service bay, plus one (1) stacking space per service bay.

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
Other Office Uses	One (1) per 300 square feet of usable floor area.
Outdoor Café or Eating Area	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.
Outdoor Sales or Display Area, Open Air Business or Dealership – Outdoor Sales Lot	One (1) per 1,000 square feet of outdoor sales or display area.
Outdoor Storage	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Public Works and Road Maintenance Yards	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Recreation Facilities, Outdoor	One (1) per 7,500 square feet of gross land area.
Recycling Collection Facility	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Residential Treatment Center	One (1) per four (4) beds, plus one (1) per on-duty employee.
Restaurants and Food Service Establishments, Carry-Out Only	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.
Retail Stores and commercial uses not otherwise listed in this table, with less than 10,000 square feet of total gross floor area	One (1) per 275 square feet of usable floor area.
Retail Stores and commercial uses not otherwise listed in this table, with 10,000 to 50,000 square feet of total gross floor area	One (1) per 250 square feet of usable floor area.
Retail Stores and commercial uses not otherwise listed in this table, with more than 50,000 square-feet of total gross floor area	One (1) per 200 square feet of usable floor area.
Self-Storage Warehouses	Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.
Single Family Dwellings, Detached	Two (2) per dwelling.
Two-Family (Duplex) Dwellings	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee.
Workshop Studios	One (1) per 400 square feet of usable floor area.

Section 19.06 Design Requirements.

Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended. Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Section 19.03 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements.

Barrier-free parking spaces, signed and striped shall be provided at conveniently accessible locations within each parking lot built to accommodate five (5) or more vehicles. Such parking shall be in accordance with minimum standards of the State Construction Code, or other equivalent standard accepted by the Township.

B. Landscaping and Screening.

All loading facilities and any off-street parking area providing space for five (5) or more vehicles shall be effectively screened from all lot boundaries and road rights-of-way in accordance with Section 18.04E (Parking Lot Landscaping and Perimeter Screening).

C. Setback.

Off-street parking spaces and driveways shall be set back a minimum of ten (10) feet from all lot boundaries. Off-street parking areas shall not be located within any landscape strip or transition buffer as required by Section 5.04 (Yard Standards).

D. Exterior Lighting.

Where provided, all exterior lighting shall comply with Section 3.06 (Exterior Lighting).

E. Ingress/Egress.

Adequate means of ingress and egress of vehicles and pedestrians shall be provided for all parking and loading facilities by means of clearly limited and defined drives, defined pedestrian pathways, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited.

1. Off-street parking spaces shall be located within 300 feet of a primary building entrance, and a dedicated pedestrian path shall be provided from the road to each primary building entrance.
2. Adequate ingress and egress to any parking lot shall be provided for all vehicles by means of clearly defined driveways, which shall be limited to the minimum necessary to provide reasonable ingress and egress.
3. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Exit lanes shall include an on-site stacking area for traffic waiting to exit the site. The driveway shall intersect the abutting road at a 90-degree angle.

F. Pavement and Striping.

Off-street parking facilities, driveways, and pedestrian paths to building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials acceptable to the Township. Parking spaces shall be marked with pavement striping. The paving plan and materials shall be subject to design and materials approval by the Township

Engineer. The Planning Commission may approve alternative paving or surfacing as part of site plan approval, subject to the provisions of Section 19.08 (Modification of Standards).

G. Stacking Spaces.

Where required by this Ordinance, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

H. Grading and Drainage.

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, County Road Commission, and County Drain Commissioner. Surface water shall not drain on to adjoining lots or across a public road, except in accordance with an approved drainage plan.

I. Off-Street Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	Minimum Parking Layout Standards			
	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0° (parallel)	24 feet (two-way)	8.5 feet	22 feet	41 feet
45°	13 feet (one-way)	10 feet	20 feet	53 feet
60°	18 feet (one-way)	10 feet	20 feet	60 feet
90°	22 feet (two-way)	10 feet	20 feet	62 feet

Section 19.07 Off-Street Loading.

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

1. Loading spaces shall be set back a minimum of 50 feet from any Residential Districts or existing RESIDENTIAL USES, except where enclosed within a building or screened by walls, landscaping or a combination thereof to the satisfaction of the Planning Commission, per Section 18.04D (Methods of Screening).
2. Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. Each loading space shall be at least ten (10) feet wide and 25.0 feet long, and shall otherwise be sized to accommodate the anticipated delivery vehicle type.
4. Loading areas shall be located only in side or rear yards, and shall be arranged to minimize conflicts with pedestrian and vehicular circulation. All maneuvering

of trucks and other vehicles shall take place on the site and not within a public road right-of-way.

5. The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. Commercial uses, as well as industrial, research, and laboratory uses, shall be required to provide a minimum number of loading spaces as follows:
 1. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
 2. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
 3. Buildings 50,000 square feet and greater in gross floor area shall provide a minimum of three (3) spaces, plus one (1) space for each additional 50,000 square feet or fraction thereof.

Section 19.08 Modification of Standards.

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Off-Site Parking Facilities.

The Planning Commission may approve the location of all or part of any required parking facilities accessory to non-residential uses in any zoning district on a separate zoning lot from the use served by the parking, subject to the following:

1. Approved off-site parking spaces shall be located within 500 feet of a primary building entrance for the use.
2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

B. Deferment of Parking or Loading Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, or that adequate loading space is available to serve the building or use, the Planning Commission may approve the construction of a lesser number of spaces, provided that the deferred parking or loading spaces are shown on the site plan and set aside as open space.

Deferred parking or loading spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Zoning Administrator has documented three (3) incidents of problem parking or loading on the site.

C. Modification of Paving Requirements.

The Planning Commission may approve an off-street parking facility surfaced with graded and compacted gravel, crushed limestone or similar materials that provide a durable, smooth and dustless surface, subject to Planning Commission determination that the anticipated frequency, duration, and general nature of vehicular traffic do not

warrant concrete or asphalt paving; and that the proposed surfacing will have minimal impact on adjacent parcels with regard to dust.

No waivers of paving requirements shall be permitted for barrier free parking spaces, access aisles, and pedestrian paths to building entrances.

D. Alternative Parking or Loading Standard.

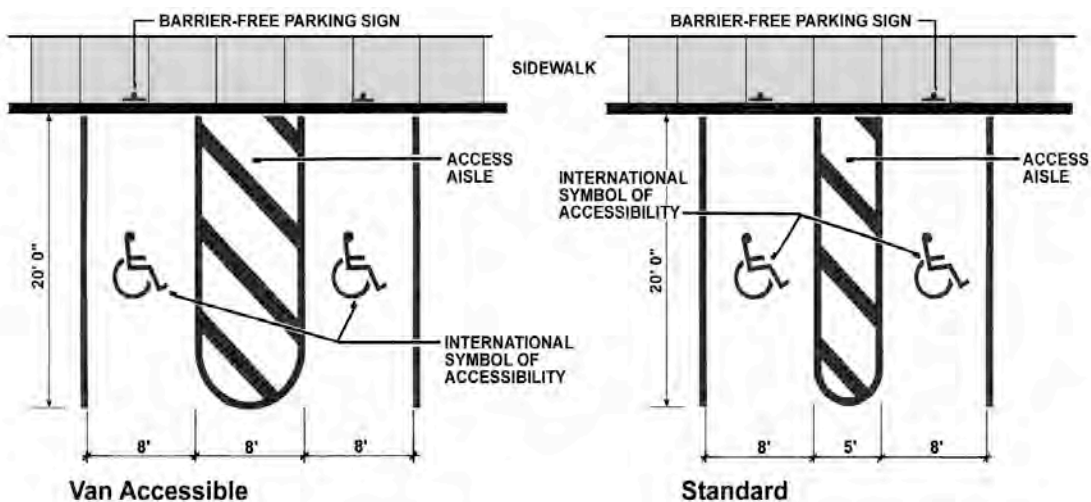
The Planning Commission may approve an alternative off-street parking or loading standard for a proposed land use as part of site plan approval, upon determination that sufficient written evidence has been provided on the site plan to demonstrate that the alternative standard would be more appropriate for the type, scale or intensity of the proposed use, or that additional parking above the maximum permitted is necessary to accommodate the use on a typical day of operation.

Section 19.09 Construction and Maintenance.

The applicant shall provide to the Township copies of all construction permits and other outside agency written approvals for the facility. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require a performance guarantee to ensure completion per Section 2.06C (Performance Guarantees).

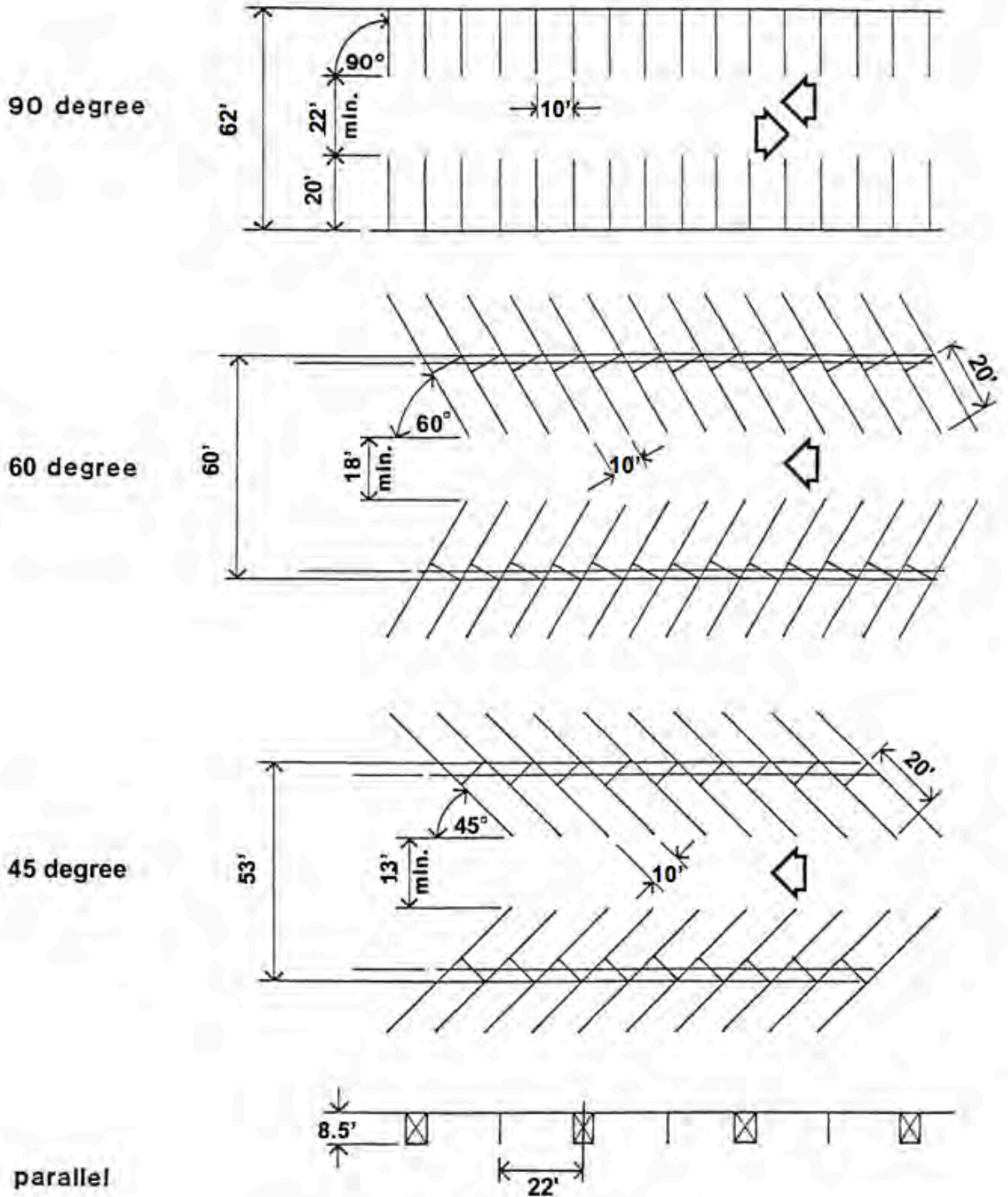
All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair. Alterations to an approved parking or loading facility not in accordance with an approved site plan shall be considered a violation of this Ordinance.

ILLUSTRATIONS



Barrier-Free Parking Space Layout

ILLUSTRATIONS



Parking Layout

ARTICLE 20.0 SIGNS

Section 20.01 Purpose.

The purposes of this Article shall be to establish standards for the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination; minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses; and provide for the removal of unlawful and abandoned signs. The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. Reasonable use of signage promotes commerce in the Township, but a proliferation of signs would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of private and public signage. It is intended that the display of signs shall be appropriate to the land, structure or use to which they are associated.

Section 20.02 General Standards.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article and Ordinance. The following standards shall apply to signs in all zoning districts:

A. Compliance Required.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article. In no case shall any sign exceed or violate the maximum applicable sign standards as regulated by this Article.

B. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained at all times. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for purposes of this Article.

C. Road Rights-of-Way.

No sign shall be located in, project into or overhang a public or private road right-of-way or easement, except signs provided by local, county, state or federal governments, required legal notices, and mailboxes and delivery boxes.

D. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or emergency exit.

E. Vehicle Signs.

Signs painted on, or otherwise affixed to, trucks, trailers or other vehicles shall be subject to the requirements of this Article for temporary signs unless all of the following conditions are met:

1. The vehicle or trailer has a valid license.
2. The vehicle or trailer is operable and used for transportation, deliveries or services related to the principal permitted use that is the subject of the sign.
3. The vehicle or trailer is actively used in such a fashion that requires it to be transported off the site on a daily basis during business hours.

F. Changeable Copy Area or Electronic Message Board.

A changeable copy area or electronic message board shall be allowed as part of a permitted building-mounted sign, ground sign or billboard sign, subject to the following:

1. The changeable copy area or electronic message board of any sign shall be limited to no more than one (1) revolution or change in the display per eight (8) second interval. To minimize visual distractions and hazards for motorists, pedestrians, and property, animated copy as defined in Section 25.03 (Definitions) shall be prohibited.
2. The permitted changeable copy area or electronic message board of a building-mounted sign or ground sign shall not exceed seventy-five percent (75%) of the total sign area, and shall conform to the illumination standards of this Section.

G. Illumination.

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where allowed under this Article, external illumination of signs shall be subject to the following:
 - a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and
 - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where allowed under this Article, internally illuminated sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration). Internally illuminated signs shall be equipped with a reduced intensity nighttime setting activated by photocell or timer.
3. **Other Limitations.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent or moving type. Illumination involving searchlights, strings of lights or movement of lights or other devices shall be prohibited.

H. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:
 - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
 - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
 - c. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
 - d. Where two (2) sign faces are placed more than 24 inches apart at any point, then the sign area shall equal the total area of all sign faces.
 - e. Where two (2) sign faces with identical sign areas are placed back to back no more than 24 inches apart, then the sign area shall equal the area of one (1) face.
 - f. Where two (2) sign faces with different sign areas are placed back to back no more than 24 inches apart, then the sign area shall equal the area of the larger face.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
 - a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article [e.g. - a building that faces two (2) road rights-of-way shall have two (2) signable areas].

Section 20.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 20.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

A. Address Numbers and Nameplate.

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants, subject to the following:

1. The nameplate shall not exceed four (4) square-feet in area.
2. The nameplate shall be attached flat against the building wall or placed freestanding in the yard at least ten (10) feet from any lot boundary or road right-of-way. A freestanding nameplate shall not exceed five (5) feet in height.

B. Construction Signs.

Temporary construction signs shall be subject to the following:

Standards	Construction Signs
Maximum number of permitted signs	One (1) sign per road frontage of the development parcel
Minimum required setbacks	Outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive
Maximum sign area	32.0 square feet per sign
Maximum sign height	10.0 feet
Method of illumination	External light sources only
Display period	Sign(s) may be erected following final site plan or final preliminary plat approval, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

C. Other Temporary Signs.

Temporary signs not otherwise provided for in this Section, subject to the following:

1. **Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

Zoning District Name	Maximum Total Sign Area	Maximum Sign Height
Rural Districts	32.0 square feet	6.0 feet
Residential Districts	16.0 square feet	5.0 feet
Business Districts	32.0 square feet	10.0 feet

Zoning District Name	Maximum Total Sign Area	Maximum Sign Height
Other Districts	32.0 square feet	10.0 feet

2. **Minimum required setbacks.** Such temporary signs shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive.
3. **Off-premises temporary signs.** A maximum of two (2) off-premises temporary signs shall be permitted accessory to a property offered for sale in the Township or accessory to an active farm operation in the Township that sells farm products at a lawfully established roadside stand, farm-based tourism or entertainment facility or farm market, subject to the following:
 - a. Such signs shall be located on other private land, with permission of the property owner, that is no more than one (1) mile from the farm operation or property posted for sale.
 - b. Each permitted off-premises temporary sign shall not exceed nine (9) square-feet in area and six (6) feet in height.
 - c. Such signs shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance.
4. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

D. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.
2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section 20.05 (Building Mounted Signs).
3. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
4. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.

- 5. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
- 6. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.
- 7. Changes to sign copy within an approved changeable copy area.
- 8. Incidental signs carried by or affixed to clothing worn by persons.

Section 20.04 Signs Allowed With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to sign permit approval per Section 20.09 (Sign Permits) and the following:

A. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business park or campus, subject to sign permit approval per Section 20.09 (Sign Permits) and the following (see illustration):

- 1. Site entry features may consist of walls, columns, gates, and similar design elements. The location, design, and maintenance provisions for the site entry features shall be subject to site plan approval per Article 14.0 (Site Plan Review).
- 2. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement.
- 3. Site entry features may be located within required yard setback areas, but shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance.
- 4. A maximum of one (1) sign shall be permitted on a site entry features per road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	32.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

B. Building Directory.

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

Section 20.05 Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. Building-mounted signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 20.09 (Sign Permits) and the following:

Standards	Type of Permitted Signs		
	Wall	Awning	Window
Permit required?	yes	yes	no
Internal or external illumination permitted?	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	one (1)
Minimum sign height	none	7.5 feet	none
Maximum permitted sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use (see illustration)		10% of the street level window surface area

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).
2. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
3. **Awning signs.** Awning signs shall be restricted to the surface area of the awning’s valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.
4. **Window signs.** Window signs shall be restricted to interior window surfaces. A sign permit shall not be required for permitted window signs under this Section.
5. **Residential land uses.** Building-mounted signs shall be prohibited accessory to RESIDENTIAL USES in any zoning district, except for an allowable nameplate per Section 20.03A Address Numbers and Nameplate).

Section 20.06 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township. Ground signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 20.09 (Sign Permits) and the following:

A. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Front Lot Boundaries and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Parcel
12.0 feet	10.0 feet	40.0 square feet	1.0

1. Ground signs shall be prohibited accessory to any single-family and two-family dwellings, and within corner clearance areas as defined in Section 5.08 (Corner Clearance Areas).
2. Setbacks shall be measured from the near edge of the road right-of-way, provided that no ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.
3. Ground signs shall be set back a minimum of 20 feet from all side or rear lot boundaries, and any lot boundary abutting lots occupied by residential uses or within a Residential District.

B. Permitted Modifications.

The following modifications to the standards of this Section have been established to preserve the character and appearance of the Township’s Rural Districts and Residential Districts through more restrictive standards; and ensure that permitted signage is in reasonable proportion to the land use intensity, road right-of-way width, and lot frontage.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning district:

Permitted Modifiers (cumulative down each column)	Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
		12.0 feet	10.0 feet	40.0 square feet
Located in a Rural District	- 4.0 feet	no change	- 8.0 square feet	no change
Located in a Residential District	- 6.0 feet	no change	- 16.0 square feet	no change
Located in a NSC or HSC District	no change	no change	no change	no change
Located in the CSC District	+ 2.0 feet	no change	+ 16.0 square feet	no change
Located in the PSP District	- 2.0 feet	no change	- 8.0 square feet	no change
Sign abuts any part of state highway M-20, or any public road right-of-way of 120 feet or greater in width	+ 4.0 feet	no change	+ 16.0 square feet	no change
Total lot frontage on all paved public road rights-of-way exceeds 400 feet	no change	no change	no change	+ 1.0 additional sign
Sign abuts a primary paved road with a posted speed limit greater than 50 miles per hour	+ 2.0 feet	no change	+ 8.0 square feet	no change
Lot is occupied by a multi-tenant office building, shopping center or similar group of three (3) or more independent non-residential uses	no change	no change	+ 48.0 square feet	no change
Total Permitted with Modifiers:	_____ feet	_____ feet	_____ square feet	_____ sign(s)

Section 20.07 Billboards.

Billboard signs, as defined in Section 25.03 (Definitions), shall be subject to the following:

A. Findings.

The Township has made the following determinations related to billboard signs:

1. The placement of additional signs on lots or structures in the Township that exceed the maximum permitted sign height and area standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.
2. Billboard signs are not appropriate in the Rural Districts and undeveloped areas of the Township. Such signs would detract from the visual appearance and rural

character of the Township, which is attractive to visitors and residents and a significant benefit to the local agricultural economy.

3. Billboards are not appropriate in the Residential Districts or any Planned Unit Development (PUD) where residential land uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
4. Billboards are not appropriate in the Business Districts, because such signs would be incompatible with the intended character of the districts, out-of-scale with permitted structures and ground signage, incompatible with abutting rural, residential, and recreational uses, and harmful to the promotion of commerce and economic development in the Township.
5. Billboard signs are not appropriate in the Public/Semi-Public Services (PSP) District, because such signs would be incompatible with the intended character of the district, out-of-scale with permitted structures and ground signage, and incompatible with abutting rural, residential, and recreational uses.
6. Expanded display of billboard signs along the M-20 or M-30 state highways would lessen the effectiveness of signs allowed under this Article, exacerbate the visual clutter created by existing billboard signs, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
7. Typical levels of billboard illumination would create light pollution and glare, which would inhibit the quiet enjoyment of the night sky and nighttime rural character of the area by Township residents and visitors.
8. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

B. New Billboards Prohibited.

In accordance with the above findings, new billboard signs shall be prohibited in the Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 20.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

Section 20.08 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.

2. Signs painted on or attached to trees, utility poles, fences or streetlights.
3. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Article.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
6. Roof signs, inflatable signs, projecting signs, pylon signs, billboard signs, and portable signs.
7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits or outside of permitted size, location or time period limitations.
9. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

Section 20.09 Sign Permits.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Sign Permits.

Where a provision of this Article requires approval of a sign permit, such approval shall be subject to the provisions of Section 2.03 (Zoning Permits) and the following:

1. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
2. Other permits may be required in accordance with applicable building and electrical codes.
3. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Section and Article.

B. Required Information for Sign Permit Applications.

In addition to the requirement of Section 2.03 (Zoning Permits), the following shall be provided with any sign permit application:

1. Permit applications shall include the name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location

where the sign is to be located; written consent of the property or sign owner to perform the proposed work; and any other information required by the Zoning Administrator to show full compliance with this Ordinance.

2. A plot plan of the subject parcel, drawn to scale, including all existing and proposed property lines, improvements, buildings, signs and parking areas, as well as setbacks from all property lines to all signs and structures. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. The Zoning Administrator may require a survey of the subject property upon determination that it is necessary to verify property lines, right-of-way lines, building setbacks, or other dimensional aspects of the site essential to verifying compliance with the requirements of this Article.
4. Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.

Section 20.10 Nonconforming Signs.

All existing signs that do not conform to the provisions of this Article shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 20.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 20.02 (General Standards).

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of any nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 20.02G (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 20.02G (Illumination). A nonconforming billboard sign may be converted to an electronic message board billboard, subject to the following:

- a. The electronic message board billboard shall conform to the requirements of Section 20.02F (Changeable Copy Area or Electronic Message Board).
 - b. The electronic message board billboard shall be located a minimum of 1,750 feet from any other digital billboard on either side of the M-20 state highway right-of-way facing the same direction of oncoming traffic.
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming building-mounted sign or ground sign shall be permitted, subject to the following:
- a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
 - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
 - (1) The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities.
 - (2) The sign shall be located outside of any corner clearance area, as defined by Section 5.08 (Corner Clearance Areas).
 - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

Section 20.11 Sign Removal by Township Action.

Sign removal by Township action shall be subject to the following procedures and standards:

A. Abandoned or Unlawful Signs.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 25.03 (Definitions), and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator or other enforcement officer serving the Township shall order the removal of abandoned or unlawful signs as a violation of this Ordinance in accordance with Section 2.07 (Violations and Penalties) of this Ordinance.

Failure to remove the sign shall constitute grounds for the Township to seek court authorization to remove the sign at the property owner's expense. The owner shall reimburse the Township for removal, or the Township may place a lien on the property for necessary removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Zoning Administrator are in violation of this Ordinance, and shall be repaired or removed after notification by the Zoning Administrator or other enforcement officer serving the Township in accordance with Section 2.07 (Violations and Penalties) of this Ordinance. Failure to repair or

remove the sign shall constitute grounds for the Township to seek court authorization to remove the damaged sign at the property owner's expense. The owner shall reimburse the Township for removal, or the Township may place a lien on the property for necessary removal expenses.

C. Unsafe Signs.

Unsafe signs are a violation of this Ordinance. The Zoning Administrator or other enforcement officer serving the Township may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator or other enforcement officer serving the Township shall notify the property owner in writing of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, or the Township may place a lien on the property for necessary removal expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 20.10 (Nonconforming Signs) requirements.

E. Temporary Signs.

Temporary signs displayed within a road right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the Township without notice. Signs removed shall be held by the Township for five (5) calendar days, after which the sign may be discarded.

Section 20.12 Exceptions.

Any party who has been denied a sign permit for a proposed sign may file a petition for an exception to provisions of this Article with the Zoning Board of Appeals (ZBA) within 60 calendar days of denial. The ZBA shall have the authority to grant an exception from the strict application of these regulations in accordance with the general procedures of the Zoning Board of Appeals in Article 23.0 (Zoning Board of Appeals) and the following:

A. Applications and Review Procedures.

Application for a sign exception shall be filed with the Township Clerk by the sign permit applicant, owner of record of the property in question, or a person authorized to act on the record owner's behalf. The petition shall consist of:

1. A completed application form and required fee, along with a copy of the original sign permit application and notice denial from the Zoning Administrator.
2. A statement of the specific reasons for the exception request, and demonstration of how the request meets the exception standards of this Section.

The Township Clerk shall transmit the application and information to the ZBA and to the Zoning Administrator.

B. Public Hearing.

The ZBA shall hold a public hearing on each request for a sign exception under this Section. After receipt of a complete and accurate application, the Chair shall fix a reasonable time and date for the hearing. Notice shall be given in accordance with the public hearing provisions of Section 2.08 (Public Hearing Procedures). All hearings shall be open to the public.

C. Sign Exception Standards.

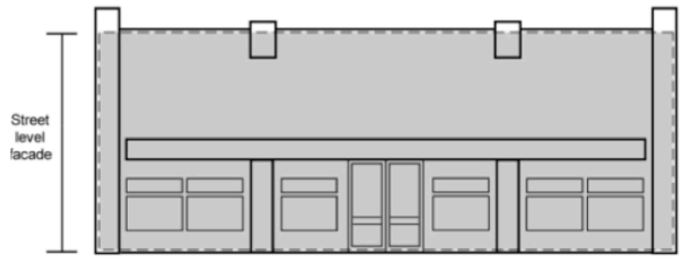
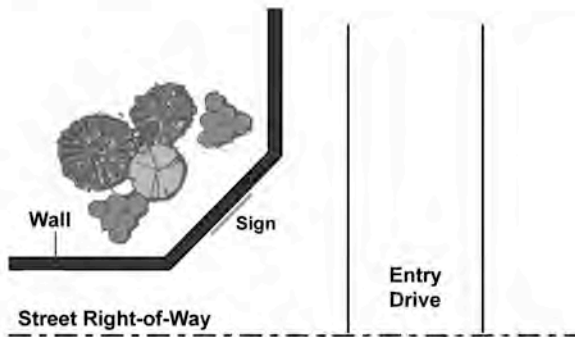
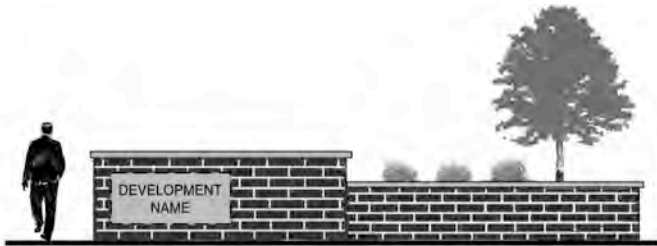
For all sign exception petitions, the ZBA shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, use or site frontage.
5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
6. **Minimum necessary action.** The exception shall not impair the intent and purposes of this Article, and shall be the minimum necessary to provide for reasonable use, visibility or legibility of the sign.
7. **Off-site ground signs.** For an exception to allow a ground sign to be located on a lot separate from that of the associated land use or business, the applicant shall also demonstrate to the ZBA's satisfaction that the off-site ground sign is the minimum necessary to provide adequate wayfinding guidance to visitors and patrons of the land use or business.

D. Findings and Conditions.

In a motion granting or denying a sign exception, the ZBA shall state the specific findings of fact and conclusions or grounds for the decision. The ZBA may attach conditions to a sign exception approval in accordance with the intent and purposes of this Article.

ILLUSTRATIONS



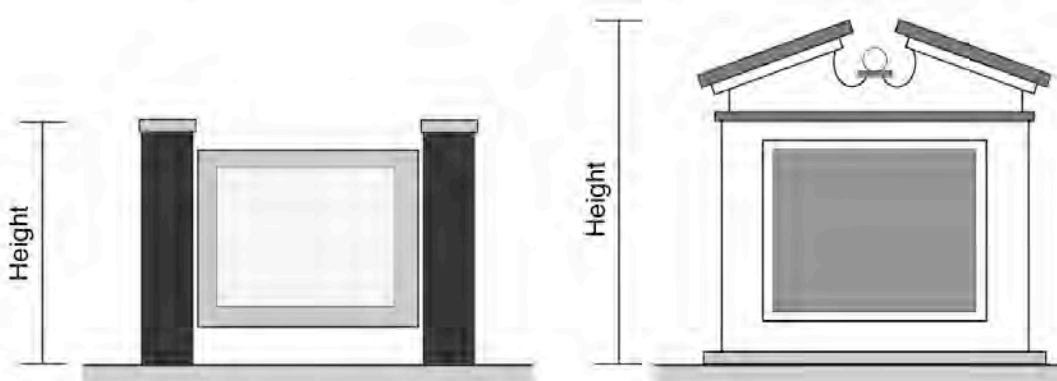
Single-story Building



Multiple-story Building

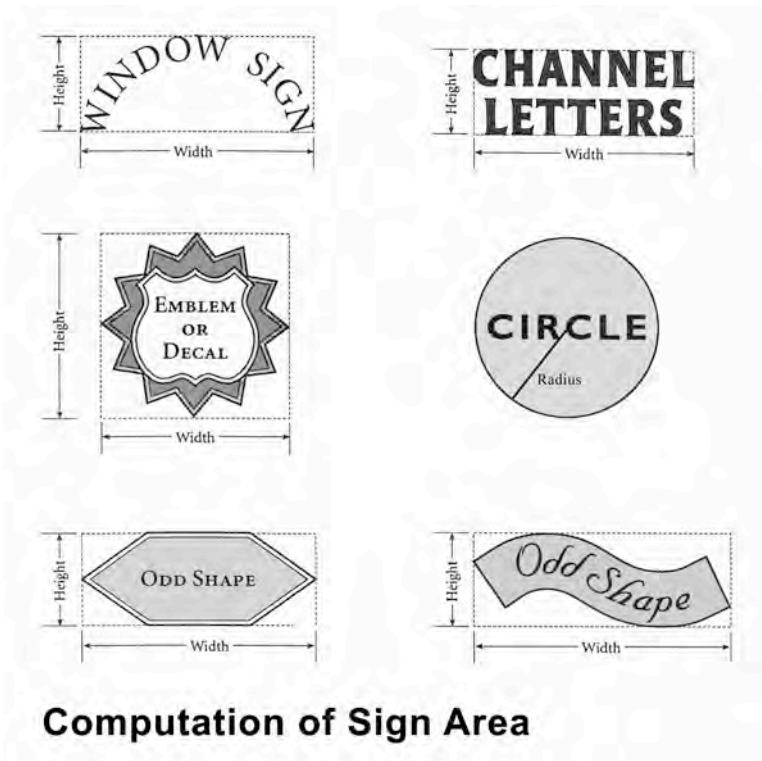
Signable Area

Site Entry Feature With Signage

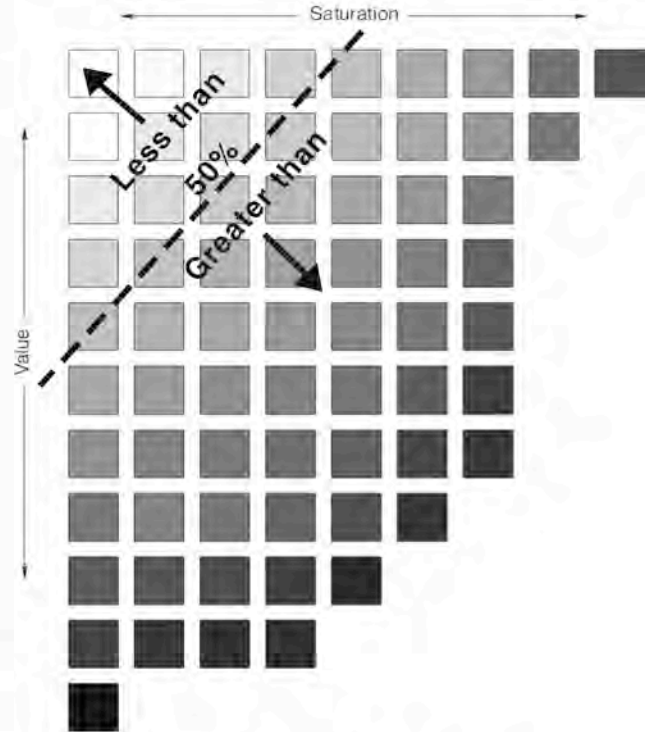


Sign Height

ILLUSTRATIONS



Computation of Sign Area



Color Value and Saturation



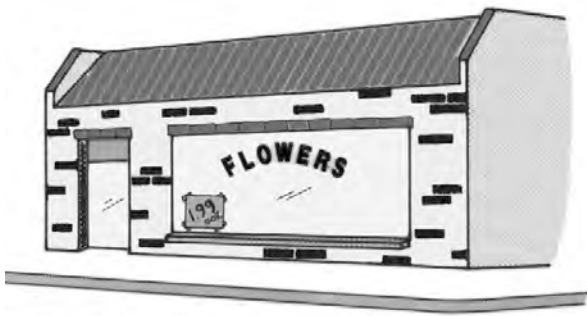
External illumination
only



Internal illumination
permitted

Sign Illumination

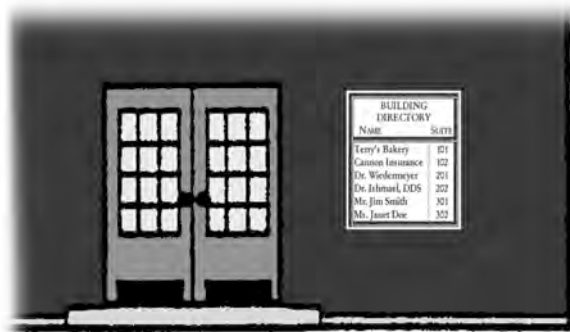
ILLUSTRATIONS



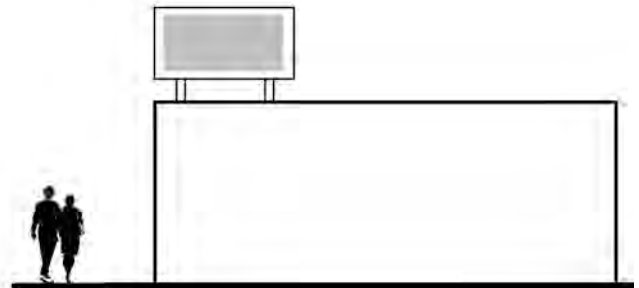
Window Sign



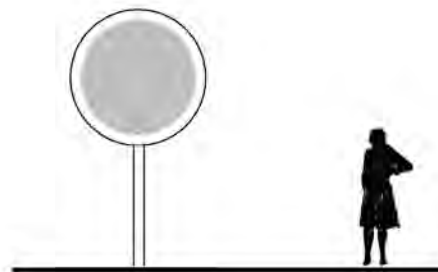
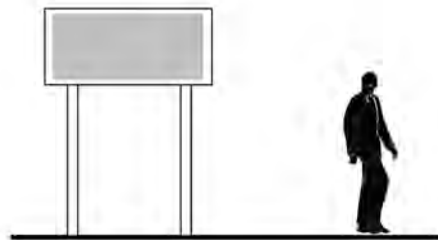
Awning Sign



Building Directory



Roof Sign



Various Types of Ground Signs

**ARTICLE 21.0
RESERVED**

ARTICLE 22.0 NONCONFORMITIES

Section 22.01 Intent.

It is recognized that there exists within the zoning districts established by this Ordinance single-family dwellings, lots of record, land uses, structures, and sites that were lawful before this Ordinance was adopted or amended and which would be prohibited under the terms of this Ordinance. Such nonconformities are hereby declared to be incompatible with permitted uses in the districts involved. This Article establishes specific standards and procedures for determining whether a land use is nonconforming or unlawful, and for determining whether a nonconforming use has ceased to occupy a particular lot or parcel.

It is the intent of this Article to permit legally nonconforming single-family dwellings, lots of record, land uses, structures, and sites to continue until they are removed but not to encourage their survival. Such nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconformities shall not be enlarged upon, expanded or extended, except under limited conditions as established by this Article.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family detached dwellings (Section 22.03);
2. Nonconforming lots of record (Section 22.04);
3. Nonconforming uses (Section 22.05);
4. Nonconforming structures (Section 22.06); and
5. Nonconforming sites (Section 22.07).

B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity shall have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity shall have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity shall have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.

Section 22.02 Unlawful Uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

Section 22.03 Nonconforming Single-Family Detached Dwellings.

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family detached dwellings and customary accessory structures consistent with the intent and purposes of this Article and Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner's insurance coverage for a nonconforming dwelling. Accordingly, the provisions of Section 22.05 (Nonconforming Uses) and Section 22.06 (Nonconforming Structures) shall not apply to such nonconforming dwellings and accessory structures as regulated under this Section.

Nonconforming single-family detached dwellings and customary accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

A. Dwelling as a Nonconforming Use.

An existing, lawfully established single-family dwelling and customary residential accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

1. Such work shall conform to all applicable standards of this Ordinance as if the lot and use were located in the residential zoning district most similar in terms of the minimum lot width and area requirements to the size of the subject lot.
2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

B. Dwelling as a Nonconforming Structure.

Where an existing, lawfully established single-family dwelling is a nonconforming structure with respect to the requirements of this Ordinance, the following standards shall apply:

1. Structural alterations to a nonconforming single-family dwelling that decrease or do not affect the degree of nonconformity shall be permitted. The dwelling may be expanded, provided that:
 - a. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
 - b. With the alteration, all structures on the lot shall not exceed the maximum lot coverage for the district in which the lot is located.
2. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.

3. A nonconforming single-family dwelling may be reconstructed or replaced if destroyed, provided that:
 - a. Any replacement dwelling shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling may be reconstructed at a location within the lot that maximizes compliance with the dimensional standards of this Ordinance in accordance with the following priorities:
 - (1) Minimum front yard setback (highest priority).
 - (2) Minimum side yard setback (second highest priority).
 - (3) Minimum rear yard setback (third highest priority).
 - (4) All other standards of Article 5.0 (Dimensional Standards).
 - b. Application for a building permit for reconstruction or replacement of a destroyed dwelling shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
 - c. A nonconforming dwelling moved within a lot or to another lot shall thereafter conform to the regulations of the zoning district in which it is located.
4. If a nonconforming dwelling becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

Section 22.04 Nonconforming Lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a zoning district may be erected on a single unimproved lot of record existing at the effective date of adoption or amendment to this Ordinance, provided the lot meets no less than eighty percent (80%) of the current dimensional requirements for the district in which it is located.

Section 22.05 Nonconforming Uses.

Single-family detached dwellings that are a nonconforming use in the zoning district shall be subject to the standards of Section 22.03 (Nonconforming Single-Family Detached Dwellings). All other nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Standards for Determining that a Use is Nonconforming.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. **The use does not conform to the purpose and use regulations of the district where it is located.**
2. **The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.**
3. **Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:**
 - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - b. Dated records that provide information about the occupants or uses located on a street by address or lot number.
 - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 - d. Dated advertising or other published information, including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. Dated aerial photos from the State of Michigan, Midland County or other sources accepted by the Zoning Board of Appeals.
 - f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Discontinuance or Abandonment.

Whenever a nonconforming use has been discontinued for a period of more than 365 calendar days or is superseded by a conforming use, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be re-established. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to all Ordinance requirements.

When there is a question or dispute about the intent of the property owner to abandon a nonconforming use, the Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. **Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be

limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

2. **Dated records that provide information about the occupants or uses located on a street by address or lot number show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to documentation showing the address associated with the use as vacant or occupied by another use, or showing the telephone number associated with the use as disconnected or in use at another location.
3. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
4. **Dated advertising or other published information show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. **Dated aerial photos from State of Michigan, Midland County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
6. **Other relevant evidence shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements showing that the property, buildings or grounds have fallen into disrepair; that inventory, equipment or fixtures necessary for operation of the nonconforming use have been removed; or that otherwise indicate the nonconforming use has ceased.

C. Compliance with Other Applicable Standards.

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

D. Expansion or Substitution of a Nonconforming Use.

See Section 22.08 (Expansion and Substitution).

E. Additional Nonconforming Use Provisions.

The following additional provisions apply to nonconforming uses in all zoning districts:

1. If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.
2. No nonconforming use shall be extended to displace a conforming use.
3. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 22.06 Nonconforming Structures.

Single-family detached dwellings that are a nonconforming structure in the zoning district shall be subject to the standards of Section 22.04 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Expansion Restricted.

A nonconforming structure shall not be structurally changed, or enlarged unless the resultant changes conform to the provisions of this Ordinance for the district in which it is located and do not increase or intensify the nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be subject to the requirements of Section 22.08 (Expansion and Substitution).

B. Normal Repairs and Maintenance.

Nothing in this Ordinance shall prohibit the repair and maintenance of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration and depreciation, provided that such repair or maintenance activities shall result in a structure no larger and no more nonconforming than the nonconformity existing immediately preceding the repair or improvement; and provided that the work done is only to make the structure safer or more sanitary.

C. Buildings under Construction.

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 calendar days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 calendar days; and that the entire structure shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

D. Damaged or Unsafe Structures.

Reconstruction or restoration of a nonconforming structure damaged by any means to an extent that the expense of such reconstruction or restoration shall not exceed the state equalized value of the property shall be permitted, subject to the following:

1. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
2. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
3. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
4. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.
5. A nonconforming structure or a portion thereof, if destroyed or damaged by any means to the extent such that the expense of such reconstruction would exceed the state equalized value of the property, shall not be reconstructed except in conformity with the regulations of the zoning district in which it is located.

Section 22.07 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts, and improving emergency access.
3. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission:
 - a. Preservation of natural resources or historical site features.
 - b. Pedestrian access improvements.
 - c. Vehicular access and circulation improvements.
 - d. Building design or exterior facade improvements.
 - e. Off-street parking or loading improvements.
 - f. Landscaping improvements.
 - g. Screening and buffering improvements.
 - h. Exterior lighting improvements.

- i. Drainage and stormwater management improvements.
 - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
 5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 22.08 Expansion and Substitution.

Expansion of a nonconforming single-family detached dwellings shall be subject to the standards of Section 22.03 (Nonconforming Single-Family Detached Dwellings). Expansion or substitution of all other nonconforming uses and structures shall be subject to the following:

A. Eligibility.

Applications for approval under this Section shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which approval is sought, or by the owner's designated agent. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Expansion or Substitution of a Nonconforming Use (Planning Commission).

A nonconforming use may be expanded, or a nonconforming use may be substituted for another nonconforming use, subject to Planning Commission approval in accordance with the following:

1. **Filing of application.** Application for approval of a nonconforming use substitution or expansion shall be made by filing at least nine (9) paper copies and at least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk or designee, who shall transmit the application materials to designated Township officials and consultants, and the Planning Commission.
2. **Information required.** An application for approval of a nonconforming use substitution or expansion shall contain the following information:
 - a. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
 - b. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
 - c. Legal description, address, and tax parcel number of the property.

- d. A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.
 - e. A detailed description of the existing use and proposed expansion or substitution. The Planning Commission may require documentation that the existing use is legally nonconforming per the standards of Section 22.05A (Standards for Determining that a Use is Nonconforming).
 - f. Where required by the Planning Commission or by Section 14.02 (Site Plan Approval Required), a site plan shall also be submitted for review.
3. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
 4. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 2.08 (Public Hearing Procedures).
 5. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may approve a nonconforming use substitution or expansion upon finding that the existing use and proposed expansion or substitution satisfy all of the following criteria for approval:
 - a. **Use standards.** The existing use and proposed expansion or substitution conform to the following:
 - (1) The nonconformity does not significantly depress the value of nearby properties.
 - (2) The use does not adversely impact the public health, safety, and welfare.
 - (3) The use does not adversely impact the purpose of the district where it is located.
 - (4) No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
 - (5) In the case of a use substitution, the proposed nonconforming use is more appropriate than the existing nonconforming use in the zoning district in which it is located.
 - b. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 20.0 (Signs).
 - c. **Building improvements.** The Planning Commission may approve an expansion of a nonconforming use that includes new construction, or

expansion or structural alteration of the existing building(s) occupied by the use where such work conforms to applicable Ordinance requirements.

- d. **Site improvements.** If the site is nonconforming with respect to applicable site design standards of this Ordinance, the proposed expansion and associated site improvements shall also conform to the requirements of Section 22.07 (Nonconforming Sites).
- e. **Other conditions.** The Commission may attach conditions of approval to assure that the use does not become contrary to the purposes of this Article or Ordinance, or the public health, safety or welfare.

C. Expansion of Nonconforming Structures (Zoning Board of Appeals).

A nonconforming structure shall not be expanded or altered in a manner that increases or intensifies its nonconformity, except in accordance with Zoning Board of Appeals approval and the following requirements:

1. **Filing of application.** Application for approval to enlarge or expand a nonconforming structure shall be made by filing at least nine (9) paper copies and at least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application form, all required information per Section 23.05 (Applications), and the required review fee and escrow deposit with the Township Clerk or designee, who shall transmit the application materials to designated Township officials and consultants, and the Board of Appeals.
2. **Technical review.** Prior to Zoning Board of Appeals consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
3. **Zoning Board of Appeals review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Zoning Board of Appeals shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 2.08 (Public Hearing Procedures).
4. **Criteria for approval.** Subsequent to the public hearing, the Zoning Board of Appeals shall review the application to the standards and findings required herein and the information provided at the public hearing. The Zoning Board of Appeals may approve an expansion or alteration of a nonconforming structure upon finding that the existing structure and proposed changes satisfy all of the following criteria for approval:
 - a. The nonconformity results from noncompliance with zoning district regulations for minimum lot area, minimum lot width, required yards, off-street parking and loading requirements, or transition buffer or landscape strip requirements. Increasing the height of a structure that is nonconforming because of height requirements shall be prohibited.
 - b. The existing and proposed uses of such structure(s) shall be permitted in the district in which they are located.
 - c. The proposed expansion or alteration shall conform to all applicable requirements of the zoning district in which the structure is located.

- d. The Zoning Board of Appeals shall make the following findings of fact before approving such a request:
 - (1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring removal of such structure would cause undue hardship;
 - (2) The improved nonconforming structure would not adversely affect the public health, safety, and welfare; and
 - (3) The proposed improvement is reasonably necessary for continued use of the structure.
5. **Other conditions.** The Zoning Board of Appeals may attach conditions to the approval to assure that the expansion or alteration does not become contrary to the intent of this Article; or to the public health, safety, and welfare.

Section 22.09 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use, provided that there is no change in the nature of the nonconformity.

Section 22.10 Cessation of Nonconformities by Township Action.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

ARTICLE 23.0

ZONING BOARD OF APPEALS

Section 23.01 Board Established.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided for in the Michigan Zoning Enabling Act and this Ordinance, in such a way that the objectives of this Ordinance are observed, public health and safety secured, and substantial justice done.

Section 23.02 Membership and Terms.

Zoning Board of Appeals (ZBA) membership shall be subject to the following:

A. Membership.

The Zoning Board of Appeals shall consist of three (3) regular members, appointed by the Township Board.

1. One (1) member of the Zoning Board of Appeals shall also be a member of the Planning Commission. The remaining two (2) members shall be selected from the electors of the Township residing in the zoning jurisdiction of the Township.
2. One (1) member may be a member of the Township Board. In the event a member is elected to the Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member’s seat on the ZBA shall be deemed vacant.
3. The members selected shall be representative of the population distribution, and of the various interests present in the Township. Employees and contractors of the Township shall be prohibited from serving as ZBA members.

B. Alternates.

The Township Board may appoint not more than two (2) alternate ZBA members for the same term as regular members. An alternate may be called to serve as a regular member for the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more ZBA meetings. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 23.02D (Abstaining). The alternate member appointed shall serve in the case until a final decision is made, and shall have the same voting rights as a regular ZBA member.

C. Terms and Vacancies.

The term of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board where terms shall be limited to the time they are members of those bodies. If multiple members are appointed at the same time, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

D. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest, subject to the following:

1. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the remaining members of the ZBA.
2. The member is disqualified from voting on the matter if:
 - a. A majority vote of the remaining members of the ZBA agree that a conflict exists; or if
 - b. A ZBA member who is also a member of the Township Board or Planning Commission previously voted on the same matter as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property.
3. The ZBA may define "conflict of interest" in its bylaws, or the Township Board may adopt a conflict of interest policy for the Township by resolution.
4. Failure of a member to disclose a potential conflict of interest or to abstain as required by this subsection shall constitute malfeasance in office.

E. Removal From Office.

The Township Board may remove a member from office for misfeasance, malfeasance or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 2.08 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, any motions or resolutions, and the roll call vote of the Township Board.

Section 23.03 General Rules.

The following general rules shall apply to the Zoning Board of Appeals (ZBA):

A. Officers.

The ZBA shall annually elect a Chair, Vice-Chair, and Secretary from its membership. The Township Board Representative shall not serve as ZBA Chair. Such election shall be held at the first regular ZBA meeting of each calendar year, or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.

1. The Chair shall preside at and conduct ZBA meetings; and shall have the power to subpoena and require attendance of witnesses, administer oaths, compel testimony and production of books, papers, files, and other evidence pertinent to matters before the ZBA. The Chair shall also decide all points of order or procedure. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
2. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all ZBA proceedings.

B. Meetings.

Meetings of the ZBA shall be held at the call of the Chair and at such other times as any ZBA bylaws may specify. All ZBA meetings shall be open to the public.

1. Two (2) ZBA members (regular or alternate) shall constitute a quorum, without which the ZBA shall not conduct business other than to open and close the meeting. The concurring vote of a majority of the regular ZBA membership shall be necessary for any decision.
2. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name and the findings of fact, conclusions, and final disposition of each case. Such minutes shall be filed with the Township Clerk, and shall be promptly sent to the applicant and to the Zoning Administrator.

C. Procedures.

The ZBA shall hear and decide upon all matters within a reasonable time, not to exceed 180 calendar days after receipt of a complete and accurate application, in accordance with the following:

1. **Hearing.** The ZBA shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing immediately after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held per Section 2.08 (Public Hearing Procedures). All hearings shall be open to the public.
2. **Representation.** Any applicant may appear in person or be represented by an agent or attorney.
3. **Motions.** A motion for action on an application shall include specific findings of fact and conclusions made by the ZBA in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
4. **Postponement and dismissal.** The ZBA may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.
5. **Validity.** Any ZBA decision favorable to the applicant shall remain valid only as long as the information and data relating to such decisions are found to be correct, and the conditions upon which the decision was based are maintained.
6. **Bylaws.** The ZBA may adopt bylaws to govern its procedures.

Section 23.04 Powers and Duties of the ZBA.

The Zoning Board of Appeals (ZBA) shall hear, decide, and rule on the following:

1. **Interpretations.** The ZBA shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.
2. **Administrative appeals.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
3. **Variances.** The ZBA shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.
4. **Exceptions and other matters.** The ZBA shall have the authority to hear and decide requests for exceptions as authorized by this Ordinance, and other matters upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the ZBA to act.
5. **Prohibited actions.** The ZBA shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The ZBA shall not hear and shall have no authority regarding use variances or any issue that involves a special use permit or planned unit development (PUD) approval or denial.

Section 23.05 Applications.

All applications to the Zoning Board of Appeals (ZBA) shall be filed with the Township Clerk, on forms provided by the Township, along with the required review fee, as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full. A complete and accurate application shall, at a minimum, include the following:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Copies of all plans, studies and other information and data to be relied upon by the applicant.

7. Any additional information required by this Article or deemed necessary by the ZBA to make a determination on the issue in question.
8. For variance requests, the following additional requirements shall apply:
 - a. The applicant shall submit a plan, based on a mortgage survey or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. The ZBA shall have the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to ensure accuracy of the plan.
 - b. All lots or parcels that are the subject of the variance application shall be marked and staked in the following manner, at least one (1) week prior to the scheduled ZBA hearing date:
 - (1) Each corner of the lot or parcel shall be staked;
 - (2) Each corner of the proposed building(s) shall be staked; and
 - (3) Vacant parcels shall be posted with a clearly visible sign noting the address or lot number.

Section 23.06 Interpretations.

The Zoning Board of Appeals (ZBA) shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, to be consistent with the intent and purpose of the regulation where stated in this Ordinance, and to carry out the intent and purposes of this Ordinance. The ZBA shall also have the power to hear and decide requests for interpretations of the Official Zoning Map in such a way as to carry out the intent and purposes of this Ordinance and the Master Plan.

Section 23.07 Administrative Appeals.

Consideration of administrative appeals shall be subject to the following:

A. Standing to Appeal.

Appeals may be taken to the Zoning Board of Appeals (ZBA) by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 30 calendar days of the order, requirement, decision or determination in question.

The appellant shall submit a description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The ZBA may require the appellant to submit additional information to clarify the appeal. The Township Clerk and Zoning Administrator shall transmit to the ZBA copies of all relevant papers constituting the record upon which the action appealed from was taken.

B. Stay of Action.

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.

C. Determinations.

In hearing and deciding administrative appeals, ZBA review shall be based upon the record of the administrative decision being appealed. The ZBA shall not consider new information that was not presented to the administrative official or body charged with enforcement of this Ordinance. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit. To that end, the ZBA shall have all of the powers of the official(s) from whom the appeal is taken.

Section 23.08 Variances.

The Zoning Board of Appeals (ZBA) shall have the authority to grant variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare are secured, and substantial justice is done, based upon the following standards:

A. Use Variances Prohibited.

Under no circumstances shall the ZBA 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 the zoning district.

B. Standards for Review.

The ZBA shall consider and make findings of fact regarding the following standards as part of the review of and action on any variance application:

1. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
3. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. **More than an inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.
6. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
7. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured. In addition:
 - a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - c. The granting of a variance will not alter the essential character of the area or surrounding properties.
 - d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
8. **Minimum necessary action.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

C. Variance Expiration.

An approved variance shall become null and void 365 calendar days after the date of approval unless the occupancy of land or buildings authorized by the variance has commenced or a building permit has been issued and the construction authorized by the variance has been completed or is being diligently pursued towards completion.

1. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon permit expiration.

2. Where a variance has been approved for a project subject to site plan approval per Article 17.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.
3. The ZBA may, upon the applicant's written request and a showing of good cause, grant an extension of variance approval for an additional 365 calendar days.

D. Reapplication for Variance.

No application for a variance that has been denied wholly or in part by the ZBA shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the ZBA to be valid.

Section 23.09 Site Plan Requirements.

If an application to the Zoning Board of Appeals (ZBA) is associated with a land use or a development that requires site plan approval by the Planning Commission, the applicant shall first apply for site plan approval as set forth in Article 14.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the site plan. The applicant shall then apply for the requested variance to the ZBA. The Planning Commission shall transmit its findings thereon to the ZBA. The ZBA shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for action on the site plan.

Section 23.10 Conditions of Approval.

The Zoning Board of Appeals (ZBA) may impose additional conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Conditions imposed by the ZBA shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure compliance with Ordinance standards.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required for a new case or application. Violation of any condition imposed shall be deemed a violation of this Ordinance.

Section 23.11 Appeals to Circuit Court.

Any person aggrieved by a decision of the Zoning Board of Appeals (ZBA) in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the ZBA issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the ZBA approves the minutes of its decision, whichever comes first.

ARTICLE 24.0 AMENDMENTS

Section 24.01 Initiating Amendments.

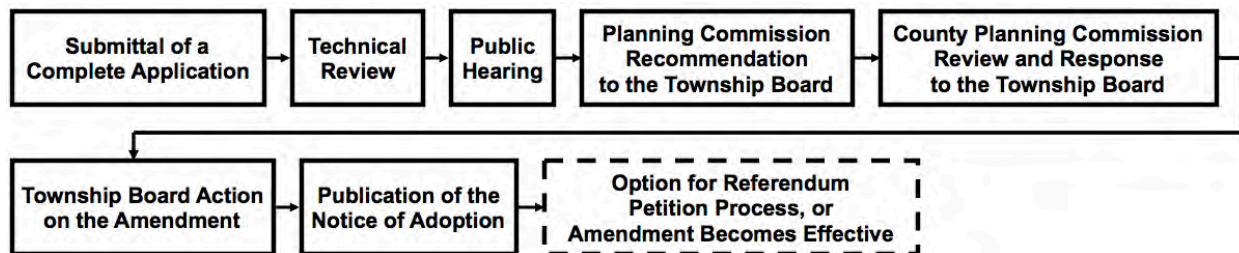
Amendments to the Official Zoning Map may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or persons acting on behalf of the property owner(s). All other Zoning Ordinance amendments may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or residents.

Section 24.02 Fees.

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application, and no part of a required fee shall be returnable to the applicant. No fee shall be charged for amendments initiated by the Township Board or Planning Commission. No action shall be taken on any application for which required fees have not been paid in full.

Section 24.03 Amendment Procedure.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or revise this Ordinance or Official Zoning Map consistent with the Michigan Zoning Enabling Act and the following:



Amendment Review Process

A. Filing of Application.

An amendment to this Ordinance, except those initiated by the Township Board or Planning Commission, shall be made by filing at least ten (10) paper copies and at least one (1) digital copy of a complete and accurate application with the Township Clerk, along with the required review fee and any required escrow deposit.

B. Technical Review.

Prior to Planning Commission consideration, the proposed amendment and any application materials shall also be distributed to appropriate Township officials and the Township Planner for review and comment. The Planning Commission may also request

comments from other designated Township consultants and outside agencies with jurisdiction.

C. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 2.08 (Public Hearing Procedures).

D. Planning Commission Recommendation.

Following the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendations for disposition of the application to the Township Board. The report shall include a summary of comments received at the public hearing.

E. County Review Not Required.

It is recognized that the Midland County Commission has, by resolution adopted on May 2, 2017, disbanded the County Planning Commission and waived its right to review Township ordinances as would otherwise be required per Section 307 of the Michigan Zoning Enabling Act.

F. Township Board Action.

Following receipt of the report and recommendation from the Planning Commission and any applicable waiting period for county review and comment, the Township Board shall consider and vote upon the adoption of the proposed amendment.

1. The Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.
2. The Board may hold additional public hearings on the proposed amendment in accordance with Section 2.08 (Public Hearing Procedures).
3. The Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
4. Amendments shall be approved by a majority vote of the Township Board.

G. Re-Application.

Whenever the Township Board has rejected an application, the Township shall not accept a new application for the same amendment for a period of 365 calendar days unless the Township Board or Planning Commission determines that there is a substantial change in circumstances relevant to the issues or facts considered during review of the application; new or additional information is available that was not available at the time of the review; or the new application is materially different from the prior application.

Section 24.04 Information Required.

The following information shall be required with any application for amendment to this Ordinance or Official Zoning Map:

A. Zoning Map Amendment.

When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:

1. A legal description of the property, including street address(es) and tax code number(s).
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 applicant, and the applicant's interest in the property. If the applicant is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the application. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
4. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
5. Identification of zoning district requested and the existing zoning classification of subject property.
6. Vicinity map showing the property location, adjacent land uses, and zoning classifications.
7. General description of natural resources and features on the subject property, depicted on scaled drawings. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
8. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When an application involves a change in the text of the Zoning Ordinance, the applicant shall submit the following information:

1. A detailed statement of the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
2. Name and address of the applicant.
3. Reasons for the proposed amendment.

Section 24.05 Findings of Fact Required.

In reviewing any proposed zoning amendment, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

A. Evaluation of Existing Zoning and Development Pattern.

Review the existing zoning and land uses permitted in the zoning district for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics. Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

B. Apparent Demand.

Consider the apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

1. Consider whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
2. Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
3. Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.

C. Availability of Public Services and Infrastructure.

Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district. Factors to consider include:

1. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
2. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
3. Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.

D. Compatibility.

Evaluate the existing zoning of land in the surrounding area on both sides of the road and all sides of the site in terms of all uses permitted and the district intent. Determine

whether all permitted land uses and development that could occur on the subject site under the proposed zoning district(s) would be compatible with the surrounding character in terms of traffic, noise, scale, and types of uses.

E. Consistency with the Master Plan.

Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.

- 1. **Rezoning inconsistent with the Master Plan.** A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.
- 2. **Phasing in of new development.** The future land use recommendations of the Master Plan are based upon a ten to twenty year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
- 3. **Consistency with the Township’s policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site’s physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Ordinance requirements.

F. Additional Factors.

Additional factors to be considered shall include, but shall not be limited to whether or not the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance; the precedents and possible effects of such precedents that might result from approval or denial of the proposed zoning change; and the effect of approval of the proposed zoning change on the condition or value of property in the Township and adjacent municipalities.

Section 24.06 Notice of Adoption.

Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, notice of the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The notice of adoption shall include the Article and Section of the Ordinance amendment, in the case of a text amendment; either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the place and time where a copy of the Ordinance may be inspected or purchased.

Section 24.07 Referendum.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated

portion of the Township may file with the Township Clerk a notice of intent to file an application for referendum under this Section.

If a notice of intent is filed, then within 30 days following publication of an approved amendment, an application signed by a number of registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of the Township for their approval.

Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:

1. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the application for referendum is not filed within that time period.
2. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is inadequate.
3. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

Section 24.08 Conformance to Court Decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adoption published without referral to any other commission or agency.

Section 24.09 Conditional Rezoning.

Section 405 of the Michigan Zoning Enabling Act provides that, "An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land...." This section further states that, "A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning."

Based on these provisions, it shall be the policy of the Township to exercise its option to neither require nor accept any conditional rezoning application. Any rezoning application submitted under the terms of this Article that includes voluntarily offered conditions shall be returned to the applicant without further review.

ARTICLE 25.0 DEFINITIONS

Section 25.01 Purpose.

For the purpose of this Ordinance certain terms are defined within this Section.

Section 25.02 Rules of Construction.

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

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; except technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning and except words and phrases defined by this Ordinance.
2. The particular shall control the general.
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the requirements of this Ordinance.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.
11. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either/or" indicates that connected items, conditions, provisions or events shall apply singly but not in combination.
 - d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
14. In computing a period of days in connection with petitioner or applicant submissions, the first day is excluded and the last day is included. If 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 25.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Access Drive or Driveway. A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.

Accessory Structure. See "Structure."

Accessory Dwelling. See "Dwelling, Accessory."

Accessory Use. See "Use, Accessory."

Adult Foster Care Facility. A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Michigan Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the State of Michigan. The following four (4) types of adult foster care facilities are provided for by these rules:

- a. **Adult Foster Care Family Home.** Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- b. **Adult Foster Care Small Group Home.** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
- c. **Adult Foster Care Large Group Home.** Residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- d. **Adult Foster Care Congregate Care Facility.** Residence for more than 20 adults.

Adult Entertainment Uses and Sexually Oriented Businesses. The following establishments and businesses are classified together under the general designation of "adult businesses and sexually oriented establishments. These businesses and establishments are customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.

- a. **Adult Arcade.** Any place wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer patrons or members per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing specified sexual activities or specified anatomical areas.
- b. **Adult Book or Video Store or Adult Supply Store.** An establishment having more than twenty percent (20%) of its stock in trade or sales in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, videos or other video reproductions, slides or other visual representations, recordings, advertisements, devices, objects, toys, paraphernalia, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities or simulated nudity, which are offered for sale or rental

or an establishment with a segment or section for the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. Items used for conception control or for protection from sexually transmitted diseases are excluded.

- c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas; an emphasis on specified sexual activities; an emphasis on nudity, state of nudity, or simulated nudity; or a combination of any of the above.
- d. **Adult Model Studio.** Any place where models who display specified anatomical areas are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- e. **Adult Motel.** An establishment that rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also (1) offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or (2) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours. Evidence that a sleeping room has been rented and vacated two (2) or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
- f. **Adult Motion Picture Theater.** An enclosed structure wherein still or motion pictures, digital recordings or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons or members therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for patrons or members. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service business may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.
- a. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment for patrons or members by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:
 - (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (4) Hospitals, nursing homes, medical clinics, or medical offices;
 - (5) Barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
 - (6) Therapeutic massage establishments as defined and regulated by this Ordinance. See "**Massage Therapist.**"
- h. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances for patrons or members which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.

- i. **Escort Service.** An establishment that provides the services of an escort to patrons or members for payment of a fee.
- a. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a state of nudity, simulated nudity or displays specified anatomical areas, and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to patrons or members.
 - (1) **Nude Modeling Business.** A nude modeling studio where the employee or entertainment personnel also performs a massage or specified sexual activities.
- b. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity or simulated nudity and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- c. **Sexual Paraphernalia Store.** An establishment having a substantial portion devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to specified anatomical areas or as part of, in connection with or related to specified sexual activities (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- d. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
 - (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
 - (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (a) Genitals, whether or not in a state of sexual arousal;
 - (b) Pubic region or pubic hair;
 - (c) Buttock(s);
 - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.
 - (3) **Nudity, Simulated.** A state of dress in which any artificial device or covering is worn on a person and exposed to view so as to simulate an actual state of nudity.
 - (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
- e. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - (1) Less than completely and opaquely covered human genitalia or pubic region; buttock or anus; or female breast below a point immediately above the top of the areola; or
 - (2) Human male genitals in a discernibly turgid state, even if opaquely covered.
- f. **Specified Sexual Activities.** The explicit display of one or more of the following:
 - (1) Human genitalia in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse or sodomy;

- (4) Human excretory functions as part of or as related to any activity described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
- g. **Substantial Portion.** A use or activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

Agriculture. The use of land for the production of plants and animals useful to human beings, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members of his or her household or hired employees. See also "**Farming and Active Agricultural Uses.**"

Agricultural Support Businesses. A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services. Includes sales of feed, fertilizer, farm implements, agricultural production materials and services, equestrian supplies and equipment, gardening supplies, seeds, and other items used directly and principally for agricultural purposes.

Aircraft Landing Strip, Private. The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of aircraft owned or operated by the owner of the property but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall not make a district commercial, nor shall its use be deemed a commercial activity.

Alterations.

- a. **Structural Alterations.** A change, addition or modification to; or enlargement, rearrangement, replacement removal or construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- b. **Building Alterations.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- c. **Sign Alterations.** A change, addition or modification to its size; or enlargement, rearrangement, replacement or removal of any part of any sign.

Amusement Center, Indoor. Business from which the proprietor's primary income is derived from the operation by patrons or members of pool tables, billiard tables, games, amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

- a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges to use the device.

Amusement Center, Outdoor. Business from which the proprietor's primary income is derived from the operation by patrons or members of miniature golf courses, batting cages and machines, children's amusement parks, and similar facilities.

Animal, Domestic. An animal that has, through long association with human beings, lived in a state of dependence upon human beings or under the dominion and control of human beings and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming or illness of a human being, nor used for commercial breeding purposes.

Animal, Farm. See “**Farming and Active Agricultural Uses, Livestock or Farm Animals.**”

Appeal. An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

Assisted Living Facility. See “**Senior Housing, Assisted Living Facility.**”

Automobile Service and Repair. See “**Motor Vehicle Service Center.**”

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-sheltered homes. (See “**Basic Structural Terms**” illustration at end of Section).

Bed and Breakfast Inn. A dwelling within which overnight accommodations and the option for a meal are offered as an accessory use for transient guests in exchange for compensation.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. See “**Landscaping.**”

Billboard. See “**Sign, Billboard.**”

Biofuel. A renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including but not limited to ethanol and bio-diesel; and not including methane or any other fuel product from an anaerobic digester.

Block. A contiguous land area bounded by roads or by a combination of roads or other dedicated rights-of-way, public parks, cemeteries, watercourses or municipal boundary lines (See “**Block**” illustration at end of Section).

Boarding House. A residential building or part thereof where, for compensation and by prearrangement for definite periods exceeding 28 days per calendar year, lodging and some or all meals are provided for residents granted exclusive rights to occupy a particular bedroom and the use of certain communal facilities. One (1) individual, partnership or legal entity shall be responsible for operating the boarding house, leasing or letting out individual bedrooms, and providing meals. Also called “cooperative housing.”

Boarding Stable and/or Riding Arena. All stables and facilities for the rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals for compensation, which may include private boarding of one (1) or more equine riding animals or intended for public lessons, riding academies, for hire on a per diem, hourly, or weekly basis, or similar use.

Buffer, Transition. A transitional area improved with landscaping and screening elements for the purpose of limiting the impact of one land use on another, which is placed as a separating element between different land uses or between new development and abutting rural areas.

Buffer, Wetland or Watercourse. A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.

Building. A structure having a roof supported by columns or walls or any other approved means for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. Building shall include a tent, awning or vehicle situated on land and used for purposes of a building.

- a. **Building Height.** See "Height").
- b. **Building, Principal.** A building or, where the context so indicates, a group of buildings that are permanently affixed to the land, and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

Building Envelope. The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (See "Building Envelope" illustration at end of Section).

Building Inspector. The person or persons designated by the Township to administer and enforce the State Construction Code.

Building Line. The line formed by either of the following, as applicable:

- a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.
- b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.

At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (See "Building Lines" illustration at end of Section).

Building Permit. A document authorizing the holder to construct, enlarge or alter a building of a particular kind on a particular lot.

Bulk. The size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

- a. The size and height of a building or structure;
- b. The location of the exterior wall of a building in relation to a lot line, street or other building;
- c. The floor area of a building in relation to the area of the lot on which it is located;
- d. The open spaces allocated to and surrounding a building; and
- e. The amount of lot area per dwelling unit.

Caliper-inch. The measurement of the tree trunk diameter in inches at four and one-half (4 1/2) feet above the existing ground level on the uphill side of the tree. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks measured four and one-half (4 1/2) feet above the ground. See "Diameter Breast Height."

Campground. A designated area typically consisting of open spaces where a camper can pitch a tent, park a camping trailer or recreational vehicle. A user fee may or may not be charged.

Caretaker Living Quarters. An accessory dwelling that is a subsidiary use to the principal use of the site as authorized by provisions of Articles 7.0 through 12.0 (Use Standards...), and which is designed to serve as the dwelling for an on-site caretaker, security, or manager responsible for watching over the site of the principal non-residential use. See "Dwelling, Accessory Dwelling."

Car Wash. A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.

Carport. A partially open accessory structure and shelter for housing of vehicles.

Cemetery. Land used for columbaria and mausoleums or the burial of the dead.

Certificate of Zoning Compliance. See "Zoning Permit."

Church, Temple, Place of Worship or Religious Institution. A type of institutional use or site used for the regular assembly of persons for the conducting of religious services and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition. Also see "Institutional Uses."

Civic Club. A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Clinic, Medical. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Commercial Uses. These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.

Commercial Vehicle. Any motor vehicle or trailer whose characteristics include one or more of the following characteristics described below:

- a. Used for the transportation of passengers for hire; or
- b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale; or
- c. Designed and used for carrying, towing, or pulling other vehicles; or
- d. Capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer; or
- e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures; or
- f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches; or
- g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; or
- h. Any vehicle that has or requires commercial license plates.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

Composting. A controlled process of degrading compostable organic material by microorganisms.

- a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.
- b. **Composting Methods.** Composting may be achieved by several methods:
 - (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
 - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,

- (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic.
- c. **Composting Facility.** Those structures and spaces necessary for the commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products. This term shall not apply to private composting of common household materials generated by RURAL USES or RESIDENTIAL USES on an individual parcel.
- d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

Conditional Use. See "Use, Special Use."

Condominium. A system of separate ownership of individual condominium units according to the Condominium Act which may contain residential, commercial, office, industrial, or other structures and/or uses permitted within this Ordinance in which each co-owner owns exclusive rights to a defined unit of space, meeting the requirements of this Ordinance, within which a structure or structures may be constructed, as described in the master deed.

- a. **Common Elements.** The portion of a condominium project other than the individual units.
- b. **Condominium Act.** Michigan Public Act 59 of 1978, as amended.
- c. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
- d. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- e. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- f. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use.
- g. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- h. **Convertible Area.** A condominium unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- j. **General Common Element.** Those portions of a site condominium property not owned individually by condominium unit owners, but in which an indivisible interest is held by all condominium unit owners of the site condominium and generally intended to be shared by all owners.

- k. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners and to be treated by each individual homeowner as their own land.
- l. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed. A condominium project is designed and intended to function in a similar manner to a platted subdivision developed under the Land Division Act for purposes of this Ordinance.
- m. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the site condominium lot shall become a limited common element. The term site condominium lot shall be equivalent to the term lot for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be as described below:
 - (1) **Site Condominium Lot Front Yard Setback.** The minimum distance between the centerline of the public or private road right-of-way and the nearest point of where a building can be placed on the lot.
 - (2) **Site Condominium Lot Side Yard Setback.** The minimum distance between the side lot line of a condominium unit and the nearest point of where a building can be placed on the lot.
 - (3) **Site Condominium Lot Rear Yard Setback.** The minimum distance between the rear lot line of a condominium unit and the nearest point of where a building can be placed on the lot.

For condominium units along the perimeter of the development, the limit of the development is considered the lot line.

Conservation Area. Land that has been awarded protected status in order to ensure that natural features, cultural heritage and/or biota are safeguarded, which may include a nature reserve, a park, a land reclamation project, or other similar area.

Construction. The mass grading and similar site work conducted upon land in preparation for a new use, reconstruction, remodeling or relocation of an existing use, and the establishment of necessary site improvements on land in the Township.

Convenience Store. A retail store designed to attract a large volume of stop-and-go customer traffic, and stocked primarily to sell food, beverages, and other household supplies to customers who purchase relatively few items per visit.

Core Living Area. The minimum area of a dwelling not separated or divided by structural support walls between building sections or components that is necessary to provide complete, independent living, sleeping, cooking, eating, storage, and sanitation facilities for one (1) family in compliance with this Ordinance.

Corner Clearance Area. A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

Critical Root Zone. See "**Natural Features, Critical Root Zone.**"

Cul-de-Sac. A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

Curb Cut. The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare, whether or not a curb exists.

Day Care Center. A non-residential facility, licensed by the State of Michigan, receiving one (1) or more adults or children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. A day care center provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. A facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services are not included in this definition. A day care center for children can also be described as a childcare center, day nursery, nursery school or cooperative preschool.

D.B.H. See "Diameter Breast Height."

Dealership. A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, or trucks.

Deck. A platform constructed of wood or other material, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units per acre of land, based on the net lot area.

Detention basin. A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.

Development. The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also "Construction."

Development Agreement. An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place.

Developer. A person or entity that owns, oversees, and is responsible for construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation of any of the above descriptions.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level on the uphill side of the tree. See "Caliper-Inch."

Distribution Center. A use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a transportation business, or a wholesale or retail supply business.

District. A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations apply under this Ordinance. This term is synonymous with the term "Zoning District."

Downshielded. See "Lighting, Downshielded."

Dripline. See "Natural Features, Dripline."

Drive-In Establishment. A business establishment that provides facilities or spaces for the purpose of serving patrons in their motor vehicles.

Drive-Through Facilities. Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.

Driveways. An access connecting structures or parking spaces for motor vehicles with a road or alley, and permitting ingress/egress of a motor vehicle.

- a. **Shared driveway.** One (1) driveway access from the road right-of-way used in common to provide vehicular access to two (2) or more lots or parcels in the Township.

Dwelling or Dwelling Unit. A building or dedicated space within a building providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

- a. **Accessory Dwelling.** A dwelling for one (1) family accessory to a principal building occupied by a permitted use in the district, with separate and individual sleeping, kitchen, bath and toilet facilities, and a separate and distinct private entrance. Examples may include a **Caretaker Living Quarters** or residence for security personnel, as permitted in the district.
- b. **Attached Dwelling.** A dwelling attached to one (1) or more dwellings by common major structural elements.
- c. **Detached Dwelling.** A dwelling that is not attached to any other dwelling by any means.
- d. **Duplex Dwelling.** See "**Two-Family Dwelling.**"
- e. **Manufactured Home.** A building or portion of a building designed as a dwelling for long-term residential use and characterized by all of the following:
- (1) The structure is produced in a factory per the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426), as amended.
 - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- f. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or substantial portions of siding are installed after transport.
- g. **Principal Dwelling.** The primary independent, attached or detached dwelling on a parcel.
- h. **Site Built Dwelling.** A dwelling that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site built dwellings shall include dwellings constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- i. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- j. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a common wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
- k. **Two-Family Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.

Earth-Sheltered Home. A complete building partially below grade that is designed to conserve energy and intended to be used as a single-family dwelling.

Easement. A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

Elderly Housing. See "Senior Housing."

Enforcement Official(s). The person or persons designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the Building Inspector, Zoning Administrator, Ordinance Enforcement Officer, Township Planner, Township Engineer, or their agents.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a structure, sign or site; including, but not limited to construction, grading, excavations, fill, and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- b. Wireless communication facilities, wind energy systems, and maintenance buildings and storage yards shall not be considered essential services under this Ordinance.

Excavation. Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.

Exception. An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

Extraction Operation. Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of 50 cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.

Facade. The exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

- a. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. The following defining characteristics and limitations shall apply:
 - (1) All persons of the functional equivalent of the domestic family must be able to demonstrate that they are operating as a single housekeeping unit, sharing household responsibilities and activities in common that shall include, at a minimum, sharing expenses and chores, eating some or all meals together, participating together in recreational and social activities, and maintaining close social, economic, and psychological commitments to each other.

- (2) This definition shall not include any dormitory housing or society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement or basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.
- (3) This definition shall not include any residential arrangement or activity that, in the determination of the Zoning Administrator, qualifies as a boarding house, rooming house, adult day care facility, or adult or child care organization, as otherwise defined or provided for by this Ordinance.
- (4) There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family under this Ordinance shall be limited to the lesser of the following two (2) calculations:
 - (a) A maximum occupancy of two (2) adult persons for each lawfully established and maintained bathroom in the dwelling that includes at least a sink and toilet; or
 - (b) A maximum total occupancy of two (2) total persons (adult or child) for each lawfully established and maintained bedroom.

The number of lawfully established and maintained bedrooms and bathrooms shall be determined in accordance with the records of the Township and/or Midland County for the subject property. Any person staying in the dwelling unit for more than 14 days in any period of 90 consecutive days shall be counted as an occupant for purposes of this definition. Such presumption may be rebutted by appeal of the Zoning Administrator’s determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

Family Child Day Care Home. A private residential dwelling, licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.

Farm-Based Tourism/Entertainment Activities. Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to agricultural festivals and events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.

Farm Market. A principal use operated on a year-round or seasonal basis by a government agency, a nonprofit corporation, farm cooperative organization or one or more farmers or their agents that includes indoor and/or outdoor sales of farm products and related products to the general public.

Farm Products Direct Marketing Business. A business operation accessory to an active farming operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area farms, restaurants, residents, and retail stores; Internet-based sales of farm products; and cooperatives with regular deliveries of produce in season to co-op owners.

Farming and Active Agricultural Uses. See also “**Agriculture.**”

- c. **Farm.** Land, structures, and equipment used in the commercial production of farm products.
- d. **Farm Labor Housing.** Temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation.

- e. **Farm Residence/Dwelling.** A single-family residence occupied by individuals whose primary intent is to work agricultural lands, upon which the residence is located, that produce agricultural commodities.
- f. **Farm Products.** Plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
- g. **Farm Structures.** Any structure constructed, maintained, and used on a farm, and customarily used for agricultural operations; including barns, silo, granary, milk house, greenhouse, and similar structures, but not including any building used as a dwelling.
- h. **Farming Operation.** Raising and production of farm products, which can include growing or harvesting of crops from soil, including greenhouse operations; raising/management of fowl or livestock; tree farm or woodlot management for timber production; or aquaculture. A farming operation can be on single or multiple parcels worked by the same individual or management organization.
- i. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include domestic animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.

Fence. Linear structures or partitions of definite height and location intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

- a. **Chain-link fence.** A fence constructed of interlinked galvanized steel or similar materials for the purpose of enclosing or securing an area.
- b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link, wire or similar fences.
- c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring an area from view.
- d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%).
- e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Filling. The depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Fixed costs and expenses. Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.

Flag Lot. A parcel of land shaped like a flag on a pole, with a narrow strip providing access to a public street or waterway which narrow strip does not meet minimum road frontage requirements (See "**Corner, Interior, and Double Frontage Lots**" illustration at end of Section).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
- b. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. A floodplain is typically adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.

Floodway. A channel for an overflow of water caused by flooding.

Floor Area. The sum of the gross horizontal floor areas of the several stories of a structure, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The area of the basement shall be counted towards the structure's total floor area when the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling.

Floor Area Ratio (FAR). The ratio of the floor area of a building to the net area of the lot on which it is located, calculated by dividing the floor area by the net area of the lot and expressing it as a percentage. For example, if a floor area ratio of forty percent (40%) is specified and the net lot area is 10,000 square feet, the maximum permitted floor area on the lot is 4,000 square feet.

Fortune Telling Establishment. Any place where people engage in, practice or profess to practice, the business or art of astrology, phrenology, life reading, fortune-telling, cartomancy, clairvoyance, crystal ball gazing, hypnotism (other than in connection with the practice of medicine), mediumship, mesmerism, oriental mysteries, palmistry, reading of tarot or similar cards, or of other similar occult powers for any form of compensation.

Foster Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision unattended by a parent or legal guardian.

Foster Family Group Home. A private home in which five (5) or six (6) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care unattended by a parent or legal guardian.

Frontage. A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line.

Funeral Parlor or Mortuary. An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

Garage. An attached or detached structure that is designed and intended to be used for storage and maintenance of occupant-owned motor vehicles.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Golf Course. The premises upon which the game of golf is played, that may include facilities or uses customarily incidental to a golf course.

Golf Driving Range. A golf practice facility commonly consisting of a large, open field with a teeing ground at one end where golfers line up side-by-side hitting golf balls into the field. The landing area for the golf balls may be an empty field or include target greens and yardage markers.

Grade. A reference plane representing ground level adjoining the structure at all exterior walls. For purposes of regulating building height and number of stories, the following shall be considered:

- a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations at all exterior walls at the foundation line of a structure.
- b. **Grade, Finished.** The final ground elevation after the completion of any grading or other site preparation related to an existing or proposed development.
- c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. See "Landscaping."

Greenhouse. A temporary or permanent structure in which transparent or translucent materials allow light through to the interior in which plants are grown while providing protection from inclement weather.

- a. **Greenhouse, Commercial.** A commercial greenhouse is primarily designed to produce large quantities of nursery stock for mass market, and commercial purposes.
- b. **Greenhouse, Residential.** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.

Ground Floor Coverage (GFC). The total area of the ground floors of the principal building(s) and all accessory structures, as measured to the exterior face of the exterior walls, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Group Child Day Care Home. A private residential dwelling, licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.

Groundwater. Water stored in, and slowly filtering through, geologic formations.

Groundwater Recharge Area. A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.

Grubbing. The effective removal of understory vegetation, groundcover, shrubs or trees, but not including removal of individual deciduous trees subject to the regulations of this Ordinance.

Hazardous Materials. Pursuant to the Natural Resources and Environmental Protection Act, this shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Right to Farm Act:

- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
- b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
- c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act.
- d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act.

Health Club or Fitness Center. A type of indoor recreational facility that provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, swimming pool, or gymnasium, but does not include spectator seating or facilities for sporting events; bowling alleys or curling centers; indoor soccer, racquetball or tennis facilities; ice or roller skating rinks; firearms ranges; or other large scale or more intensive indoor recreational facilities.

Height. Vertical distance measured from the average grade of a structure to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the average height level between eaves and ridges for gable, hip and gambrel roofs (See "**Height**" illustration at end of Section).

Hobby. An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.

Home Occupation. A business, occupation or activity undertaken for compensation by members of the household on land occupied by the household's principal dwelling in a manner that is incidental and secondary to the use of the land and dwelling for residential purposes.

a. **Home Office.** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.

Hospital. An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel or Inn. One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

Improvements. Those features and actions associated with a development which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed development or development area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage.

Indoor Shooting Range. A business that provides individuals with an secure, enclosed location to participate in organized or casual target shooting of firearms. This term does not include sportsman's clubs and outdoor shooting ranges, and does not include recreational shooting by private property owners and their guests on their privately owned property.

Ingress and Egress. Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

Institutional Uses. The following specific uses of an educational, social or religious character, as defined or used in this Ordinance:

- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- b. Auditoriums, theaters, concert halls, and similar places of assembly.
- c. Libraries, museums, and similar centers for cultural activities.
- d. Churches, temples, places of worship, and other religious institutions.
- e. Post offices.
- f. Private clubs, fraternal organizations, and lodge halls.

Junk. Building debris, scrap material, or any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated or are in a condition that prevents their use for the purpose for which the product was manufactured.

Junkyard. Any combination of structure(s) or open area(s) used for any of the following purposes:

- a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.
- b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.
- c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled; including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, glass, cordage, and similar materials.
- d. An area of more than 200 square feet for storage, keeping or abandonment of junk.

A junkyard does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.

Kennel. Any building, lot or premises where six (6) or more dogs over six (6) months of age are kept, housed or raised. A kennel may also include the keeping or raising of other domestic animals. This definition shall not include the raising of animals for agricultural purposes.

- a. **Pen.** An enclosed and secured area in which one (1) or more dogs are restrained or confined for short or extended periods of time.

Laboratory. A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Land Area. See "Lot Area, Gross" and "Lot Area, Net".

Land Clearing: Removal of trees, stumps, and other vegetation from a designated parcel of land.

Land Division Act. Michigan Public Act 288 of 1967 as amended (MCL 560-101 et seq.).

Landmark Tree. All trees that have a diameter at breast height (D.B.H.) of 24 inches or greater, and trees otherwise designated and regulated as landmark trees by this Ordinance.

Landscape Business. A business characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, paver walks, patios, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. A landscaping business may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, paths, patios, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
- b. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
- c. **Hedge.** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.
- d. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.

- e. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- f. **Sod.** An area of grass-covered surface soil held together by matted roots.
- g. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Midland County, Michigan. Types of trees are defined as follows:
 - (1) **Deciduous Tree.** A variety of tree that has foliage that is shed at the end of the growing season.
 - (2) **Evergreen Tree.** A variety of tree that has foliage that persists and remains green throughout the year.
 - (3) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about 25 feet or less.
 - (4) **Shade Tree.** A shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Midland County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
- h. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Lighting. The following definitions are related to lighting:

- a. **Downshielded.** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
- b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- d. **Footcandle.** Illumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- g. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
 - (3) **Light Emitting Diodes (LED).** A solid-state semiconductor device that converts electrical energy directly into light.
 - (4) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.

- (5) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
- (6) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- i. **Light Pollution.** Illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).
- j. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- k. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.
- l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

Livestock. See “**Farming and Active Agricultural Uses, Livestock or Farm Animals.**”

Loading Space. An off-street area logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles even when required off-street parking spaces are filled.

Lot. A parcel of land having frontage upon a public or private road (See “**Corner, Interior & Double Frontage Lots**” illustration at end of Section).

- a. **Corner Lot.** A lot located at the intersection of two (2) or more roads or a lot bounded on two (2) or more sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less. Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
- b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) roads.
- c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
- d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (1) Single lot of record, or a combination of lots of records or portions thereof.
 - (2) Condominium lot.
 - (3) Parcel or tract of land described by metes and bounds.

Lot Area, Gross. The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, bodies of water, and watercourses.

Lot Area, Net. Gross lot area minus any area(s) within rights-of-way, easements, floodplains, wetlands, bodies of water, and watercourses.

Lot Coverage. The area of a lot covered by the footprint of all structures, as well as decks, balconies, porches, and similar architectural features, expressed as a percentage of the net lot area.

Lot Depth. The horizontal distance measured from the front road right-of-way line to the rear lot line, or the two front lot lines in the case of a double frontage or through lot. (See “**Yard Terms**” illustration at end of Section).

Lot Line. Any line dividing one lot from another lot or from a road right-of-way, lake, river or any public place.

- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
 - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
 - (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
 - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
- b. **Rear Lot Line.** The boundary that is 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 assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot of Record. A parcel of land that meets any of the following conditions:

- a. A lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Midland County Register of Deeds and the Township Assessor.
- b. A lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Midland County Register of Deeds and the Township Assessor.
- c. A lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Midland County Register of Deeds and the Township Assessor.

Lot Split or Consolidation. The dividing or uniting of lots by virtue of changes in the deeds recorded with the Midland County Register of Deeds and the Township Assessor.

Lot Width. The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. (see "**Yard Terms**" illustration at end of Section).

- a. **Lot Width, Corner Lot.** The horizontal distance that is measured along each road frontage upon which the lot fronts.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act and the Manufactured Housing Commission General Rules.

- a. **Manufactured Home.** See "**Dwelling.**"
- b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a single mobile home.

Manufacturing. The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

- a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The adopted comprehensive future land use and growth management plan for Homer Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development.

Mezzanine. A level between the upper surface of any floor beneath it and the lower surface of the floor or ceiling next above it, occupying not more than one-third (1/3) of the area of the story beneath it (see "Basic Structural Terms" illustration at end of Section).

Michigan Planning Enabling Act. Public Act 33 of 2008, as amended (MCL 125.3801 et seq.).

Michigan Zoning Enabling Act. Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

Mixed Use. A structure or project containing residential and nonresidential uses.

Mobile Home Commission Act. Michigan Public Act 96 of 1987, as amended (MCL 125.2301 et seq.).

Motor Home. See "Recreational Vehicle, Motor Home."

Motion Picture Cinema. A building or outdoor space where motion-picture shows and films can be presented to patrons or members. This definition does not include Adult Entertainment Uses and Sexually-Oriented Businesses as defined in this Section.

Motor Vehicle Fueling Station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Motor Vehicle Repair Station. An enclosed building where minor and major motor vehicle repair services may be carried out.

- a. **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

Motor Vehicle Service Center. A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

- a. **Minor Repair.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.

Natural Area. A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

Natural Features. Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.

- a. **Activity Within Natural Features.** Any use, operation, development, or action caused by any person, including but not limited to constructing, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching, land balancing; draining or diverting water; pumping or discharging surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operations.

- b. **Critical Root Zone.** The circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's Diameter at Breast Height (DBH) in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12-inch DBH tree has a radius of 12 feet.
- c. **Dripline.** An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.
- d. **Removal of Natural Features.** The act of removing a tree or other natural features by digging up or cutting down, the effective removal through damage or the infliction of damage to a tree or its root system.
- e. **Site Inventory.** A plan showing the extent and character of natural features on the land subject to development or other alteration, and the extent, location, and character of proposed development activity.
- f. **Threatened or Endangered Species Habitat.** The habitat necessary to maintain the existence of those plants and animals listed pursuant to law on the federal and state lists of endangered, threatened or special concern species.

Natural Resources and Environmental Protection Act. Michigan Public Act 451 of 1994, as amended (MCL 324.101 et seq.).

Noise. The following definitions are applicable to this Ordinance:

- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
- c. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- d. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of human beings or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- e. **Noise sensitive zone.** An area that contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.
- f. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- g. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- h. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.
- i. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Nonconformities. The following definitions are applicable to this Ordinance:

- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed, or to terminate,

abandon, or discontinue the use of the land for any period of time with the intent to so terminate, abandon, or discontinue the use of the land.

- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not now conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign.** See "**Sign, Nonconforming Sign.**"
- d. **Nonconforming Site.** A parcel of land that was lawfully developed or improved with structures and other site improvements prior to the effective date of provisions of this Ordinance or amendments thereto for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements; and the site does not now conform to those provisions.
- e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not now conform to Ordinance provisions for the district in which it is located.
- f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not now conform to the use regulations of the district in which it is located, and has not been expanded since it became nonconforming, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, and regulations. A nonconforming use may include a use that requires a special use permit under current use regulations, where under previous use regulations a special use permit was not required.
- g. **Unlawful Site.** A parcel of land or portion thereof that was developed or improved with structures and other site improvements, which is not a conforming or nonconforming site.
- h. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or nonconforming structure.
- i. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or nonconforming use.

Nuisance. Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursery. Land or greenhouses used to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation. The definition of nursery does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "**Landscape Business.**"

Nursing Home. A place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living, which is licensed under applicable state laws.

Obscene Material. As defined in Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362(4), as amended] found to be "obscene" [as defined in MCL752.362(5), as amended].

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The maximum capacity of a building or part thereof, expressed in the number of individuals normally permitted to occupy the building or part thereof.

Off-Street Parking. Designated parking areas that are not on a public or private roadway or road right-of-way, which provide parking spaces along with adequate drives and aisles for maneuvering so as to provide access for ingress and egress for the parking.

Open Air Business. Any business that is conducted primarily out-of-doors.

Open Space. A specifically designated area, that can be public or private, that is to remain in a protected state.

- a. **Conservation Easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
 - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
 - (2) A conservation easement defines the responsibilities of all parties for maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space or forest use, or similar condition.
 - (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
- b. **Development Rights.** The rights to develop land to the maximum intensity as authorized by law.
- c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- d. **Preserve.** An area of land that is set aside to be protected and managed in order to preserve a particular type of habitat and its flora and fauna which are often rare or endangered or other areas designated for a defined natural resource purpose.
- e. **Restrictive Covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
- f. **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building. See also "**Open Air Business.**"

Outdoor Storage. An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include junkyards or uses established entirely within enclosed buildings.

Outlot. A parcel of land designated on a site plan for future development.

Parcel. See "**Lot.**"

Parking, Off-Street. See "**Off-Street Parking.**"

Parking Area or Parking Lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Parking Space. A space set aside for the sole purpose of parking a vehicle on a temporary basis.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.

Pawnshop. A business that offers monetary loans in exchange for personal property given as security to the pawn broker by the recipient of the loan.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

Permitted Use. See "Use, Permitted Use."

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pet. See "Animal, Domestic."

Planned Unit Development (PUD). A zoning district, in accordance with Section 503 of the Michigan Zoning Enabling Act, as amended (MCL 125.3503), to permit flexibility in the regulation of land development by encouraging innovation in land use and variety of design, layout, and type of structures that relate to a the characteristics of an individual site.

Planning Commission. The Planning Commission for Homer Township, Midland County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Plat. A map or chart of a subdivision of land.

Pond. A small body of water maintained by surface water runoff, groundwater or a municipal or private water distribution system.

Pool or Billiard Hall. An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Porch. A stoop or similar unenclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

Premises. A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses not separated by intervening roads, alleys, or road rights-of-way.

Principal Dwelling. See "Dwelling, Principal Dwelling".

Principal Use. See "Use, Principal Use."

PUD. See "Planned Unit Development"

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational Facility, Indoor. A facility designed and equipped for the conduct of sports or leisure time activities and other customary recreational activities indoors (within an enclosed building), including privately-owned facilities operated as a business and open for use by the public for a fee; such as gymnasiums, health clubs, and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, and curling centers. Such facilities may include spectator seating or facilities for sporting events.

Recreational Facility, Outdoor. A facility designed and equipped for the conduct of sports or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building),

including privately-owned facilities operated as a business and open for use by the public for a fee; such as tennis clubs, archery ranges, golf driving ranges, water slides, ballfields, running tracks, and skateboarding parks. Such facilities may include spectator seating or facilities for sporting events.

Recreational Vehicle. A vehicle or boat which is self-propelled or permanently towable by a motor vehicle; designed primarily for use as temporary living quarters, or for recreation, camping or seasonal travel; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include, but are not limited to the following:

- a. **Boats and Boat Trailers.** Motorized or floatation equipment used for travelling on the water and the normal equipment used for transportation of the equipment to and from the water.
- b. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
- c. **Motor Home.** A self-propelled vehicle, built on a single chassis and designed primarily for use as temporary living quarters for recreation, camping or seasonal travel.
- d. **Pickup Camper.** A temporary living quarters designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for recreation, camping or seasonal travel.
- e. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
- f. **Travel Trailer.** A single chassis, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreation, camping or seasonal travel.
- g. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

Recreational Vehicle Park. See **Campground**.

Recycling Collection Facility. A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.

Repair and Maintenance, Normal. Any work to prevent or correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Normal repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Residential Treatment Center. A facility for housing and supervised care of persons who suffer with behavioral, emotional, substance abuse, or mental health disorders, conditions or ailments, and are in need of counseling or therapeutic treatment by support staff and professionals at the facility.

Residential Uses. These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, or sit-down restaurant, as defined below. Any restaurant that combines elements of the following types of restaurants shall be subject to the regulations of the most restrictive restaurant type employed:

- a. **Restaurant, Carry-Out.** A restaurant whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises, typically from a counter or window inside the building.

- b. **Restaurant, Drive-In.** A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- c. **Restaurant, Drive-Through.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- d. **Restaurant, Fast Food.** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter for consumption at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- e. **Restaurant, Sit-Down.** A restaurant whose method of operation involves either:
 - (1) The delivery of prepared food by servers (waitpersons) to customers seated at tables within a completely enclosed building; or
 - (2) The prepared food is acquired by customers at a cafeteria line or ordering counter and is subsequently consumed by the customers at tables within a completely enclosed building.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer.

- a. Such goods, wares or merchandise shall include, but not limited to, appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
- b. Included in this definition are convenience stores, department stores, variety stores, supermarkets, and wholesale club stores.
- c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
- d. This definition does not include Secondhand Stores, Temporary Uses, areas for Outdoor Sales or Display, Pawnshops or Adult Entertainment Uses and Sexually-Oriented Businesses as defined in this Section.

Retention Basin. A pond, pool, or basin used for the long-term storage of water runoff.

Rezoning. The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.

Right-Of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.

- a. **Right-of-Way Line.** The linear representation of the boundary of a right-of-way.

Right to Farm Act. Michigan Public Act 93 of 1981, as amended (MCL 286.471 et seq.).

Road. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.

- a. **Marginal Access Road.** A service roadway parallel to a primary road, which provides access to abutting properties away from through traffic.

Roadside Stand. An incidental, seasonal use of limited scope and size that is accessory to any RURAL USES or rural RESIDENTIAL USES and operated for the purpose of selling farm products primarily created, raised or produced on land which is part of the same principal RURAL USES or rural RESIDENTIAL USES.

Roof Area. The sum of the gross horizontal surface areas consisting of the top exterior plane(s) covering the structure as measured to the exterior face of the exterior walls.

Rotor. An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Rural Uses. These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.

Screen. See "Landscaping, Screen or Screening."

Secondhand Store. A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops or junkyards, which are otherwise regulated by this Ordinance.

Self-Storage Warehouses. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An establishment other than a hospital or hotel, which provides housing to non-transient persons primarily 55 years of age or older. Senior housing may include:

- a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- b. **Congregate or Interim Care Housing.** See "Adult Foster Care Congregate Care Facility."
- c. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
- d. **Senior Independent Living.** Dwellings intended to be occupied by persons 55 years of age or older.

Setback. The minimum horizontal distance required to exist between any building, structure and all adjacent lot boundaries, road rights-of-way or road centerline, established easements, and a separation distance from designated natural resources as required in this Ordinance. (See **Yard Terms** illustration at end of Section.). See also "**Condominium, Site Condominium Lot**".

Setback Line. The required setback distance is referred to as a setback line.

Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows through a window, on the ground or on to a structure or object.

Shopping Center. A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

Sign. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character for the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

- a. **Abandoned Sign.** A sign that directs attention to an object, product, place, activity, person, institution, organization or business which is no longer currently existing and is not maintained in accordance with the standards of this Ordinance and contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters or which is otherwise dilapidated, unsightly, unkempt and for which the business or property owner is not accepting maintenance responsibility where such acts evidence an intent to abandon.
- b. **Accessory Sign.** A sign located on and pertaining to the principal use(s) of the premises.
- c. **Billboard.** Freestanding or wall sign of a non-temporary nature that advertises geographical locations, businesses, products, services, facilities, entertainment, activities or events not sold, distributed, conducted or furnished on the premises on which the sign is located. Also referred to as a non-accessory or off-premises sign.
- d. **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
- e. **Building-Mounted Sign.** A display sign that is painted on or attached to a building wall, door, window, or related architectural feature.
 - (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall or building line.
 - (3) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than one (1) foot from the wall with no copy on the sides or edges.
- f. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- g. **Color Value.** The perception of a color's lightness, expressed as a ratio or percentage.
 - (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- h. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized, destroyed or ceases to operate as originally designed.
- i. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- j. **Electronic Message Board.** Changeable copy sign in which the copy consists of a light-emitting array, video display or similar electronic display device activated and deactivated in a manner to display multiple messages over a period of time.
- k. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- l. **Nameplate.** A small sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
- m. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- n. **Nonconforming Sign.** A sign that was erected legally, and remains in compliance with the Ordinance existing at the time it was legally erected, but which is not in compliance with the current Ordinance. The definition of "nonconforming sign" shall not include any unsafe sign,

- damaged sign or legally erected temporary sign that is not removed within the time period set by this Ordinance.
- o. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
 - p. **Sign Area.** The gross surface area within a rectangle or square enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
 - q. **Signable Area.** The area of the street level portion of a principal building's front facade wall(s), including doors and windows, which face a public road.
 - r. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - a. **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per each eight (8) second interval.
 - b. **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of eight (8) seconds or longer.
 - s. **Sign Height.** The vertical distance measured from the average level of the ground or pavement directly below the sign to the highest point of the sign copy area, excluding incidental decorative elements above the sign copy area.
 - t. **Site Entry Feature with Signage.** A sign located at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
 - u. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (2) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
 - (3) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (4) **Portable Sign.** A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.
 - (5) **Vehicle Mounted Sign.** Any sign placed or maintained on a stationary automobile, truck, trailer, or any other motor driven vehicle.

- v. **Unlawful Sign.** A sign allowed with a permit under terms of this Ordinance that does not have a valid permit issued by the Township, or a sign that is not in compliance with the current Ordinance and does not meet the definition of a nonconforming sign.
- w. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
- x. **Window Sign.** A sign affixed to, painted, or installed inside a window so as to be observable from the exterior of the building.

Single-Family Housing. See “**Dwelling, Single-Family Dwelling.**”

Site Condominium. See “**Condominium, Site Condominium.**”

Site Inventory. A written and mapped compilation of required information that is presented as part of a required site plan review application process.

Site Plan. A plan showing all salient features of a proposed development and/or activity as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Master Plan.

Slope. Any rise in the height of a topographic land surface over a distance of 100 feet, in which one end or side is at a higher level than another.

Soil - Topsoil, subsoil, sand, gravel, land, earth or any other material.

Solar Collection Devices. Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

- a. **Solar Collection Devices, Attached.** An array of solar collection materials secured to the exterior walls or roof of a principal or accessory building and generate up to but not exceeding the manufacturer's rating of 20kW unless otherwise provided for under this Ordinance.
- b. **Solar Collection Devices, Large Freestanding.** An array of freestanding (not attached to a principal building or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 150 kW unless otherwise provided for under this Ordinance.
- c. **Solar Collection Devices, Small Freestanding.** An array of freestanding (not attached to a principal building or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 20 kW unless otherwise provided for under this Ordinance.

Special Event. An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a private, public, or non-profit community group, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use. See “**Use, Special Use.**”

Sportsman's Club. A facility owned by an organization or group of individuals, established with the goal of organized or casual target shooting. Recreational shooting by private property owners and their guests on their privately owned property are not included.

- a. **Outdoor Shooting Range.** An outdoor area or facility designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

Story. That part of a building, except a basement or mezzanine, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "**Basic Structural Terms**" illustration at end of Section). A basement shall be deemed a story when the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling.

Street. See "**Road.**"

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

- a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include, but not limited to, detached garages, garden equipment sheds, small greenhouses, and swimming pools.
- b. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.

Subdivision Plat. The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act and any Township subdivision regulations.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or spa purposes. A swimming pool is an accessory structure for purposes of this Ordinance.

Therapeutic Massage. See "**Massage Therapist, Therapeutic Massage.**"

Theater. Building, room or outdoor facility for presentation of performances or motion pictures.

Townhouse. See "**Dwelling, Townhouse.**"

Township. Homer Township, Midland County, Michigan.

- a. **Township Board.** The elected Board of Trustees for Homer Township, Midland County, Michigan.

Township Engineer. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Township Planner. The person, persons or firm designated by the Township to provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals; or advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Tree Farm. The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales

on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Nursery.**"

Tree Removal. Any activity that results in removing (including by transplanting) or destroying (1) any tree in a woodland; and (2) any individual deciduous trees of six (6) inch D.B.H. or larger and any individual evergreen trees six (6) feet in height or higher that are not located in a woodland.

Two-Family Dwellings. See "**Dwelling, Duplex Dwelling or Two-Family Dwelling.**"

Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

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

- a. **Accessory Use.** An activity that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use or special use to which it is exclusively related.
- b. **Permitted Use.** An activity permitted in each zoning district by right, subject to the requirements and standards of this Ordinance, and which may also be subject to site plan review approval.
- c. **Principal Use.** The main or primary use of the land or structures subject to the requirements and standards of this Ordinance.
- d. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
- e. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

Variable Costs and Expenses. Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

Variance. A modification of the literal provisions of this ordinance granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.

Vehicle Shelter. A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.

Veterinary Clinic or Animal Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Volatile Farm-Based Biofuel Production Facility. An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This

term shall include all equipment, storage tanks, and other improvements needed to produce, store, and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations.

Wall. A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.

Warehouse. A building used for storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center.**"

Watercourse. Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed, and visible evidence of continued flow or occurrence of water.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) and any Township wetland ordinance(s).

Wildlife Habitat. A geographical area containing natural, climatic, physical, or biological features that are unique to a specific area generally occupied by a particular wildlife species.

Wind Energy System. A system that converts energy from the movement of air into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment, fixtures, structures, wiring, and all other associated devices above and below ground level.

- a. **Wind Energy System On-Site Use.** An on-site use wind energy system is a device or system designed to supplement other electricity sources as an accessory use for agricultural, residential, commercial, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption and has a manufacturer's rated capacity of not more than 20kW.
- b. **Wind Energy System Utility Grid.** A utility grid wind energy system is designed and built to provide electricity to a public/private electric utility grid.
- c. **Wind Site Assessment.** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Wireless Communications Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio, video and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio and telephone service facilities.

- a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals.
- b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."
- c. **Backhaul Network.** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.

- d. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- e. **Ground Equipment.** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
- f. **Provider.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
- g. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.
- h. **Tower.** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar communication antennae support structures.

Woodland. Land covered with woody vegetation, with concentrations of trees from twenty percent (20%) to one hundred percent (100%) tree canopy coverage, and land areas identified in the Township Master Plan as woodlands [see Figure 9 (Woodlands)]; also referred to as forestland.

Yard. An open space on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line on the same side of the building, and is unoccupied from the ground upward except as otherwise provided herein (see “**Yard Terms**” illustration at end of Section).

- a. **Front Yard Setback.** An open space extending the full width of the lot, the depth of which is the minimum allowable horizontal distance from the centerline of the nearest road right-of-way and the nearest point of the principal building.
- b. **Rear Yard Setback.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum allowable horizontal distance between the rear lot line and the nearest point of the principal building.
- c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
- d. **Side Yard Setback.** An open space extending from the front yard to the rear yard on each side of the principal building between the building and the side lot line; the width of which is the minimum allowable horizontal distance between the side lot line and the nearest point of the principal building.

Zoning Administrator. The person(s) or firm(s) designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis.

Zoning Board of Appeals. The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.

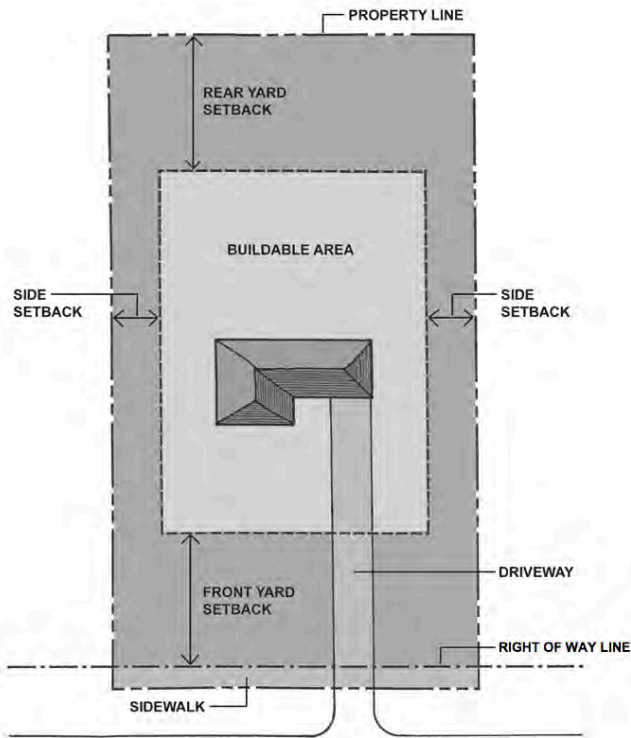
Zoning Permit. Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term “**Certificate of Zoning Compliance**,” but is not a building permit.

Zoning District. See “**District**.”

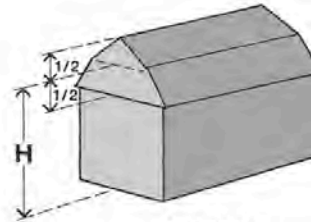
Section 25.04 Undefined Terms.

Any term not defined herein shall have the meaning of common or standard use.

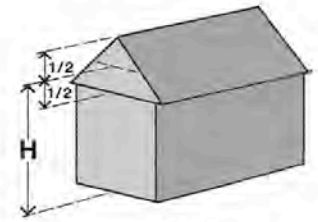
ILLUSTRATIONS



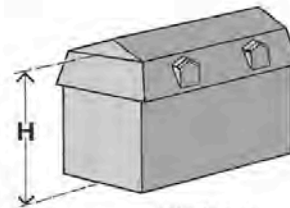
Building Envelope



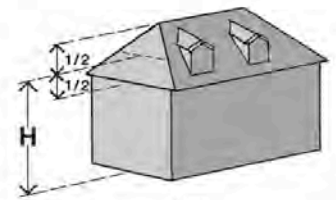
GAMBREL



GABLE

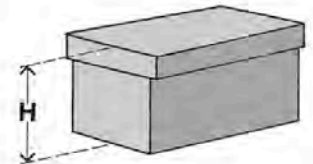


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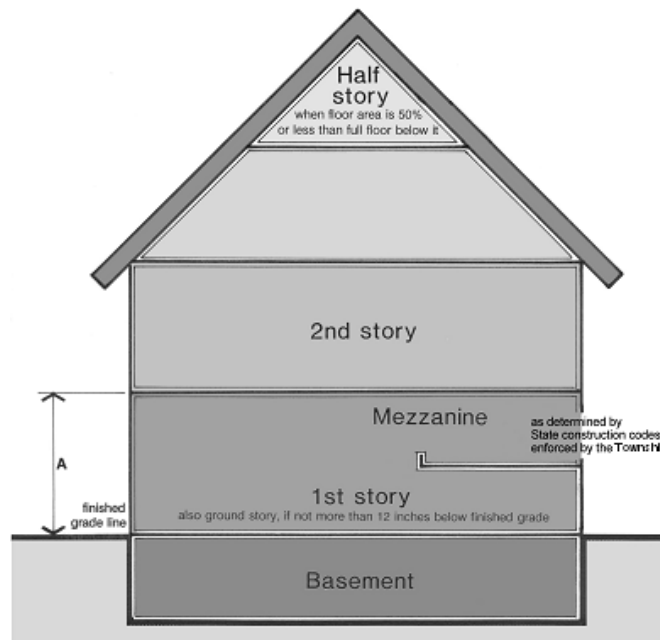


HIP

Building Height

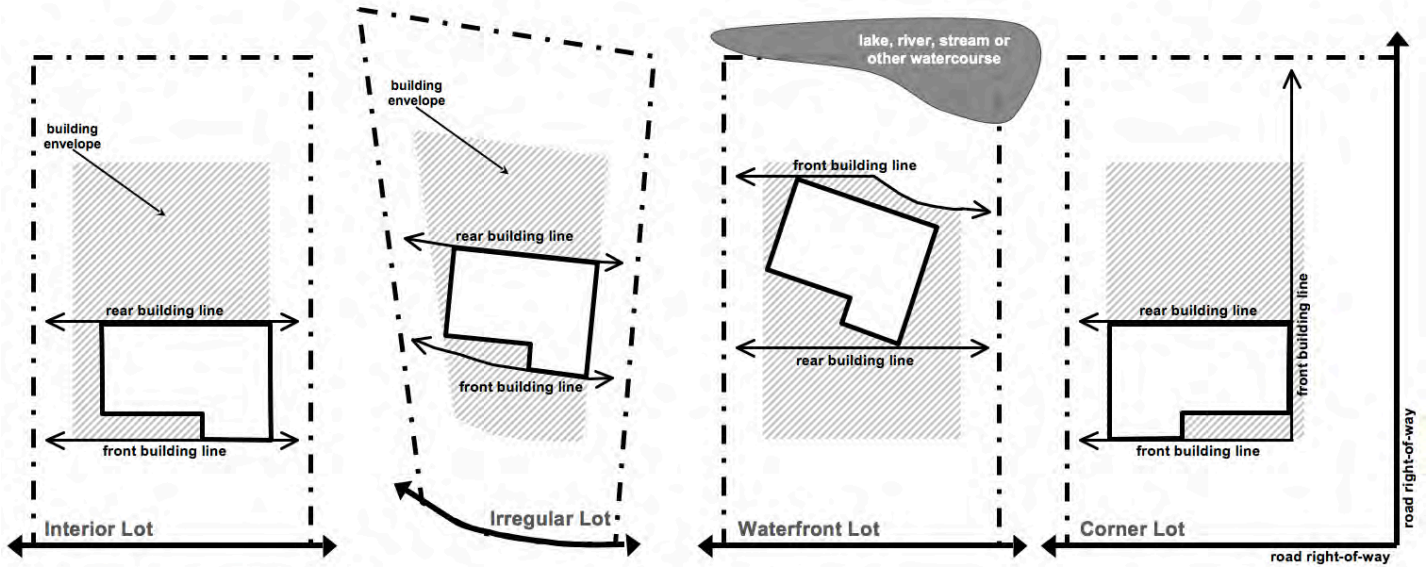


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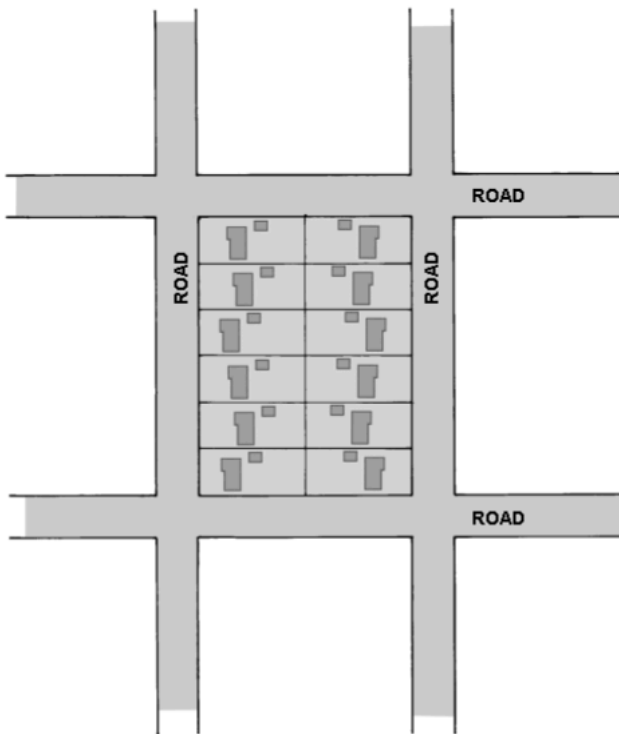


Basic Structural Terms

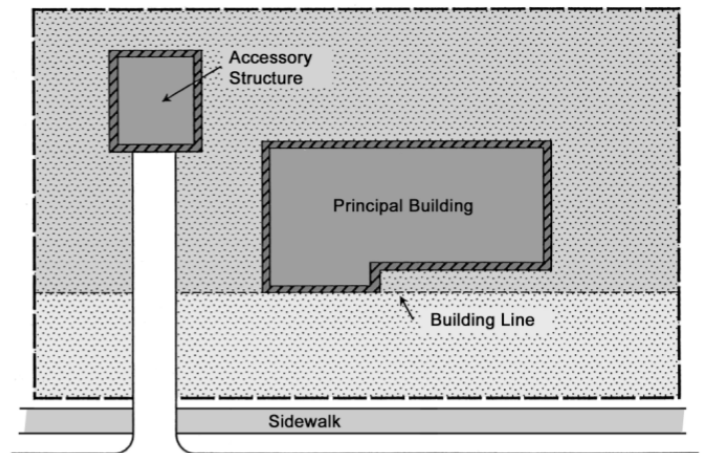
ILLUSTRATIONS



Building Lines

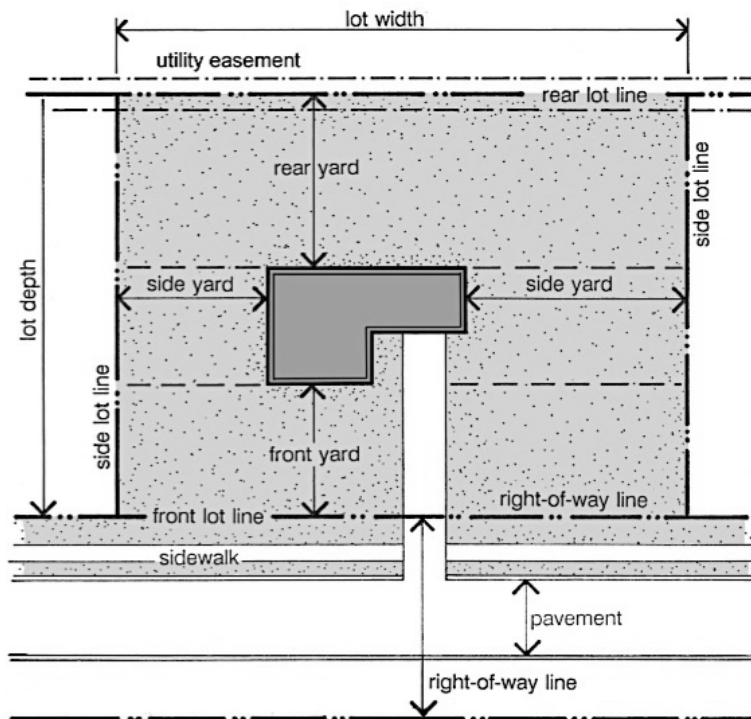


Block

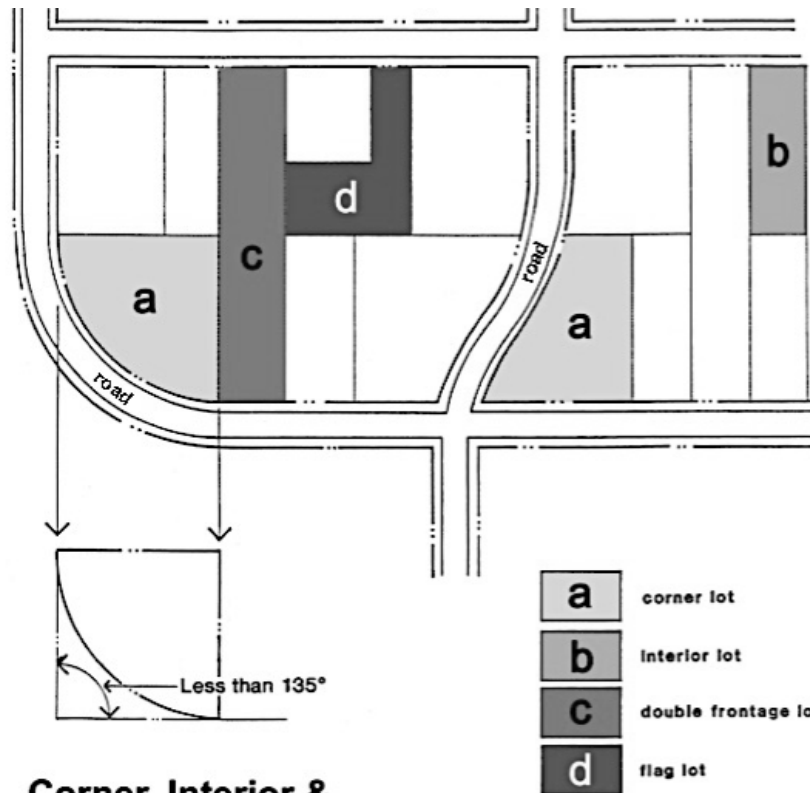


Accessory Structure

ILLUSTRATIONS



Yard Terms



Corner, Interior & Double Frontage Lots

**HOMER TOWNSHIP
MIDLAND COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF NEW ZONING ORDINANCE

Notice is hereby given that the Township Board for Homer Township, Midland County, Michigan adopted a comprehensive new Zoning Ordinance regulating the development and use of land at a regular meeting on September 20, 2017, per the requirements of the Michigan Zoning Enabling Act; Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

A copy of the new Zoning Ordinance text and the Official Zoning Map will be available for purchase or inspection at the Township Hall (522 N. Homer Road, Midland, MI 48640) by appointment through the Township Clerk's Office. Contact the Clerk at (989) 631-4399, extension 2. A copy of the Zoning Ordinance text as adopted by the Township Board is also available for review at the Grace A. Dow Memorial Library (1710 W. St. Andrews Road, Midland, MI 48640).

The adopted Zoning Ordinance shall become effective on Monday, January 1, 2018, unless referendum procedures are initiated under MCL 125.3402 within seven (7) days after publication of this notice of adoption. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Planning Commission Public Hearing: August 7, 2017

Township Board Adoption: September 20, 2017

Effective Date: January 1, 2018

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