

Ingersoll Township

Zoning Ordinance



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Effective: September 18, 2017

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Chapter 1 • General Provisions

ZONING ORDINANCE INGERSOLL TOWNSHIP, MICHIGAN

Ord. No. 7 effective: September 21, 2011

An Ordinance to establish zoning districts within the unincorporated portion of the Township of Ingersoll, Midland County, Michigan in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and to regulate and encourage and prohibit certain uses of the land therein and regulate and limit the location, size, area and height of buildings thereon and to provide for the administration and enforcement thereof.

The township of Ingersoll, Midland County, Michigan, pursuant to the authority vested in it by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, ordains:

SECTION 1.1 TITLE

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Ingersoll Township".

SECTION 1.2 PURPOSE

The provisions of this Ordinance shall be the minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or requires larger yards or other open spaces than are imposed or required by other provisions of law or ordinance, the provisions of this Ordinance shall prevail.

Chapter 2 • Definitions

SECTION 2.1 DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. Words used in the plural number include the singular number.

ACCESSORY BUILDINGS: Any building subordinate or incidental, such as a storage shed, pole barn or agriculture building located on the same lot with the main building or any portion of the main building, not to include private garages.

ACCESSORY USE: Any use customarily incidental to the main use of the premises, including: garages, swimming pools, radio and TV towers.

ADULT MEDIA: Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.

ADULT MEDIA STORE: An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

ADULT MOTION PICTURE THEATER: An establishment emphasizing or predominately showing sexually oriented movies.

AGRICULTURE: The use of land for tilling of the soil, the raising of tree and field crops and animal husbandry.

AGRICULTURE BUILDINGS: Any detached accessory building or a portion of a main building used for storage and repair of farm implements and housing of farm supplies, produce or farm animals.

AGRICULTURAL ACTIVITIES: The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including, but not limited to, providing riding lessons, training clinics and schooling shows. The growing or harvesting of forest tree species or trees used for commercial or related purposes. Also included are facilities used in the research and testing of agricultural products and techniques. see FARM.

AIRFIELDS AND AIRPORTS: Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALTERATION: Alteration is any change in usage, or location, or square footage, or height of building, or any change in the supporting members of a building or structure.

ANIMAL, DOMESTIC: Any animal normally and customarily kept by a domestic household for pleasure and companionship. Examples of domestic animals include domestic breeds of dogs, cats and animals confined to cages throughout their lifetime. A domestic animal excludes exotic, farm and service animals as defined by this ordinance.

ANIMAL, EXOTIC: Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodylian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations .

ANIMAL, LARGE: A large animal shall mean a horse, miniature horse, pony, cow, sheep, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

ANIMAL, SMALL: A small animal shall mean a dog, cat, goat, or other mammal, bird, reptile, fish, chickens or similar size fowl or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

ANIMAL, FARM: Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine, or any other type of poultry or fowl. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.

ANIMAL, SERVICE: Animals that assist persons with disabilities and are considered to be auxiliary aids. Examples include guide dogs for the vision impaired, hearing dogs for the hearing impaired and emotional assistance animals for persons with chronic mental illness.

ATTACHED WIRELESS COMMUNICATIONS FACILITY: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

AUTOMOBILE STORAGE, DAMAGED: Any storage of inoperable vehicles not incident to a public garage.

BAR: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

BASEMENT: That portion of a building below grade but so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to the ceiling.

BED AND BREAKFAST: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

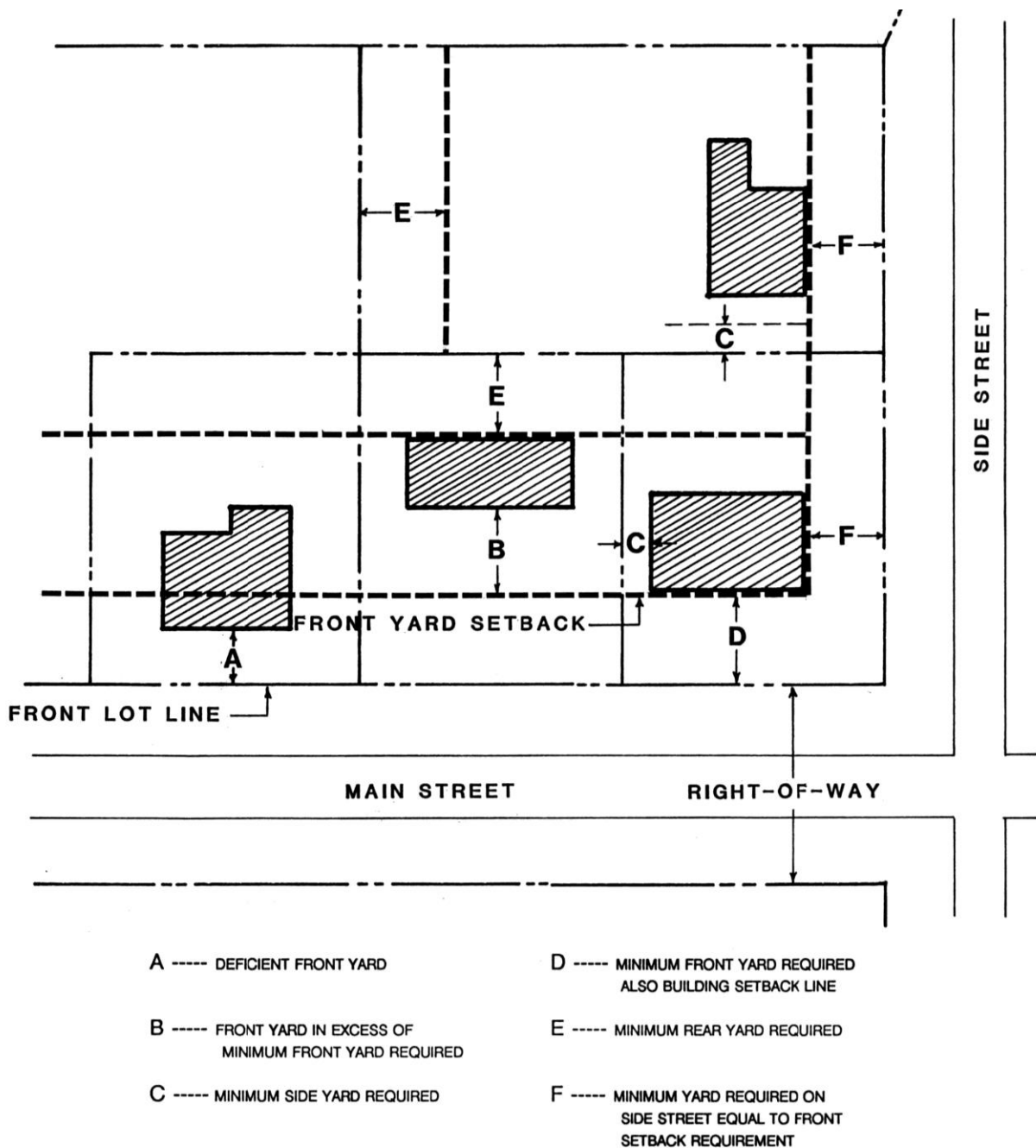
BODY PIERCING PARLOR: see TATTOO/BODY PIERCING PARLOR.

BUFFER: Area that contains screening as regulated by this ordinance.

BUILDABLE LANDS: Lands within urban and urbanized areas that are suitable, available and necessary for residential, commercial and industrial uses and include both vacant land and developed land that in the opinion of the local planning agency is likely to be developed.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation.

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.



Building Line

BUS AND TAXI STATION: Any premises for the transient housing or parking of busses and the loading and unloading of passengers.

CAR WASH: A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

CEMETERY: Any publicly or privately owned place for the interment of human remains.

CHILD CARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **CHILD CARE CENTER** or **DAY CARE CENTER** means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. **CHILD CARE CENTER** or **DAY CARE CENTER** does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **FOSTER FAMILY HOME** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. **FOSTER FAMILY GROUP HOME** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. **FAMILY DAY CARE HOME** means a private home in which one but less than seven 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 family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. **GROUP DAY CARE HOME** means a private home in which more than six but not more than 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 family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCHES/SYNAGOGUES/MOSQUES: see **INSTITUTION, RELIGIOUS**

CLUB/LODGE: see **INSTITUTION, SOCIAL**

COLOCATION: The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

COMMERCIAL LAUNDRY AND DRY CLEANERS: see **DRY CLEANER/LAUNDRY**

COMMERCIAL SCHOOL: A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special

use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

COMMERCIAL VEHICLE: The general definition for a commercial motor vehicle is contained in Part 390 of the Federal Motor Carrier Safety Regulations (FMCSR) for vehicles operating in interstate commerce. The Michigan Motor Carrier Safety Act, Act 181 of 1963 adopted this part of the FMCSR into the Michigan Vehicle Code by reference (making these rules applicable to CMV's operating in Michigan intrastate commerce). In 2005 the definition for a commercial motor vehicle was removed from Act 181. The definition contained in 390.5 of the FMCSR applies to both private and for-hire transportation.

COMMON DRIVEWAY: A driveway shared by not more than 2 residential dwellings' and not considered to be road frontage. Frontage requirements must be met only by having frontage on a private or public road.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot or facility, other than an aquatic animal production facility, where the animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. An Animal Feeding Operation (AFO) is defined as a large CAFO or a medium CAFO, or that is designated by the Michigan DEQ under R 323.2196 (3) as a medium CAFO or a small CAFO. (An AFO may be designated as a CAFO, even if the operation has a smaller number of animals, if they have had a discharge to waters of the state that caused those waters to not meet water quality standards.)

A Large CAFO is an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- 700 mature dairy cows, whether milked or dry
- 1,000 veal calves 1,000 cattle (other than mature dairy cows or veal calves), including heifers, steers, bulls, and cow/calf pairs
- 2,500 swine, each weighs 55 pounds or more
- 10,000 swine, each weighs less than 55 pounds
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys
- 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system
- 125,000 chickens (other than laying hens), if the AFO doesn't use a liquid manure handling system
- 82,000 laying hens, if the AFO doesn't use a liquid manure handling system
- 30,000 ducks, if the AFO doesn't use a liquid manure handling system
- 5,000 ducks, if the AFO uses a liquid manure handling system

CONSERVATION DEVELOPMENT: A residential housing development within an established overlay district that allows the grouping of single family homes in a designated area, with all remaining acreage preserved as open space. The reasoning for grouping homes is to preserve the natural rural environment. Roadways within the development are private, designed using traffic calming techniques to reduce automobile speeds, making the development safer while enhancing its rural character.

CONTRACTOR: General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction. Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

DAY CARE: see **CHILD CARE.**

DAY CARE FACILITY: see **CHILD CARE CENTER.**

DAY NURSERIES: see **CHILD CARE CENTER.**

DAY NURSERY: A private residence, licensed by the state, receiving six or fewer preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DAY SHELTER: A facility and administrative functions providing temporary daytime shelter for one or more individuals who are otherwise temporarily or permanently homeless. Day Shelters may include provision of food and clothing and support services such as counseling, education and transportation. "Day Shelter" includes soup kitchens, missions and religious organizations without overnight stay and offering similar services.

DRIVE, PRIVATE: A drive that serves one residence only and located on a right-of-way having a width of sixty-six (66) feet. The parcel of residence property served by the private drive may be landlocked, provided the right-of-way extends into the parcel a distance of one hundred fifty (150) feet. If a second residence requires access by way of the private drive, the drive must be brought up to private road standards.

DRY CLEANER/LAUNDRY: An establishment that cleans clothes or other fabrics through a process that uses solvents and specialized equipment instead of using water.

DWELLING: Any building or portion thereof usable exclusively for residence purposes.

- a. **Dwelling, one-family:** Any building usable for residence purposes by one family.
- b. **Dwelling, two-family:** Any building usable for residence purposes by two families.
- c. **Dwelling, multiple-family:** Any building or portion thereof usable by three or more families.

EXOTIC ANIMAL: see **ANIMAL, WILD OR EXOTIC.**

EXPLICIT SEXUAL MATERIAL: Any hard-core material.

FAMILY: Any number of individuals customarily living together as a single housekeeping unit and using common cooking facilities.

FARM: Any parcel of land which is used for the production of field and tree crops, livestock, poultry and dairy products, consisting of five (5) acres or more.

FLOOR AREA, DWELLINGS: The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, basements (finished and unfinished), attics or portions thereof not meeting Township Building Code requirements for ingress and egress.

FRONT-LOADED: Accessed from the side facing the street or roadway.

FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

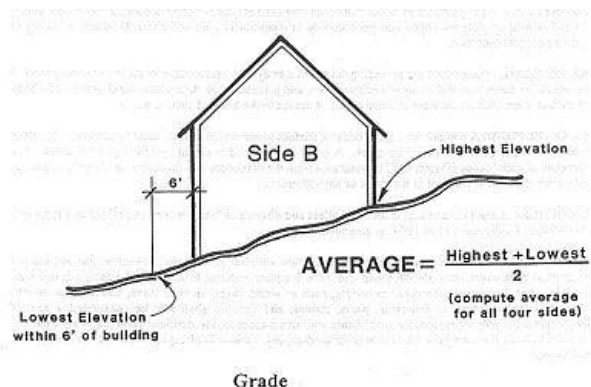
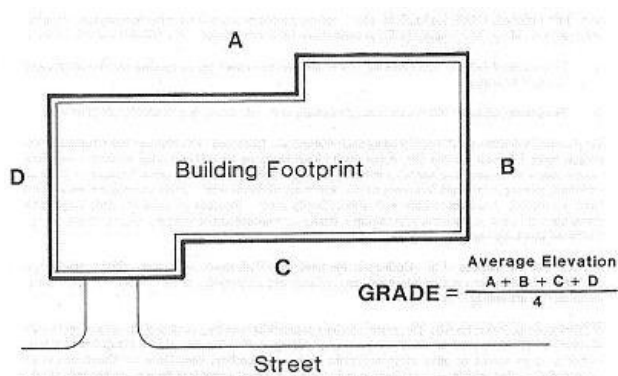
GARAGES: Includes the following:

- a. **ATTACHED.** An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- b. **PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- c. **SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

GAS/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

GRADE: For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



GRAIN AND SEED ELEVATOR: A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

GREENHOUSE, COMMERCIAL: A permanent building and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. Associated items may be sold at greenhouses also such as gardening supplies, seeds or pots.

GROUP DAY CARE HOME: see **CHILD CARE ORGANIZATION**

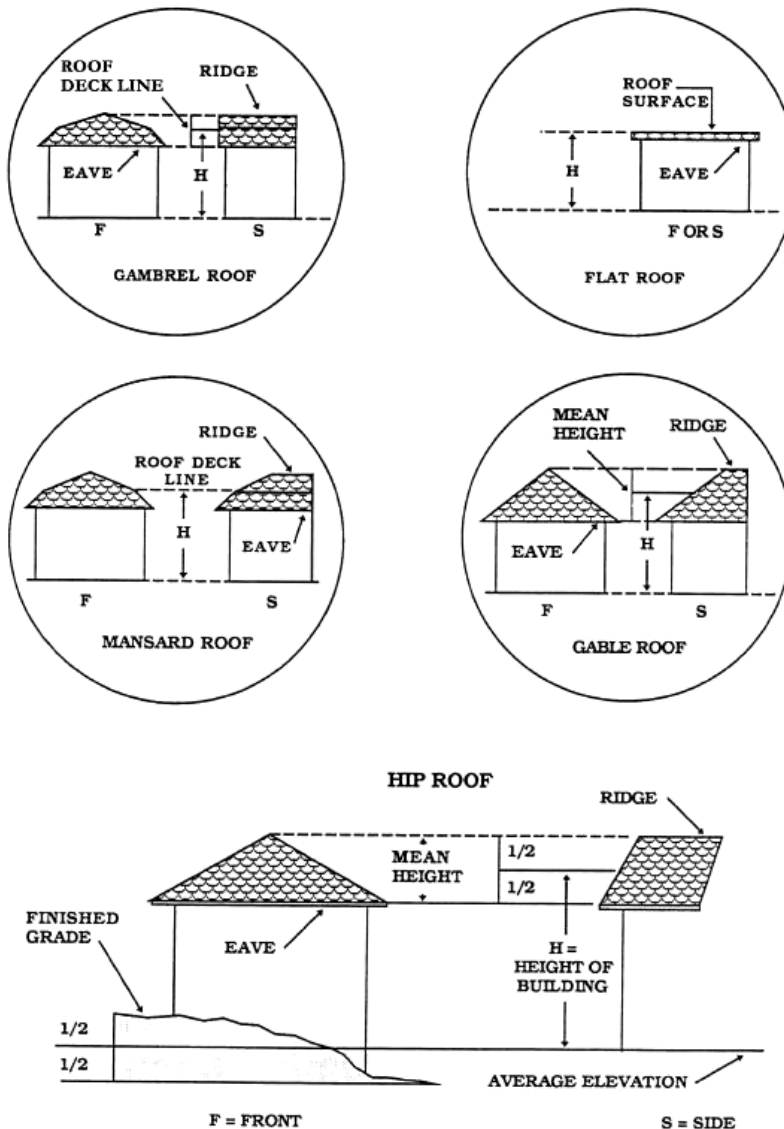
GROSS PUBLIC FLOOR AREA: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

HARD CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

HEAVY VEHICLE, EQUIPMENT REPAIR AND SALES: An establishment providing sales and major and minor repair services to heavy load vehicles, including trucks, buses, trailers.

HEIGHT OF BUILDING: The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING HEIGHT



HIGH INTENSITY USES: See the Special Use Requirements for High Intensity Uses.

HOME OCCUPATION: An occupation for gain or support conducted solely by members of a family residing on the premises and conducted solely in the home or attached garage and not in accessory buildings.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

INSTITUTION, CULTURAL: see MUSEUM, LIBRARY, EDUCATIONAL INSTITUTIONS

INSTITUTION, EDUCATIONAL: A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

INSTITUTION, HUMAN CARE; ADULT FOSTER CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities. See Act 218, of 1979 as amended, for definitions of Adult Foster Care.

INSTITUTION, REHABILITATION: A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

INSTITUTION, RELIGIOUS: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL: Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INSTITUTION, SUBSTANCE ABUSE: A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

INTENSIVE LIVESTOCK OPERATIONS: A confined area or structure used for feeding, breeding, or holding livestock as part of a commercial operation for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation, pig and hog farms. See the Michigan Generally Accepted Agricultural Management Practices. **(GAAMPS)**

JUNKYARD: Any premises upon which any of the following occurs, whether or not operated for profit: a premises where worn out or discarded material is bought, kept or stored; a premises used for the salvage of metals, equipment, machinery, appliances and other materials; a premises where motor or other vehicles are dismantled, sold or stored outside, including automobile wrecking yards, without regard to the length of time any particular vehicle remains on the premises; a premises upon which one or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored outside for a period of 15 days or more.

KENNEL: A kennel shall be construed as an establishment wherein or whereon 3 or more dogs or similar household pets are confined and kept for sale, boarding, grooming or training purposes, for remuneration.

LABORATORY:

- a. Medical or dental: A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.

LANDFILL: The disposal of waste materials by burying said materials and providing a level cover of soil harmonious with existing drainage and sufficient to control odors, rodents, insect nuisances and other hazards, provided that such material shall neither be disposed of nor prepared for disposal by burning on the site.

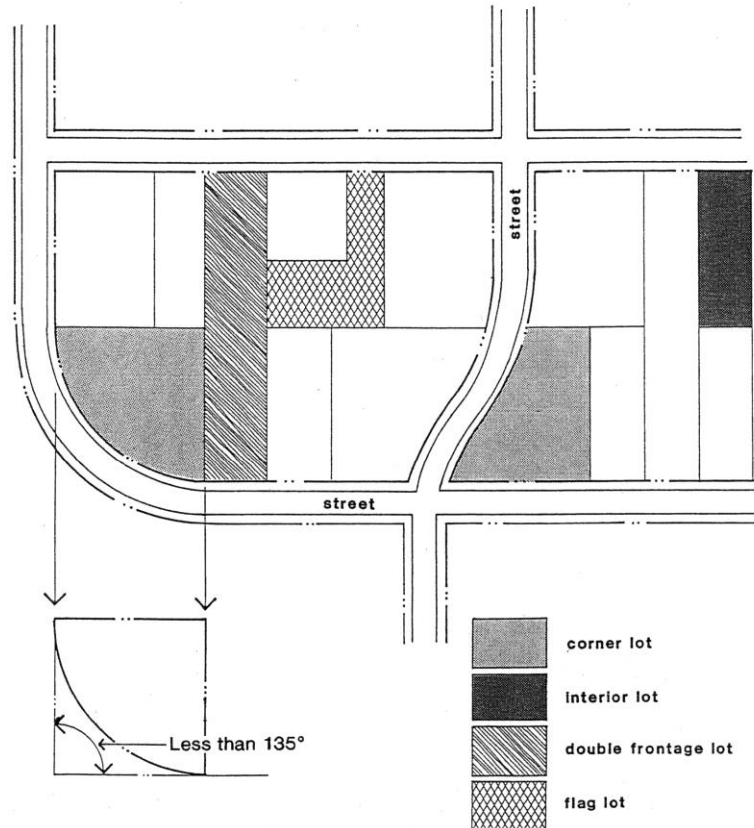
LOT: A parcel of land on which one principal building and its accessories are placed or are intended to be placed, together with the required open spaces.

- a. A **corner lot:** A lot of which at least two adjacent sides abut for their full length upon a road, provided that such two sides intersect at an angle of not more than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the road line, intersect at an interior angle of not over 135 degrees. In the case of a corner lot with a curved road line, the corner shall be considered to be that point on the road lot line nearest to the point of intersection of the tangents here described.
- b. An **interior lot:** A lot other than a corner lot.

LOT AREA: That area back of the right-of-way line and bounded by side and rear lot lines.

LOT LINE: Any line bounding a lot.

- a. **Front lot line:** The line separating the lot from the road, in the case of a corner lot, the line separating the narrowest side of the lot from the road.
- b. **Rear lot line:** The line opposite to and most distant from the front lot line.
- c. **Side lot line:** Any line other than front or rear lot lines.
- d. **Road lot line:** Any line separating a lot from a road.



Interior & Corner Lots

LOT OF RECORD: Is a lot the dimensions of which are shown on a document or map on file with the Register of Deeds.

LUMBER YARD: see **CONTRACTOR.**

MANUFACTURED HOUSING PARK: An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, Public Act 96 of 1987, as amended.

MANUFACTURING: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MESSAGE STUDIO: An establishment offering massage therapy and/or body work by a massage therapist or under the direct supervision of a licensed physician.

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD, other magnetic media, and undeveloped pictures.

MEDIA SHOP: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet.

MINI/SELF STORAGE: A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

MOBILE /MANUFACTURED HOME: A structure, transportable in one or more sections which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, and which is connected to the required utilities and includes the necessary plumbing, heating/air-conditioning, and electrical systems contained therein. For the purposes of this Ordinance, "Mobile Home" does include single and double-wide mobile homes but does not include a recreational vehicle or travel trailer.

MODULAR HOME: A structure, transportable in one or more sections on a removable chassis, and designed to be used on a permanent foundation and for affixture to the real property as a permanent improvement, when connected to the required utilities, such as plumbing, heating, and electrical systems.

MOTEL: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, "motel" and "hotel" have the same meaning.

NONCONFORMING BUILDING: Any building or portion thereof lawfully existing at the time this Ordinance became effective and which now does not comply with its regulations.

NONCONFORMING USE: Any property use which was lawful at the time this Ordinance became effective and which now does not comply with its regulations.

NURSING OR CONVALESCENT ADULT FOSTER CARE HOME: A structure other than a hospital where persons are housed or lodged and are furnished with meals, nursing and medical care.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OPEN SPACE: Land considered dedicated open space shall be set aside as common land for recreational, conservation and agricultural uses and preserved in an undeveloped state.

Further subdivision of open space lands or their use for other than recreation, conservation or agriculture shall be prohibited.

OUTDOOR SALES AREA: Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

OUTDOOR SALES: Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

PARK, RECREATIONAL: An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

PARKING SPACE, MOTOR VEHICLE: Any accessible area of not less than 200 square feet exclusive of access drives and a shape satisfactory for such use.

PERSONAL SERVICES FACILITIES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PLANNED UNIT DEVELOPMENT (PUD): A development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the planned unit development, not generally including a shopping center or other commercial developments intended for rental, but "planned unit development" includes cluster zoning, planned development, community unit plan, planned residential development, and other zoning requirements which are designed to accomplish the objective of a zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

POND AREA: The surface area of a pond at its high water condition.

PRIMARY LIVE ENTERTAINMENT: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

PRIVATE ROAD: A road constructed or maintained by private property owners and/ or to the standards contained in this Ordinance. Such a road may require further upgrading to meet the standards of the Midland County Road Commission and for its acceptance of the road as a Midland County Road. A private road may serve one or more residences.

PRINCIPAL USE: The primary and predominate use of the premises including customary accessory uses.

PROFESSIONAL SERVICES: Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

PROCESSING: Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

PUBLIC FACILITIES: Facilities that are owned and operated by a municipality, government agency, or publicly owned utility.

PUBLIC SERVICE INSTALLATION: A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.

PUBLIC UTILITY: Any person, firm or corporation duly authorized to furnish and furnishing under state or township regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water.

RECREATION, INDOOR: A recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

RECREATION, OUTDOOR: Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

RECREATION, PRIVATE: Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

RECREATIONAL EQUIPMENT: Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

RECREATIONAL VEHICLE: A vehicle or conveyance capable of operation on public highways and primarily designed or used as a temporary living quarters for recreational, camping or travel purposes, including a vehicle or conveyance having its own motor power or mounted on or drawn by another vehicle. Recreational vehicle includes motor homes, travel trailers, folding campers and truck-mounted campers but not mobile homes.

RESTAURANT: A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD: A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

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

RIGHT-OF-WAY: A public or private thoroughfare or easement of access for vehicle travel, which has an exit onto a road or street.

RIGHT-OF-WAY LINE: Shall be the established right-of-way line, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be 33 feet from the center of the road.

ROAD, COUNTY: A road constructed to Midland County Road Commission standards and maintained by the Midland County Road Commission.

ROAD, PRIVATE: A road constructed or maintained by private property owners and/or to the standards contained in this Ordinance. Such a road may require further upgrading to meet the standards of the Midland County Road Commission and for its acceptance of the road as a Midland County Road. A private road may serve one or more residences or businesses.

ROADSIDE STAND: A booth or stall located on a farm, from which produce and farm products are sold to the general public.

SADOMASOCHISTIC PRACTICES: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SANITARY LANDFILL, SOLID WASTE TRANSFER STATION: Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

SAWMILL, LUMBERING: The cutting and storing of forest products and the operation of portable sawmills and planers.

SCREENING: Evergreen plant material, fencing or earthen berms of a minimum height of six (6) feet and which obstructs view of commercial and industrial improvements abutting a

residential zone or a residence in an agricultural zone which is within five hundred (500) feet of the commercial or industrial property line.

SHALL: The word "shall" is always mandatory and not merely directive.

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

- a. The establishment offers for sale items from any two of the following categories:
 - 1) Adult media:
 - 2) lingerie
 - 3) leather goods marketed or presented in a context to suggest their use for the sadomasochistic practices

and the combination of such items constitutes more than 10 percent of the stock-in-trade of the business or occupies more than 10 percent of its floor area.

- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

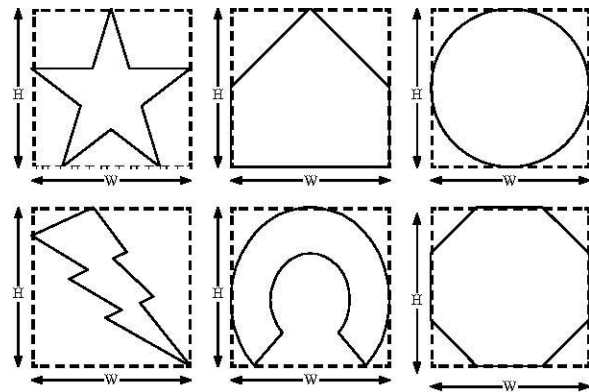
SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SIGN: A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea and which is visible from any street, right of way, sidewalk, alley, park or other public property. This definition includes the base, frame, and support members of the Sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not Signs. A Sign shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.

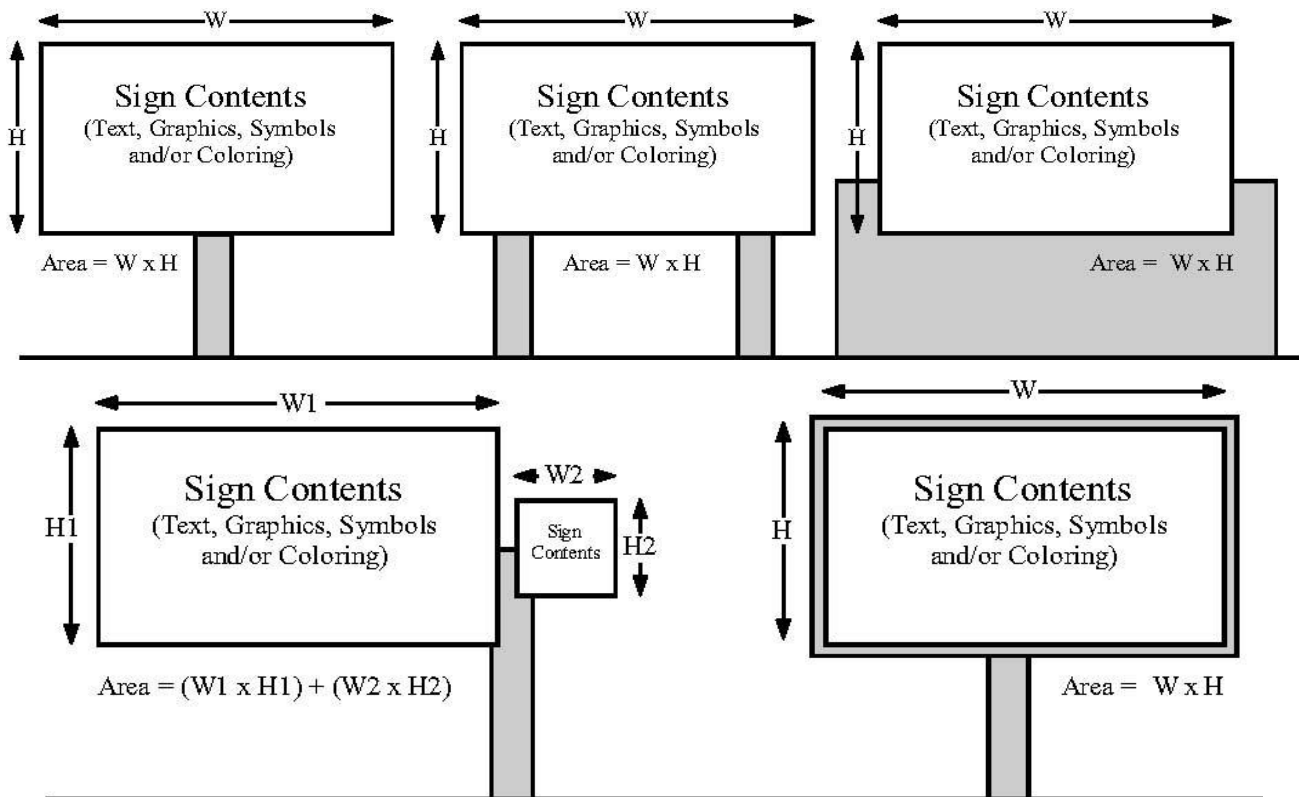
- a. **Abandoned:** A sign shall be deemed abandoned if:
 - 1) It does not display a well-maintained structure or sign face for a consecutive one hundred twenty (120) day period;

- 2) The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the department; or
- 3) A structure designed to support a sign no longer supports the sign for a period of one hundred twenty (120) consecutive days.
- 4) Any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.

b. **Area/measurement of Sign:** The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed



and any numbers displaying the address of the use. Only one side of a sign with two faces is used to calculate the area of the sign. The height of a sign is measured from the surrounding grade.



- c. **Awning Sign:** Any sign attached to or constructed on a canopy or awning. A canopy is a permanent roof-like shelter extending from part of or all of a building face.
- d. **Construction/Property Sale Sign:** A sign containing identifying information concerning construction activity in progress on the premises on which the Sign is located, such as the name of the future occupant or business, development name, type of development, name of the developer, and names of architects, engineers, contractors and lenders involved in the construction activity.
- e. **Directional Sign (Private Traffic Direction):** A sign on private property the primary purpose of which is to direct traffic movement onto or off of a premises. Such signs include entrance, exit, or street number.

f. **Electronic Message Board or Light Emitting Diode (LED) or Digital Signs:** Video terminal or electronic changeable copy sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously.



LED SIGN

- g. **Governmental Sign:** A sign authorized by this municipality, a governmental agency, the state of Michigan, or the federal government, for the benefit of the public. Such Signs may include safety signs, danger signs, trespassing signs, street direction signs, destination signs, hazardous condition signs, or signs for traffic control purposes.
- h. **Ground Mounted:** A sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building.



MARQUEE SIGN



MONUMENT SIGN

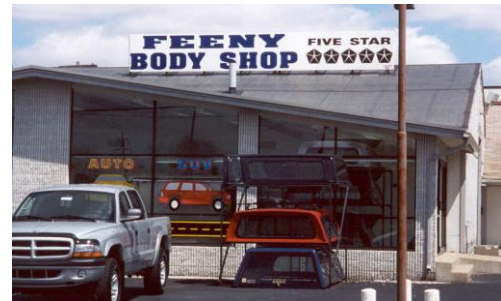
- i. **Marquee/Projecting:** Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.
- j. **Monument Sign:** A Ground Mounted Sign where the base of the sign structure is permanently in the ground or integrated into landscaping or other solid structural features.
- k. **Nits:** A photometric unit defined as cd/m² (candelas per square meter)
- l. **Nonconforming Sign:** Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto,

and which fails to conform to all applicable regulations and restrictions of this ordinance, or a sign for which a permit was previously issued that does not comply with the provisions of this ordinance.

- m. **Private Traffic Direction Sign:** Small signs or markings used for regulating, warning or guiding traffic on private, commercial or industrial sites.
- n. **Replacing Copy:** Any change to a sign's face or display other than changing letters and numbers designed to be removed on a daily or weekly basis for a temporary advertisement or sale.
- o. **Roof Line:** The highest point on any building where an exterior wall encloses usable floor space. The term "roof line" includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. The façade of a building is not defined as part of the roof line.

- p. **Roof Sign:** A sign erected, constructed, or maintained upon, or which projects above, the Roof Line of a building.

ROOF SIGN



- q. **Special Event Sign:** A sign advertising display that is temporary in nature, is not permanently attached to the ground or sign surface, and is used for special events, such as, but not limited to grand openings, seasonal sales, liquidations, going out of business sales, fire sales and promotions.
- r. **Street Banner:** A type of temporary sign such as a fabric sign, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Ingersoll Township Board and the Midland County Road Commission or Michigan Department of Transportation.
- s. **Structural Alteration:** Any change other than incidental repairs and maintenance that would prolong the life of the supporting members or face(s) of the sign.
- t. **Temporary/Portable/Seasonal Sign:** A sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included but not limited to "sandwich" signs, signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another, such as seasonal signs for orchards and Christmas tree farms. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a portable sign. This definition does not include specified exceptions for grand opening type signs.
- u. **Wall Sign:** A sign attached to, painted upon, placed against, or supported by the exterior surface of any building. Wall signs also include Marquees and Canopy Signs.
- v. **Window Sign:** Signs hung inside or outside and within the framework of any window of a business or residence.

SLAUGHTER HOUSE: A facility for the slaughtering and processing of animals and the refining of their by-products. These uses are regulated as Intensive Livestock Operations

SOLAR POWER: Energy generated by the sun through the collection, transfer and storage of the sun's heat.

SPECIAL USE: Uses other than those permitted in a particular zone permitted by an application for issuance of a special use permit, when all the procedure requirements together with all standards are met when approved by the Township Board.

SPECIFIED ANATOMICAL AREA:

- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
- b. Human genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PUBLIC: An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

STABLE, PRIVATE: Any building or structure and adjacent lands used for or designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

STATE LICENSED RESIDENTIAL FACILITY: A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

STORAGE, BULK: The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity:

- a. In a bulk form or in bulk containers;
- b. Under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements;
- c. In sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site;
- d. The major function is the collection and/or distribution of the material and/or products rather than processing;
- e. The presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

STORAGE, INDOOR: see **WAREHOUSE**

STORAGE, OUTDOOR: see **OUTDOOR USE**

STORAGE SHED: A building not more than 200 square feet in area used solely for the purpose of storage.

STRUCTURE: Anything, including a building constructed or erected, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

SWIMMING POOLS: Body of chemically treated water used for swimming.

TATTOO/BODY PIERCING PARLOR: A personal service establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN: see **BAR**

TAXIDERMY: Taxidermy is a general term describing the many methods of reproducing a life-like three-dimensional representation of an animal for permanent display. In some cases, the actual skin (including the fur, feathers or scales) of the specimen is preserved and mounted over an artificial armature. In other cases, the specimen is reproduced completely with man-made materials.

TERMINAL: see **WAREHOUSING AND DISTRIBUTION**

THEATER: see **INDOOR RECREATION**

TOWING OPERATIONS: An establishment that provides for the removal and temporary storage (7 days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

TRANSITIONAL HOUSING: A facility and administrative functions providing temporary overnight shelter for one or more individuals who are otherwise temporarily or permanently homeless. Transitional Housing may include provision of food and clothing and support services such as counseling, education and transportation. "Transitional Housing" includes homeless shelters, missions and religious organizations with overnight stay, other forms of temporary emergency housing or shelter and similar facilities.

USE, TEMPORARY: A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit. An outdoor temporary use has fewer than 250 people in attendance at one time and may require a special use permit if determined by the Zoning Administrator.

USED CAR LOT: see **VEHICLE SALES**

UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

USED OR OCCUPIED: The words "used," "usable" or "occupied" as applied to any realty or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

VARIANCE: A modification of the specific regulations of this Ordinance granted by resolution of the Board of Appeals in accordance with the terms of this Ordinance.

VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

VEHICLE REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

VEHICLE SALES: A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to, film, video or magnetic tape, laser disc, CD, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

VISIBLE: Visible means capable of being seen by a person of normal visual acuity.

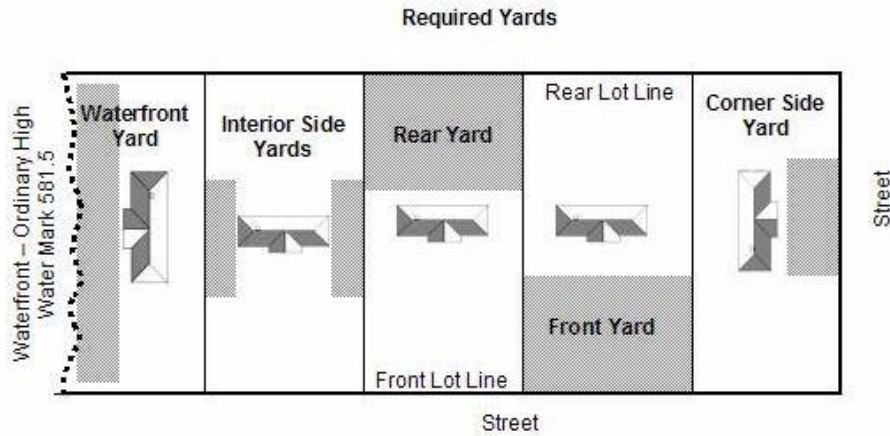
WAREHOUSING/DISTRIBUTION: The storing of different types of equipment and merchandise to be shipped or sold for resale.

WIRELESS COMMUNICATION FACILITY: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

YARD: A yard is a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distance.

- a. A **front yard** is a yard extending across the full width of a lot between the front lot line and the nearest line of the main building.
- b. A **rear yard** is a yard extending across the full width of a lot between the rear lot line and the nearest line of the main building.
- c. A **side yard** is a yard between the side lot line and the nearest line of the main building or of an accessory building attached thereto.



Chapter 3 • District Regulations

SECTION 3.1 ZONING DISTRICTS

For the purpose of this Ordinance all the area in the Township of Ingersoll is divided into the following zoning districts, having the symbols shown:

| | |
|--|--------------------------|
| | Agricultural |
| | Residence "A" |
| | Residence "B" |
| | Residence "C" |
| | Conservation Development |
| | Commercial "A" |
| | Commercial "B" |
| | Commercial "C" |
| | Industrial "A" |
| | Industrial "B" |
| | Landfill |

In addition to the foregoing distinct zoning classifications, there is overlaid upon the Residence "A", Residence "B" and Agricultural zones the open space preservation provisions for Conservation Development Planned Unit Developments.

The area assigned to those zoning districts, the designation of the same and the boundaries of said zoning districts shown on the map and made part of this Ordinance, are hereby established; said map being designated as "Ingersoll Township Official Zoning Map."

TABLE 1 ZONING DISTRICTS INTENT AND PURPOSE

| Zoning District | Stated Intent and Purpose |
|---------------------------------|--|
| Agricultural | The AG district is intended for agricultural and single family residential uses associated with farming operations, together in a compatible environment. The purpose of this zone is to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance. |
| Residence “A” | The R-A district is intended to accommodate single family dwellings in areas on large lots that are rural in character in order to provide for housing development while preserving open space and rural qualities and promoting appropriate non-farm uses of land. |
| Residence “B” | The R-B district is intended primarily for single and two family uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings. Multiple Family dwellings at a low density are also permitted. |
| Residence “C” | The R-C district is intended to provide a variety of housing styles, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of higher density than in the R-B district, but with equivalent quality. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including apartment structures and related institutional uses. |
| Conservation Development | This district provides for residential housing development that allows the grouping of single family homes in a designated area, with all remaining acreage preserved as open space. The reasoning for grouping homes is to preserve the natural rural environment. |
| Commercial “A” | The Commercial A District is intended to permit retail business and services that are oriented to automobile traffic. This district encourages commercial uses that require larger off-street parking facilities. |
| Commercial “B” | The Commercial B District is intended to permit retail and manufacturing businesses and services of a more intensive nature than is permitted in the Commercial A district. |
| Commercial “C” | The Commercial C District is intended primarily for those activities and services oriented to a wider region of users than the Commercial A and B districts. |
| Industrial “A” | The principal use of this district is intended for research and light industrial and manufacturing uses which possess few, if any, objectionable external nuisances. |
| Industrial “B” | The principal use of this district is intended for heavy industry and manufacturing that creates a greater degree of annoyance and hazard than the uses allowed in Industrial "A" District. |
| Landfill | The purpose of the Landfill district is to accommodate the Township’s closed landfill. |

TABLE 2 USES - AGRICULTURAL ZONE “AG”

| Uses By Right | Uses By Special Permit |
|--|--|
| <ul style="list-style-type: none"> • All uses permitted by right in Residential “A” • Agricultural activities • Cemeteries • Grain and seed elevators • Roadside stands • Conservation Development (meeting the requirements in Chapter 4) | <ul style="list-style-type: none"> • Airports and commercial landing strips • Concentrated Animal Feeding Operations • Greenhouses • Institutions: Educational, Religious • Kennels • Public facilities • Public utilities/service installations • Recreation: Outdoor • Stables: Public • Veterinary hospitals • Wind energy facilities • Wireless communication facilities |

Dimensions

- Lot area, min: 5 acres – farms, 1 acre w/o farms
- Lot width, min 150’
- Front yard, min 50’
- Back yard, min 25’ (accessory bldg 15’)
- Side yard, min 15’
- Corner lot, street, min 50’ (accessory bldg 100’)
- Housing unit:
Min sq ft: 1000
Min dim: 24’
Height, max: 34’

TABLE 3 USES - RESIDENCE “A”

| Uses By Right | Uses By Special Permit |
|--|--|
| <ul style="list-style-type: none"> • Single-family dwellings • Child Care organizations - inside dwelling • Conservation Development (meeting the requirements in Chapter 4) • Farming: Tree and field crops • Home occupations • Park, recreational • State licensed residential facilities for 6 or fewer residents • Accessory uses | <ul style="list-style-type: none"> • Agricultural activities • Institutions: Educational, Religious • Child care outside of a dwelling |
| Dimensions | |
| <p>lot size, min 1 acre</p> <p>lot width, min 150'</p> <p>front setback, min 50'</p> <p>side yard setback, min 15'</p> <p>rear yard setback: main bldg 25', accessory bldg 15'</p> <p>housing unit: min size 1200 sq ft min dim 24' max ht 34'</p> <p>Street</p> <p>Street right-of-way</p> <p>Corner lot 50' setback</p> | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min 150' • Front yard, min 50' • Back yard, min 25' (accessory bldg 15') • Side yard, min 15' • Corner lot, street, min 50' • Housing unit: Min sq ft: 1200 Min dim: 24' Height, max: 34' |

TABLE 4 USES - RESIDENCE “B”

| Uses By Right | Uses By Special Permit |
|--|---|
| <ul style="list-style-type: none"> • All uses permitted by right in Residence “A” • Two-family dwellings • Multiple-family dwellings • Cemeteries • Accessory Uses • Child Care organizations – outside dwelling • Conservation Development (meeting the requirements in Chapter 4) | <ul style="list-style-type: none"> • Agricultural activities • Institutions: Educational, Human Care, Religious, Social • Public facilities • Public utilities/service installations • Recreation: Indoor • State licensed residential facilities, for 7-20 residents |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre 1-2 family; 5 acres – multiple family • Lot width, min 150’ • Front yard, min 50’ • Back yard, min 25’ (accessory bldg 15’) • Side yard, min 15’ • Corner lot, street, min 50’ • Housing unit: Min sq ft: 1000 – 1 family, 800 – 2 family Min dim: 24’ Height, max: 34’ |

TABLE 5 USES - RESIDENCE “C”

| Uses By Right | Uses By Special Permit |
|--|--|
| <ul style="list-style-type: none"> • All uses permitted by right in Residence “B” • Accessory uses | <ul style="list-style-type: none"> • Institutions: Cultural, Educational, Human Care, Religious, Social • Manufactured Housing Parks • Public facilities • Public utilities/service installations • Recreation: Outdoor and Indoor • State licensed residential facilities, for 7-20 residents |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre 1-family; 1/2 acres – 2 family + 5000 sq ft per family; 5 acres- multifamily • Lot width, min 150’ • Front yard, min 50’ • Back yard, min 25’ (accessory bldg 15’) • Side yard, min 15’ • Corner lot, street, min 50’ • Housing unit: Min sq ft: 800 – 1,2 family, 600 – multi family Min dim: 14’ -1 family, 24’ multifamily Height, max: 34’ |

TABLE 6 USES - CONSERVATION DEVELOPMENT OVERLAY DISTRICT

| Uses By Right |
|---|
| <ul style="list-style-type: none"> • Single family use • Accessory uses |

TABLE 7 USES - COMMERCIAL “A”

| Uses By Right | Uses By Special Permit |
|--|--|
| <ul style="list-style-type: none"> • Child Care Organizations – in or outside of dwelling • Funeral homes/mortuaries • Golf courses and Country Clubs • Institutions: Human Care, Religious, Social • Motels/hotels • Personal services • Professional and business offices • Recreation: Outdoor and Indoor • State licensed residential facilities for 7-20 people • Accessory Uses • Wireless Communication Facilities | <ul style="list-style-type: none"> • Agricultural activities • Institutions: Educational, Rehabilitation • Public facilities • Public utilities/service installations • Solar energy facilities • Wind energy facilities |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min 150' • Front yard, min 50' • Back yard, min 15', 10' abutting C • Side yard, min 15' abutting C, 100' abutting R, 10' abutting AG • Corner lot, street, min 15' |

TABLE 8 USES - COMMERCIAL “B”

| Uses By Right | Uses By Special Permit |
|---|---|
| <ul style="list-style-type: none"> • All uses permitted by right in Commercial “A” • Dwellings above the first floor business • Institutions: Educational • Laboratories • Manufacturing, processing, and assembly • Restaurants (with or without alcohol) • Retail trade • Self-storage/Mini storage • Veterinary hospitals • Accessory Uses • Wireless communications facilities | <ul style="list-style-type: none"> • Agricultural activities • Auto service, sales • Institutions: Rehabilitation • Public facilities • Public utilities/service installations • Solar energy facilities • Wind energy facilities |
| Dimensions | |
| <p>Diagram illustrating lot dimensions and setbacks for Commercial B zoning:</p> <ul style="list-style-type: none"> Rear lot line rear yard setback: min 15', 10' abutting C side yard setback: min 15' abutting C, 100' abutting R, 10' abutting AG Lot width, min 150' front setback, min 50' Front lot line Street Street right-of-way Corner lot 15' setback lot size, min 1 acre | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min 150' • Front yard, min 50' • Back yard, min 15', 10' abutting C • Side yard, min 15' abutting C, 100' abutting R, 10' abutting AG • Corner lot, street, min 15' |

TABLE 9 USES - COMMERCIAL “C”

| Uses By Right | Uses By Special Permit |
|---|---|
| <ul style="list-style-type: none"> • All uses permitted by right in Commercial “B” • Bus and Taxi station • Car wash • Commercial laundries and dry cleaning plants • Commercial schools • Contractors • Gas stations • Lumber yards • Outdoor Sales • Restaurants: Drive-in • Theater • Vehicle and machine repair • Vehicle Sales • Warehousing • Wholesale and Distributing • Wireless communications facilities | <ul style="list-style-type: none"> • Agricultural Activities • Institutions: Rehabilitation, Substance abuse • Public facilities • Public utilities/service installations • Solar energy facilities • Wind energy facilities |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min 150' • Front yard, min 50' • Back yard, min 15', 10' abutting C • Side yard, min 15' abutting C, 100' abutting R, 10' abutting AG • Corner lot, street, min 15' |

TABLE 10 USES - INDUSTRIAL “A”

| Uses By Right | Uses By Special Permit |
|---|---|
| <ul style="list-style-type: none"> • Gas/Service Stations • Grain and Seed Elevators • Industrial parks • Laboratories • Manufacturing, processing, and assembly • Outdoor Sales Facility • Public facilities • Public utilities/service installations • Restaurants • Self storage/Ministorage • Theaters • Towing and Body Shops • Terminals • Vehicle and machine repair • Warehousing • Wholesale and distributing • Wireless communication facilities | <ul style="list-style-type: none"> • Agricultural activities • High Intensity Uses • Institutions: Educational, Religious • Sexually oriented businesses • Solar energy facilities • Wind energy facilities |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min: 150' • Front yard, min 50' • Back yard, min 300', abutting R, AG, C • Back yard, min 30' abutting I or other anything other than R, AG, C • Side yard, min 300' abutting R, AG, C. • Side yard, 30' abutting I or anything other than R, AG, C • Corner lot, street, min 50' |

TABLE 11 USES - INDUSTRIAL “B”

| Uses By Right | Uses By Special Permit |
|---|---|
| <ul style="list-style-type: none"> • All uses permitted by right in Industrial “A” • Airfields and airports • Distribution centers • Slaughterhouse • Wireless communications facilities | <ul style="list-style-type: none"> • Agricultural activities • Concentrated Animal Feeding Operations • High Intensity Uses • Institutions: Educational, Religious • Livestock auction, production yards • Sexually oriented businesses • Solar energy facilities • Wind energy facilities |
| Dimensions | |
| | <ul style="list-style-type: none"> • Lot area, min: 1 acre • Lot width, min: 150’ • Front yard, min 50’ • Back yard, min 300’, abutting R, AG, C • Back yard, min 30’ abutting I or other anything other than R, AG, C • Side yard, min 300’ abutting R, AG, C. • Side yard, 30’ abutting I or anything other than R, AG, C • Corner lot, street, min 50’ |

TABLE 12 USES - LANDFILL

| Uses By Right |
|--|
| <ul style="list-style-type: none"> • High Intensity Uses • Wireless Communication facilities |

TABLE 13 CONSOLIDATED USES CHART

| ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT | AG | R-A | R-B | R-C | CON | C-A | C-B | C-C | I-A | I-B | LF |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| Accessory uses | R | R | R | R | R | R | R | R | | | |
| Agricultural activities | R | S | S | S | | S | S | S | S | S | |
| Airfields and airports, commercial landing strips | S | | | | | | | | | R | |
| Auto Repair Facility | | | | | | | S | | | | |
| Bus and Taxi Station | | | | | | | | R | | | |
| Car wash | | | | | | | | R | | | |
| Cemeteries | R | | R | R | | | | | | | |
| Child Care organizations - outside dwelling | | S | R | | | R | R | R | | | |
| Child Care organizations - inside dwelling | R | R | R | R | | R | R | R | | | |
| Commercial laundries/Dry cleaning plants | | | | | | | | R | | | |
| Commercial schools | | | | | | | | R | | | |
| Concentrated Animal Feeding Operations | S | | | | | | | | | S | |
| Contractors | | | | | | | | R | | | |
| Distribution Centers | | | | | | | | | | R | |
| Dwellings above first floor business | | | | | | | R | R | | | |
| Farming: Tree and field crops | R | R | R | R | | R | R | R | R | R | |
| Funeral homes | | | | | | R | R | R | | | |
| Gas stations | | | | | | | | R | R | R | |
| Golf courses and Country Clubs | R | | | | | R | R | R | | | |

| ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT | AG | R-A | R-B | R-C | CON | C-A | C-B | C-C | I-A | I-B | LF |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| Grain and seed elevators | R | | | | | | | | R | R | |
| Greenhouses | S | | | | | | | | | | |
| High intensity uses | | | | | | | | | S | S | R |
| Home occupations | R | R | R | R | | | | | | | |
| Industrial parks | | | | | | | | | R | R | |
| Institutions: Cultural | | | | S | | | | | | | |
| Institutions: Educational | S | S | S | S | | S | R | R | S | S | |
| Institutions: Human care | | | S | S | | R | R | R | | | |
| Institutions: Religious | S | S | S | S | | R | R | R | S | S | |
| Institutions: Rehabilitation | | | | | | S | S | S | | | |
| Institutions: Social | | | S | S | | R | R | R | | | |
| Institutions: Substance Abuse | | | | | | | | S | | | |
| Kennels | S | | | | | | | | | | |
| Laboratories | | | | | | | R | R | R | R | |
| Livestock auction, production yards | | | | | | | | | | S | |
| Lumber yards | | | | | | | | R | | | |
| Manufactured housing parks | | | | S | | | | | | | |
| Manufacturing, processing, and assembly | | | | | | | R | R | R | R | |
| Motels/hotels | | | | | | R | R | R | | | |
| Multiple-family dwellings | | | R | R | | | | | | | |
| Outdoor sales facility | | | | | | | | R | R | R | |
| Park, recreational | R | R | R | R | | | | | | | |

| ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT | AG | R-A | R-B | R-C | CON | C-A | C-B | C-C | I-A | I-B | LF |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| Personal service establishments | | | | | | R | R | R | | | |
| Professional and business offices | | | | | | R | R | R | | | |
| Public facilities | S | | S | S | | S | S | S | R | R | |
| Public utilities/service installations | S | | S | S | | S | S | S | R | R | |
| Recreation: Indoor | | | S | S | | R | R | R | | | |
| Recreation: Outdoor | S | | | S | | R | R | R | | | |
| Restaurants | | | | | | | R | R | R | R | |
| Restaurants - Drive-in | | | | | | | | R | | | |
| Retail trade | R | | | | | | R | R | | | |
| Roadside stands | R | | | | | | | | | | |
| Self-storage/mini-storage | | | | | | | R | R | R | R | |
| Sexually oriented businesses, Adult media stores | | | | | | | | | S | S | |
| Single-family dwelling | | R | R | R | R | | | | | | |
| Slaughterhouse | | | | | | | | | | R | |
| Solar energy facilities | | | | | | S | S | S | S | S | |
| Stables, public | | | | | | | | | | | |
| State licensed residential facilities for 6 or fewer residents | | R | R | R | | | | | | | |
| State licensed residential facilities for 7-20 residents | | | S | S | | R | R | R | | | |
| Theater | | | | | | | | R | R | R | |
| Towing and Body Shops | | | | | | | | | R | R | |

| ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT | AG | R-A | R-B | R-C | CON | C-A | C-B | C-C | I-A | I-B | LF |
|--|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| Truck and railroad terminals | | | | | | | | | R | R | |
| Two-family dwellings | | | R | R | | | | | | | |
| Vehicle and machine repair | | | | | | | | R | R | R | |
| Vehicle Sales | | | | | | | | R | | | |
| Veterinary hospitals | | | | | | | R | R | | | |
| Warehousing | | | | | | | | R | R | R | |
| Wholesale and distributing | | | | | | | | R | R | R | |
| Wind energy facilities | | | | | | S | S | S | S | S | |
| Wireless communication facilities | S | | | | | R | R | R | R | R | R |

TABLE 14: DIMENSIONS

| ZONING DISTRICT | R-A I | R-B II | R-C III | AG IV | C-A,B,C V,VI,VII | I-A IX | I-B X | Land fill | Con |
|------------------------------------|---|--|--|--|---|--|--|-------------------------------|--------------------------|
| Lot Area, Min. sq. ft. | 43,560 | 43,560 – 1,2 family 5 acres – multiple family | 43,560 – single family 21,780 – 2 family +5,000 per fam. 5 acres – multiple family | 5 acres farms 43,560 1 family w/o farm | 43,560 | 43,560 SF | 43,560 SF | See Special Uses, Section 8.8 | See district regulations |
| Lot Width, Min. | 150 | 150 | 150 | 150 | 150 | 150 | 150 | | |
| Front Yard, Min. | 50 | 50 | 50 | 50 | 50 | 50 | 50 | | |
| Back Yard, Min. | 25 (15) | 25 (15) | 25 (15) | 25 (15) | 15 10 – abutting C | 300 - abutting R, AG, C 30' elsewhere | 300 - abutting R, AG, C 30' elsewhere | | |
| Side Yard | 15 | 15 | 15 | 15 | 15 – abutting C 100 – abutting R 10 - abutting AG | 300 – abutting R, AG, C 30' elsewhere | 300 – abutting R, AG, C 30' elsewhere | | |
| Corner Lot, Street min. | 50 | 50 | 50 | 50 (100) | 15 | 50 | 50 | | |
| Housing Unit., Min. sq. ft. | 1200 | 1000 – 1 family 800 – 2 family | 800 – 1,2 family 600 – multifamily | 1000 | NA | NA | NA | | |
| Housing Unit, Min. dim. | 24 | 24 | 14 – 1 family 24 - multifamily | 24 | NA | NA | NA | | |
| Height, Max. Feet | 34 | 34 | 34 | 34 | none | none | none | | |
| Accessory Structures | 15' from side and rear lot lines, 100' from front lot line 6% of lot area not to exceed 5,000 sq. ft. or 3 separate structures | | | | NA | NA | NA | | |

Accessory structure setbacks are shown in parentheses.

Notes to Dimensions Chart:

- The depth of rear yards abutting upon a road shall not be less than the depth of a front yard required for a building of the same size and kind on an adjoining interior lot fronting on such rear road or street but this shall not reduce the buildable width of any lot of record at the time of passage of this Ordinance to less than fifty (50) feet.
- Lot area per family, exclusive of right-of-way, shall not be less than one-half acre (21,780 square feet) for each of the first two (2) families in a building, plus five thousand (5,000) square feet for each additional family.
- All buildings housing farm animals shall be not less than one hundred (100) feet from property lines.

Chapter 4 • Conservation Development

SECTION 4.1 ESTABLISHMENT OF DISTRICT.

Conservation Development Districts are herein established as overlay districts. The Residential Conservation District applies to Residential A, Residential B and Agricultural zones and where selected by the land owner the Residential Conservation District provisions shall apply and control over conflicting provisions in the underlying zoning district.

SECTION 4.2 PERMITTED USES.

Within any Conservation Development District, no building, structure or part thereof shall be erected, altered or moved upon a premises which is intended or designed to be used in whole or in part for any other than one or more of the following specified purposes:

- a. Single Family Use: Single family residential dwellings (including site condominium) are permitted having a minimum of one thousand two hundred (1,200) square feet of living area, subject to the following building height, lot size and yard requirements. Common driveways are permitted.
 - 1) Front and rear yard setbacks may be staggered to provide for maximum variety in the size of such yards. Exception: If a garage is to be front loaded from the street, the minimum front yard setback from the street right-of-way or street easement shall be twenty-six (26') feet.
 - 2) The minimum distance between dwellings shall be twelve (12') feet, six (6') feet from property lines.
 - 3) Lots not served by public sanitary sewer shall have a minimum of one hundred (100') feet of frontage at the front building line.
 - 4) Lots served by public sanitary sewer shall have a minimum of ninety (90') feet of frontage at the front building line.
 - 5) Lots served by public water and by public sanitary sewers shall have a minimum of eighty (80') feet of frontage at the front building line.
- b. Residential Accessory Uses: For every single-family residential dwelling, one accessory building shall be permitted per parcel. One accessory building may be constructed up to six hundred (600) square feet in size. All accessory buildings shall be subject to the following requirements and limitations.
 - 1) Sidewall height may not exceed ten (10') feet.
 - 2) Overall height may not exceed seventeen (17') feet to the peak.
 - 3) Setbacks within a Conservation Development for residential accessory buildings shall be ten (10') feet from a side property line and ten (10') feet from the rear property line.
- c. Incidental Accessory Uses: Accessory uses incidental to the principal permitted uses include recreational activities, which are passive and occur on common open space lands only, such as soccer fields, softball fields and similar type fields, including parks and boat launches.

- d. Agriculture Accessory Uses: Agriculture, horticulture or floriculture accessory use buildings, livestock raising operations and animal stables are allowed in open space areas if approved during site plan review.
- e. Permitted uses within dedicated open space shall be required to meet the following requirements:
 - 1) Sidewall height may not exceed twenty-five (25') feet.
 - 2) Overall height may not exceed forty (40') feet to the peak.
 - 3) The setback from a side property line shall be seventy-five (75') feet.
 - 4) The setback from a rear property line shall be twenty-five (25') feet.
 - 5) The setback from a front property line or right-of-way shall be seventy-five (75') feet.
 - 6) Any accessory structure(s) or building(s) constructed in open space areas shall not exceed, in the aggregate, one (1%) percent of the open space area.

SECTION 4.3 OWNERSHIP AND CONTROL.

A proposed Conservation Development shall be under single or limited ownership control, such that a single person or entity has proprietary responsibility for the completion of the development. The applicant shall provide documentation of ownership or control in the form of agreements, contracts or covenants that indicate the development will be completed as proposed.

SECTION 4.4 DENSITY STANDARDS AND GENERAL DEVELOPMENT STANDARDS.

- a. The density of residential dwelling units and the size for each lot within a Conservation District shall be as determined by the following criteria.
 - 1) Number of Dwellings: The total number of residential dwelling units permitted in a Conservation Development shall be determined by submitting a limited detail conventional subdivision plan identifying the lots and buildable lands using the underlining lot size standards set forth here.

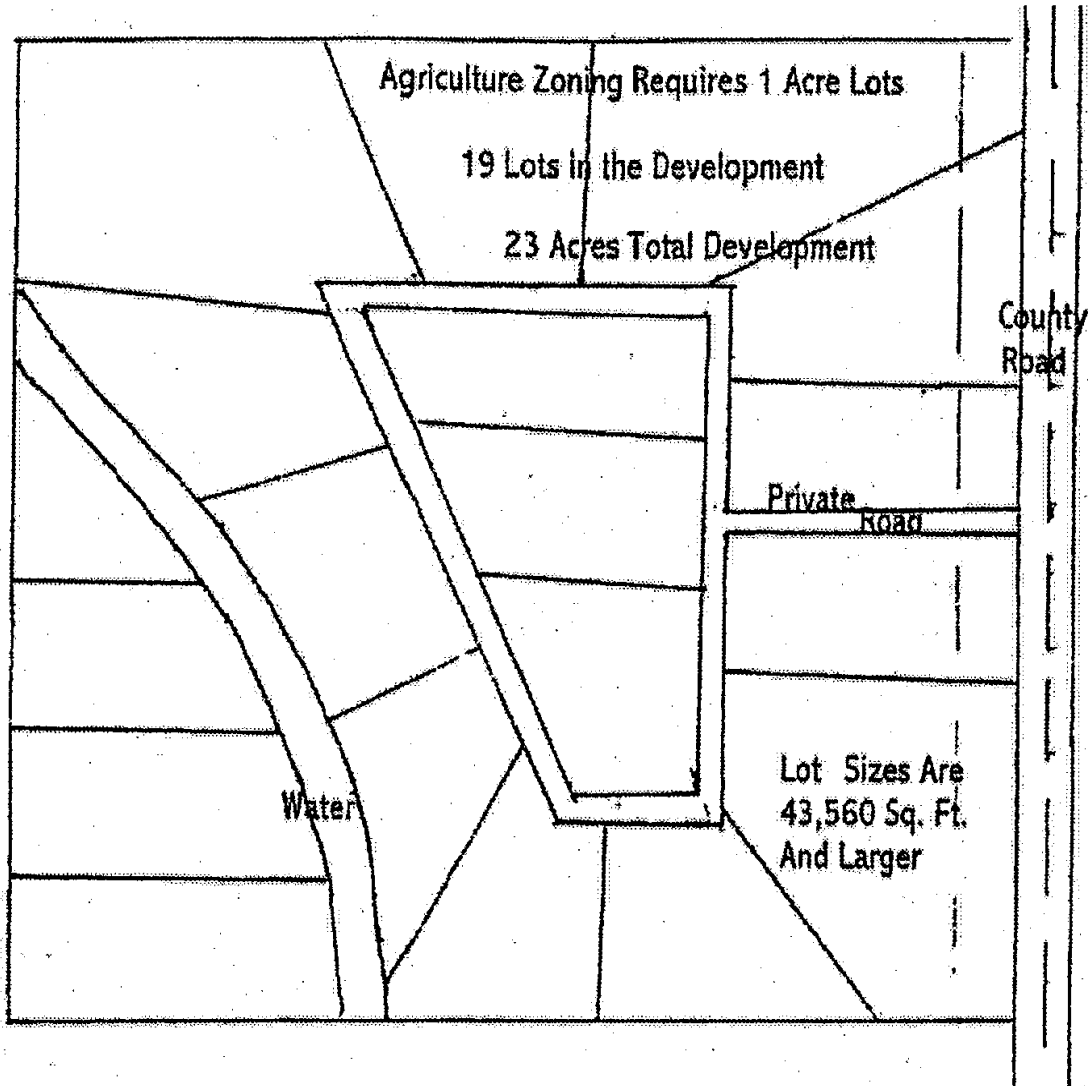


FIGURE 1 - LOT SIZE COMPUTATION, EXAMPLE 1

This figure is an example of a typical subdivision created within the township’s agricultural zoning district. Lots are required to be a minimum of 1 acre in size and to have 150’ of road frontage. The total size of the development parcel is 23 acres. After removing road easements, right-of-ways and the area along the stream, 19 lots could be created. Four of the proposed lots require another road to gain access.

- 2) The maximum number of lots allowed in a Conservation Development is the same as the number allowed in a conventional subdivision plan, not including additional lots allowed due to lot credits. In a Conservation Development each lot is smaller, according to the following diagram.

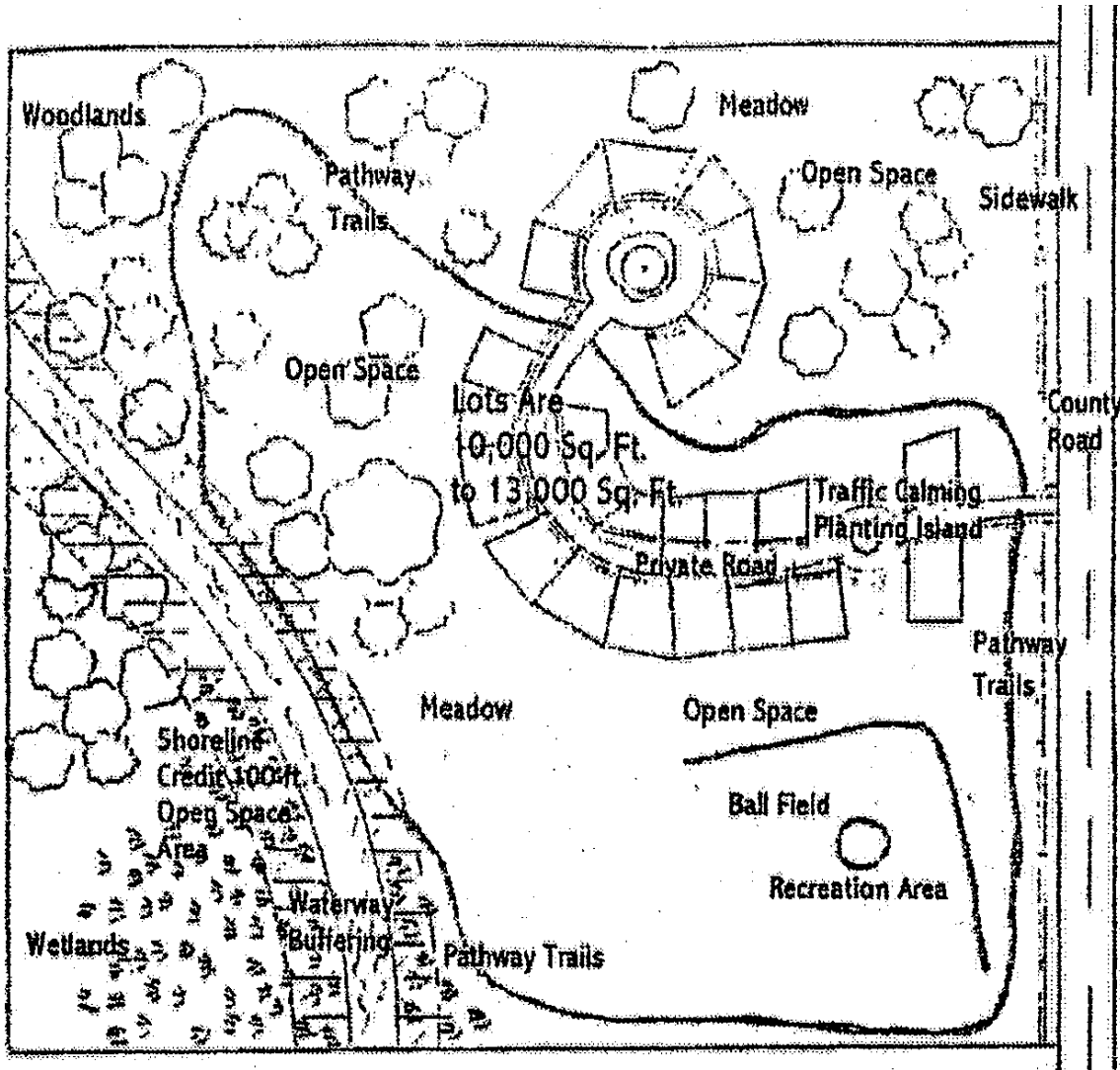


FIGURE 2 - LOT SIZE COMPUTATION, EXAMPLE 2

Figure 2 is an example of a Conservation Development on the same 23 acre parcel as in Figure 1. In the Conservation Development design, 5 additional lots were allowed to be added to the development because the developer received credit for adding specific design elements. Three lots were because the developer protected 1,500' of shoreline along the stream running through the development. One additional lot was allowed because the developer chose to create a significant trail system within the development and one final lot was allowed because the developer created a recreation area.

Once additional lots allowed are computed using the credits, the Conservation Development Site Plan may be established for review by the Planning Commission.

- 3) All Conservation Districts shall be approved by the Planning Commission, after application and review through the procedures set forth in this Ordinance for special land use. In this review process, the Planning Commission may review a subdivision proprietor's preliminary plat during the same meeting that the proposed new Conservation Development site plan is reviewed to ensure no delay during the review process.
 - 4) In no case shall the maximum density specified for the zoning district in which the Conservation Development is located, be increased by more than the bonus percentage credit.
 - 5) Community septic fields are acceptable means to allow for maximum lot density.
- b. Lot Sizes: Lots not served by public or common sanitary sewer shall have a minimum lot area of fifteen thousand (15,000) square feet. Lots served by public or common sanitary sewer shall have a minimum lot area of twelve thousand (12,000) square feet. Lots served by public water and by public or common sanitary sewer shall have a minimum lot area of ten thousand (10,000) square feet.

| | Lot Size |
|-----------------------------|----------------|
| No Sanitary Sewer | 15,000 sq. ft. |
| With Sanitary Sewer | 12,000 sq. ft. |
| With Public Water | 12,000 sq. ft. |
| With Public Water and Sewer | 10,000 sq. ft. |
| Maximum lot size | 20,000 sq. ft. |

- c. Density Standards Credit: The total number of dwelling units permitted in a Conservation Development shall be determined as explained in these Density Standards, and in the following bonus percentage increase given for the following credits.
- d. Shoreline Credit: To encourage preservation of river and stream areas and to provide an incentive for property owners to incorporate the areas surrounding water bodies into an open space network, a shoreline credit shall be permitted if the following requirements are met.
 - 1) One additional lot may be added to the Conservation Development for each five-hundred (500) lineal feet of shoreline protected.
 - 2) A minimum of one hundred (100') feet of open space must be created along the shoreline that is protected subject to permanent open space dedication.
- e. Pathway Credit: To encourage the development of a pathway within the open space area, a pathway credit will be given to a developer who completes the following steps.

- 1) A credit of one additional lot shall be given if a pathway is created and installed. It must be installed prior to the sale of any lot within the development.
 - 2) The pathway is no less than five (5') feet wide, has a raised base so that it drains properly, is covered by a surface other than grass or dirt, such as wood chips, pavement or stone.
 - 3) All pathways are significant in length as determined by the Planning Commission, in order to take advantage of the available open space. The pathway should be circular in nature going around the development and connecting developments when feasible.
- f. Recreation Area Credit: To encourage the development of parks, playgrounds or recreational fields, a recreation area credit will be given to a developer who completes the following steps.
- 1) A credit of one additional lot shall be given if a recreation area is developed. The recreation area must be shown on brochures and must be staked out prior to the sale of any lot within the development so that potential buyers are aware of its location.
 - 2) The recreation area must include one of the following items:
 - a) A baseball, soccer, football or similar field.
 - b) A picnic area with tables and park benches.
 - c) Other non-motorized recreation areas, exclusive of golf courses, that are approved by the Planning Commission.
 - 3) All recreation areas will be significant in overall size and will be beneficial to the residents as determined by the Planning Commission, in order to take advantage of the available open space.
 - 4) These recreation areas may be open to the public or limited to the use of residents living within the Conservation Development depending upon how the open space is restricted from further development. The means to allow public access or restricted access must be in the master deed of the development.
- g. Open Space Area Credit: To encourage the preservation of open space, an open space area credit will be given to a developer who can show a significant increase in open space area preservation. One of the following two options must be met:
- 1) A credit of one additional lot shall be given if a development preserves sixty (60%) percent of the determined buildable area as open space within a development, or
 - 2) A credit of two additional lots shall be given if a development preserves seventy (70%) percent of the determined buildable area as open space within a development.
 - 3) All computations to determine if an open space area credit will be given shall be done with the additional lot(s) added into the development prior to making the computation to determine if credit should be given.
- h. Open Space Standards: The areas which may be included within Conservation Development District open space shall be determined as provided within this sub-section.

- 1) Areas Not Considered Open Space: The following areas shall not be calculated as dedicated open spaces.
 - a) Areas devoted to public or private road right-of-ways or any land that has been or is to be conveyed to a public agency for utilities.
 - b) Any area devoted to county drain easements.
 - c) All existing surface water bodies and regulated wetlands.
- 2) Calculating Open Space: Except as noted above, any undeveloped land area within the boundaries of the parcel may be included as required open space.
- 3) Use of Open Space: All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, approved land improvement or is not considered open space as defined above shall be considered dedicated open space and shall be set aside as common land for recreational, conservation and agricultural uses and preserved in an undeveloped state. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
- 4) Minimum Open Space Percentage: Dwelling units shall be grouped so that open space within a development is at least fifty-one (51%) percent of the total area of buildable land.
- 5) Open Space Access: Pedestrian access points to open space shall be required between rows of six (6) or more lots, and at the end of cul-de-sacs. Access points must be of common ownership and a minimum of five (5') feet in width. The Planning Commission shall determine if additional access points are necessary for pedestrian access to open areas or if a modification of this standard is necessary.
- 6) Maintenance Vehicle and Open Space Access: Conservation Developments shall provide maintenance vehicle access to interior common areas that require mowing or tilling.
- 7) Waterway Buffering: All dwellings and accessory structures shall be no less than one hundred (100') feet from any lakes, ponds, rivers and streams. Only with approval of the Planning Commission may a roadway be placed within this buffer area and efforts should be made to eliminate any encroachment when possible.
- 8) Preservation of Open Space: Open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the Township. All forms of protecting open space within a Conservation Development shall be subject to the review of the Township Attorney and all transfers of property to the Township are subject to approval by the Township Board. Forms of dedicating open space may include:
 - a) A conservation easement.
 - b) Covenants that run perpetually with the land. Use of dedicated open space may be restricted to dwelling owners within the development.
 - c) Transfer of deed to Township, County or State ownership with Township Board approval. The open space must be suitable for parks, baseball fields or public access

to waterways and for a boat launch. The transferred dedicated open space will be considered public lands.

- d) Two forms of the above-mentioned preservation options may be used together if a portion of a parcel is being deeded to the Township, County or State and a portion of a parcel is being retained for the developments dwelling owners to use exclusively as covenant protected open space.
- 9) Conveyance Standards: Such conveyance shall assure that the open space will be protected from all forms of development, except as allowed under this ordinance and shown on an approved site plan and shall never be changed to another use. Such conveyance shall:
 - a) Indicate the allowable use(s) of the dedicated open space with site plan approval.
 - b) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c) Provide standards for scheduled maintenance of the open space.
 - d) Be recorded on every deed of parcels within the development.
- 10) Trees in open spaces: The intent of the tree standards is to maintain the pre-existing condition of the open space. The location of the tree plantings and type of tree to be planted is subject to Planning Commission approval. All tree plantings shall be on dedicated open space areas only. No more than fifty (50%) percent of the same species of tree may be planted within the developments open space area. If recreation areas or farm fields are developed within the open space, the tree plantings should be in harmony with the intended use of the open area, per the discretion of the Ingersoll Township Planning Commission.

| |
|---|
| Number of Trees Suggested in Open Space Area Per Lot Developed |
| 3 Trees 2 Feet tall |
| 25 Trees 10 inches tall |
| Total 28 Trees |

- a) An inspection of the required open space area and tree plantings shall be required by the developer a minimum of twelve (12) months after initial planting. Any tree plantings that died or have been removed must be replaced.
- b) The Planning Commission may require a performance bond or cash deposit, equal to the cost of the trees and their installation. The proceeds of this deposit shall be returned to the developer only after a written report from the developer is presented to the Township stating the findings of the inspection. The Township may inspect the site to verify all findings.

- 11) Installation Delay: If seasonal conditions such as snow and ice do not allow for the planting of trees in open space areas or the installation of sidewalks along open space, a delay in planting or installation may be granted.
 - a) The delay may only be granted until May 31, at which time planting of said trees and/or installation of sidewalks must be commenced as determined by the Township Building Inspector.
 - b) A performance bond or other acceptable monetary assurance will be required to insure the required installation of sidewalks and/or tree plantings is completed. The Building Inspector shall determine the amount of monetary assurance to be held by the Township until the required work is completed.
 - c) If after May 31, the required sidewalk installation or tree plantings have not commenced as determined by the Building Inspector, the Township may use the deposited funds to complete the required work.
 - d) All additional funds necessary to complete said work above the deposited amount will be charged to the parcel owner(s) and if necessary a lien will be placed on the parcel and required funds may be collected from the property tax paid on said parcel(s).
- 12) Private Roadway Standards and Restrictions: Private roadways within Conservation Development Districts shall be established as provided within this sub-section.
 - a) Access: Conservation Developments shall have access to a public roadway by connection to another Conservation Development or by physical connection. Access to Conservation Developments shall be provided internally from roadways constructed within the proposed development. Any entrance or exit drive shall be located no closer than two hundred (200') feet from any existing street or road intersection as measured from the nearest right-of-way line.
 - b) Internal Roads: Construction of private roads as a means of providing access and circulation may be required within a Conservation Development. All roadways constructed shall provide adequate storm drainage systems, including necessary storm sewers, drain inlets, manholes, culverts and bridges and shall be required in all developments. The drainage requirements for each development shall be established through the Midland County Drain Commission. The Ordinance Enforcement Officer and the Midland County Drain Commissioner, prior to construction must approve all roads designed for a Conservation Development.
 - c) Deed Covenants: The following requirements must be established within all Conservation Development deed restrictions.
 - (1) A deed restriction to be placed on the project site that perpetually vests fee simple the land area in the parties adjoining the road and prohibits future transfer to the public, prohibits future lot splits.
 - (2) A deed restriction placed on each lot with a private road maintenance plan attached stating that only lot owners within the development shall pay for roadway maintenance and snow removal and that the Township shall not be responsible for any future improvements to the private road.

- d) Application, Review Notice: Application, review and approval of a proposed private road shall follow the same procedures, as site plan review application with regards to notice and timing.

Sealed prints: Application for approval of a private road shall include a site plan sealed by a professional engineer showing:

- (1) Lot lines: Existing and proposed lot lines.
 - (2) Structures: The location of existing structures.
 - (3) Width of Roads: The width and location of the private road easement.
 - (4) Road Materials: A cross section of the proposed road, showing the types of material the road base and surface will consist of.
 - (5) Utility: Utility plans including the location, size and capacity of storm water drainage systems to comply with the Midland County Drain Commission requirements, sewer or septic systems, water lines or private well locations and private utilities such as telephone, electrical and cable service.
 - (6) Driveways: Proposed locations of driveways off the private road to any recreational fields.
 - (7) Right-of-way: Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 - (8) Land Division Ordinance: All division of land shall be in compliance with the Land Division Ordinance.
 - (9) Traffic Calming: All private roads within a Conservation Development shall use significant traffic calming designs that will reduce speeds naturally. The use of green islands and curved roads to slow traffic naturally will be required on all roads over six hundred (600') feet in length.
- e) Private Road Standards: The proposed private road shall meet the following standards:
- (1) The minimum right-of-way width shall be fifty (50') feet, provided that an applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than forty (40') feet.
 - (2) All roads shall be paved with bituminous asphalt or concrete and shall have a base designed meeting or exceeding the standards found in the Ingersoll Township Zoning Ordinance for Private Roads. The following shall be complied with:
 - (a) If bituminous is used, the private road shall be constructed meeting the rural cross section design for atypical concrete all season road as defined in the zoning.
 - (b) If concrete is used, the private road shall be constructed meeting the rural cross section design for atypical concrete all season road as defined in the zoning.

- (c) Only the width of the bituminous or concrete surface as outlined in the zoning may be narrowed to thirty (30') feet (22' road bed, 4' shoulder), nothing less will be allowed to ensure adequate emergency vehicle access.
 - (d) The maximum grade within one hundred (100') feet of an intersection shall be three (3%) percent.
- (3) In addition to requirements of Ingersoll Township Sign regulations, no fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3') and ten (10') feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30') feet from the point of intersection.
 - (4) The maximum number of dwellings in a group shall be determined by the Planning Commission. In no instances may a cul-de-sac be over thirteen hundred twenty (1,320') feet in length from the main access road within the Conservation Development.
 - (5) Any driveways off a private road shall be at least forty (40') feet from any intersection of the private road right-of-way with another road right-of-way.
 - (6) Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
 - (7) Private roads shall meet the maintenance requirements as provided in the deed restrictions of the development.
 - (8) Parcels fronting on private roads shall meet the required Conservation Development lot size requirements.
 - (9) Unobstructed vertical clearance of not less than thirteen feet six inches (13'6") is required over all roads.
 - (10) Roads in excess of one hundred fifty (150') feet in length shall have an approved turn around for emergency vehicles as defined in the Ingersoll Township Private Road regulations.
 - (11) Roadways shall remain unobstructed from locked gates, barriers, etc, at all times giving emergency vehicles access to the development.
 - (12) No private road shall provide connection or access to industrial or commercial property.
 - (13) Inspection Fee: An inspection fee shall be paid by the developer prior to site plan review, so that the Building Inspector may ensure proper and safe private road construction. Fee to be set by the Ingersoll Township Board.
 - (14) Housing Development Standards: The development of housing within Conservation Development Districts shall be as provided within this sub-section.
 - (a) Dwelling Placement: Dwelling units shall be carefully located and designed. Dwelling placement shall be planned to screen homes from undesirable off-

- site vantage points, away from environmentally sensitive areas, existing agricultural uses and away from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.
- (b) Residential Tree Plantings: All residential lots shall have three (3) trees planted in the front yard area at a minimum of (6') feet high prior to obtaining an occupancy permit, unless requirements are met by existing trees.
 - (c) Sanitary Sewer: If public or common sewer or water is provided within the development, all provisions for the review and approval by the Township and the Midland County Drain Commission must be completely followed. If there is a public sanitary sewer available within five hundred (500') feet from any portion of the proposed development, the public sanitary sewer shall be utilized.
 - (d) Water: If there is an existing or extendible public water supply within five hundred (500') feet from any portion of the proposed development, the water shall be provided according to Township requirements.
 - (e) Lot Drainage: All lots shall have lot drainage that shall comply with all requirements of the Midland County Drain Commission. Open space area undisturbed may not be required to be evaluated for storm water review.
 - (f) Septic System: If not served by public sanitary sewer, the following onsite septic system procedure may be followed upon Township approval.
- (15) In order to meet the Midland County Health Department and Department of Environmental Quality's requirement for lot size, a portion of the open space area may be used for septic system lot size computation and if necessary for its installation.
- (16) The open space area used for septic system computation and installation must be restricted to the installation of an individual dwelling septic system only. The following conditions must be met prior to Township Planning Commission approval of any such system.
- (a) The development is not served by public or common sanitary sewer.
 - (b) The septic system must be placed as close as possible to the dwelling using the system.
 - (c) The County Health Department and all State required installation details must be followed.
 - (d) Open space area used as part of the required septic system computation may only be used once.
 - (e) The site plan submitted for review by the Township Planning Commission must show the area to be used in the septic system calculation.
 - (f) The parcel owner must remove the septic system from the lot and open space area in compliance with the County Health Department and all state regulations if public sanitary sewer is connected to the dwelling.

- (g) Open space areas having septic systems on them may not in any way be turned over to the Township as Township property.
 - (h) The open space area used for the septic system may not be used exclusively by any dwelling owner, and must remain open space.
 - (i) If the open space is farmed, no plantings or tilling shall be allowed over the septic system.
 - (j) No trees or brush may be planted over a septic system In open space areas.
 - f) Prior to Construction: Prior to any residential construction within a Conservation Development, all roadways, drainage and utilities must be installed within one (1) year of the first home start. All pathways must be installed prior to any residential construction.
 - g) Signage: All proposed signage in the development shall comply with Ingersoll Township Zoning Ordinance for Signs for Residential A.
 - i. Sidewalk Requirements: Sidewalks are not required. However, should sidewalks be incorporated into a Conservation Development, the following provisions shall be used for the location and placement of sidewalks within the Conservation Development:
 - 1) Sidewalks in front of Dwellings: A four (4') foot wide sidewalk must be installed along the frontage of every dwelling. A minimum setback from the edge of the roadway of eight (8') feet is required unless approved by the Planning Commission. The sidewalk must be installed prior to obtaining an occupancy permit.
 - 2) Sidewalk Ramps: An approved sidewalk ramp to the roadway, must be installed at the end of all sidewalks stopping at common areas and a similar approved ramp must be located directly across the roadway to connect the sidewalks on opposite sides. The Ingersoll Township Planning Commission shall have final approval of sidewalk location. The Planning Commission may require sidewalks on both sides of a roadway if it is determined to be necessary for public safety.
 - 3) Sidewalks along Public Roadways: Sidewalks within a Conservation Development must extend to the public roadway with an approved sidewalk ramp. Sidewalks are required along the frontage of any public roadway.
 - 4) Sidewalk Design: The site plan must show a cross section of required sidewalks showing the type of materials, sidewalk base and surface elevation in relation to the grade.

Chapter 5 • Parking/Roads

SECTION 5.1 ADEQUATE PARKING AND LOADING SPACE REQUIRED.

For each dwelling, business, commercial, industrial or other similar building hereafter erected or altered, and located on a public right-of-way in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the right-of-way that is in general adequate for the parking or loading of vehicles as given in the following sections.

SECTION 5.2 SCHEDULE OF REQUIRED PARKING SPACES.

TABLE 15 REQUIRED PARKING SPACES

| Use | Parking Spaces |
|---|---|
| Auto sales and service garages | One (1) space for each five hundred (500) square feet of building area |
| Barber and beauty shops. | Three (3) spaces for each chair or booth. |
| Churches, Clubs and places of public assembly | One (1) space for each five (5) seats. |
| Dance halls, private clubs, lodges, fraternal buildings and other such places of frequent public assembly. | One (1) space for each one hundred (100) square feet of floor space. |
| Dwellings, single or multiple unit | One (1) space for each family unit. |
| Funeral homes. | One space for each twenty-five (25) square feet of floor area of assembly rooms. |
| Furniture sales, retail. | One (1) space for each five hundred (500) square feet of floor area. |
| Hospitals and rest homes. | One (1) space for each two (2) beds. |
| Hotels, clubs, lodging homes | One (1) space for each two (2) bedrooms. |
| Manufacturing and industrial. | One (1) space for each one thousand (1000) square feet of floor area or one (1) space for each two (2) employees on combined employment of the two (2) largest successive shifts, whichever is greater. |
| Motels, tourist homes, trailer court. | One (1) space for each guest room, cabin or trailer. |
| Office buildings, commercial and professional buildings. | One (1) space for each two hundred (200) square feet of floor area, but in no case less than five (5) spaces. |
| Restaurants, bars, taverns, lunch counters, and similar eat and drink establishments. | One (1) space for each four (4) seats provided for patron use. |
| Retail sales. | One (1) space for each two hundred (200) square feet of floor area. |
| Service stations. | Three (3) spaces for each service stall, in no case less than |

| Use | Parking Spaces |
|--|---|
| <p>Telephone exchange buildings, electric substations, gas regulator stations and other similar utilities uses.</p> | <p>three (3) spaces. One (1) space for every three (3) employees in the largest working shift.</p> |
| <p>Warehouses, storage buildings, lumber and supply yards, retail or wholesale.</p> | <p>One (1) space for each one thousand (1000) square feet of floor area.</p> |

SECTION 5.3 GENERAL PARKING REQUIREMENTS.

General parking requirements are as follows:

- a. A minimum of two hundred (200) square feet exclusive of drives, entrances and exits shall comprise one (1) parking space.
- b. Required parking area for a building shall be figured on the entire floor area of the first floor; parking for additional stories, including basement, shall be added to the total of the required area for the first floor. Storage area on other than the first floor shall not be included in the total required parking area.
- c. No building shall be enlarged if the enlargement requires additional parking space unless the minimum requirements for off-street parking are provided.
- d. Any person desiring to establish or change a parking area shall submit plans to the Township Building Inspector, for his or her written approval, showing the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot.
- e. Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from the adjoining premises.
- f. Off-street parking and loading areas shall be surfaced with asphalt, bituminous concrete pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- g. Any off-street parking in a Commercial or Industrial Zone shall be within five hundred (500) feet of the property said area is intended to serve.
- h. No parking area shall be used for parking or storing of more than one commercial vehicle in a Residential Zone.
- i. Public roads and streets shall not be used for parking on an overnight basis or in a manner to interfere with the normal flow of traffic.

SECTION 5.4 PRIVATE ROADS.

- a. The provisions herein are intended to provide minimum standards and specifications for private roads constructed in the Township of Ingersoll, Midland County, Michigan. It is recognized that such standards are necessary because of the need for road services adequate to provide year around access by fire, police, ambulance and other emergency vehicles. It is further recognized that if roads are not constructed in accordance with certain

minimum standards, such roads frequently become impassable and vehicles which do try to use them during such periods of impassability are likely to become stuck, find it impossible to gain access to the persons or structures located on the roadway, block the roadway and otherwise pose a threat to the health, safety and welfare of the residents located along the roadway, as well as those other residents who would find the use of the roadway essential.

- b. No person or other legal entity shall construct, extend, widen or use a private road in Ingersoll Township after April 18, 2000, without first having obtained a permit from the Township Ordinance Enforcement Officer in accordance with the provisions of this section.
 - 1) Applications for a private road permit shall be made to the Township Ordinance Enforcement Officer by submittal of the required data, exhibits and information, together with payment of the necessary fee in accordance with the Township schedule of fees. No part of such fee shall be returnable to an applicant.
 - 2) Applications for a private road permit shall contain
 - a) the applicant's name and address in full,
 - b) legal description of the proposed private road right-of-way and of the parcels or units intended to be served by the private road,
 - c) specific design cross section description and drawings of the proposed road, certified by a professional engineer licensed as such in the State of Michigan, sufficient to demonstrate the cross section, design, construction and material requirements of this ordinance,
 - d) all street names and street sign locations,
 - e) such other information and material as may be reasonably required by the Ordinance Enforcement Officer to ensure that the proposed private road is in compliance with this ordinance.
- c. In the event that the application demonstrates that the proposed private road will meet the requirements of this ordinance, the Ordinance Enforcement Officer shall issue the applicant a permit therefore.
- d. No person or other legal entity shall use or offer use to others of a private road or sell property, lots or units served by a private road in Ingersoll Township after April 18, 2000, until the Township Ordinance Enforcement Officer has first issued a certificate of completion of the private road.
- e. Each private road, or extension or widening thereof shall be designed and constructed with the oversight of a professional engineer licensed as such in the State of Michigan. Such engineer's responsibilities shall include providing the Ordinance Enforcement Officer with data, studies, drawings, certificates or other documentation reasonable requested by the Ordinance Enforcement Officer. Upon completion of the private road and before the Ordinance Enforcement Officer's issuance of a certificate of completion of a private road, the engineer shall submit one (1) set of "as constructed" plans and project dimensions bearing seal as well as the engineer's letter of acceptance of the private road. All fees and costs incurred in retention of the engineer shall be borne by the applicant, charged directly to the applicant and paid by the applicant.

- f. All Private Roads or Drives shall have a right-of-way of a minimum of sixty-six (66) feet wide and be recorded at the Register of Deeds, Midland County.
- g. All private roads shall be designed and constructed to meet the following specifications:
- 1) Those design cross sections and the specifications contained at the end of this chapter.
 - 2) Additional types of cross sections and specifications are acceptable, provided that the top surface, which may be stone, conforms to the rural type cross section, Figure 3 at the end of this chapter.
 - 3) All roadways shall have a six-inch minimum compacted gravel thickness sub base. Sub base materials shall be carried to ditch slopes.
 - 4) All roadway sub-base material shall be granular materials conforming to current M.D.O.T. specifications for Class II material. The surface may be crushed stone or natural gravel with gradation meeting M.D.O.T. specifications 22A which shall be a minimum of twenty-two (22) feet wide and shall be placed in layers compacted to ninety-eight (98) percent optimum density (Proctor). The road shoulder shall be stabilized in a manner adequate to carry occasional vehicular traffic and be resistant to erosion. Shoulder slope shall be at the rate of 3/4 inch per foot. See Figure 3 at the end of this chapter.
 - 5) All soil or other materials not meeting the specifications set forth shall be removed from the roadway. All fill soil shall be compacted according to approved methods. All trees, brush, shrubs and stumps, and all other organic material shall be removed from the area between the back edge of gutter lines on rural cross section design and within the area lying between lines ten (10) feet behind the curbs on urban cross sections. No private road construction will be approved if unsatisfactory or frozen materials have been used. Edge drains shall be installed in all locations, where sub-soil drainage, is inadequate. Such drains to be minimum six (6) inch perforated slotted plastic pipe, laid in at least twenty-four (24) inches of granular material, Class I.
 - 6) All cul-de-sacs shall be so designed and constructed to provide a minimum outside radius of forty-five (45) feet per Figure 4 at the end of this chapter. If an island is constructed, a maximum island radius of twenty-three (23) feet is allowed. Alternate cul-de-sac shapes, other than circles, will be approved provided these minimum turning limitations are met.
 - 7) No cul-de-sac shall be utilized on a length of private road extending greater than (one-quarter) mile (1,320 feet) from its nearest intersection with another private or county road.
 - 8) Squared dead ends will be approved whenever street extension at some future date is probable, however, a "T" must be provided at the street end on any such dead end street which extends in excess of two hundred fifty (250) feet from the nearest intersection. The provided "T" shall extend thirty-three (33) feet each way from the centerline of the dead end street at its extreme end and shall provide a width on the crossing equal to the design width of the street. See Figure 5 at the end of this chapter.
 - 9) Boulevard sections shall not exceed three hundred (300) feet in length. Road width on each lane of boulevard shall be no less than twenty (20) feet.

- h. All Private Roads shall contain the following provisions for drainage:
- 1) Storm drainage shall be established through the Midland County Drain office and it shall be a portion of a county drain except on existing county roads. When a county drain is established, those portions of the following paragraphs that relate to carrying road water into the county drain shall apply.
 - 2) All roads shall be provided with facilities for adequately draining surface. Road construction plans shall indicate the disposition of storm sewers to the nearest adequate functioning county drain.
 - 3) All storm sewers which are enclosed shall conform to the then current standard specifications for the Michigan Department of Transportation.
 - 4) All construction shall be so designed as to provide a minimum thirty-six (36) inches of cover on roadways and road shoulders, and shall provide no less than twenty-four (24) inches on all other locations.
 - 5) All storm drainage shall be designed to provide sufficient area to handle anticipated increase in flow caused by future extensions, etc. In the event that any question arises concerning capacity of area, the proprietor's engineer shall provide calculations used to determine recommended size.
- i. The following procedures shall be followed in the construction, extension or widening of all Private Roads:
- 1) Every reasonable effort shall be made by the applicant to install all available underground utilities before construction of finished surface.
 - 2) Undesirable top soil shall be removed from the roadway. All frost heave material shall be removed. Sub-grade undercut shall be made if soil conditions indicate necessity.
 - 3) Necessary permits must be obtained from the Midland County Road Commission Engineer and the Midland County Drain Commission and submitted to the Township Ordinance Enforcement Officer for any construction within the right-of-way of any county or other private roads (i.e., Soil Erosion & Sedimentation Permit).
 - 4) The applicant's engineer shall set and check grade and alignment; shall inspect and approve materials incorporated in road and drainage construction; shall supervise all construction within the road or street right-of-way and drainage easements.
 - 5) Ingersoll Township, acting through its representative, may command the halt of construction at any time, when in their opinion the specifications and regulations of the Township are not being complied with.
- j. Private Roads or Drives with recorded easements as of the date of this Ordinance are exempt from the requirements of this Ordinance.
- k. Inspection by the Ingersoll Township Ordinance Enforcement Officer or other representative does not relieve applicant's engineer of his or her responsibility and obligations.
- l. Any such inspection is done solely to provide Ingersoll Township with firsthand knowledge of construction procedures and suitability of results.

- m. All costs and expenses in the design, construction and subsequent maintenance of private roads shall be the responsibility of the owners of the private roads and/or the lots or units served by it. In no event shall Ingersoll Township be or assume any responsibility for such costs, it always being the obligation of other persons or entities.

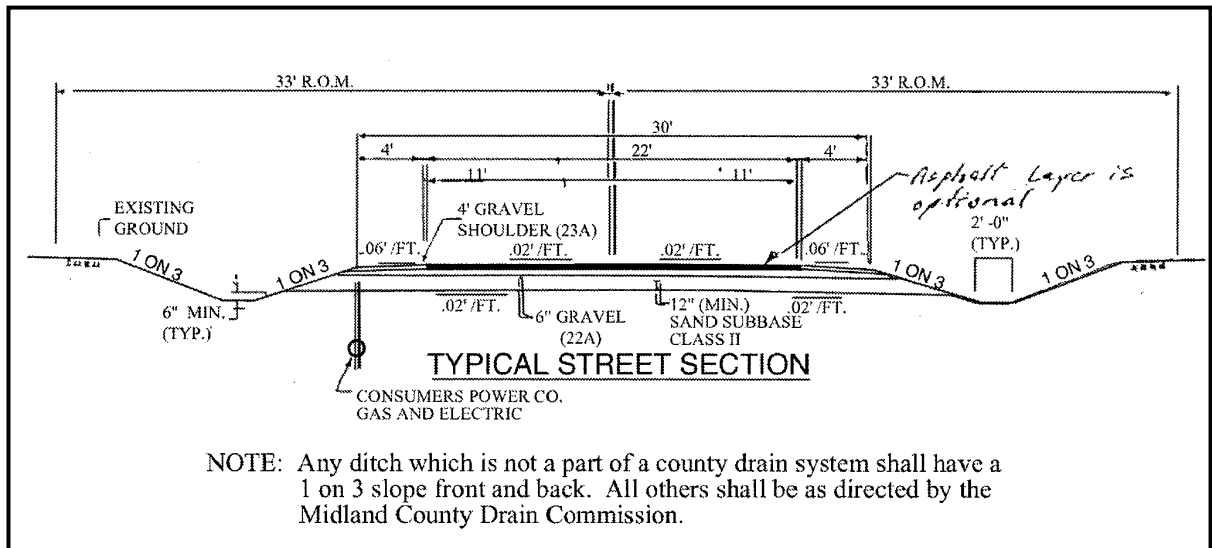


FIGURE 3 – TYPICAL STREET SECTION

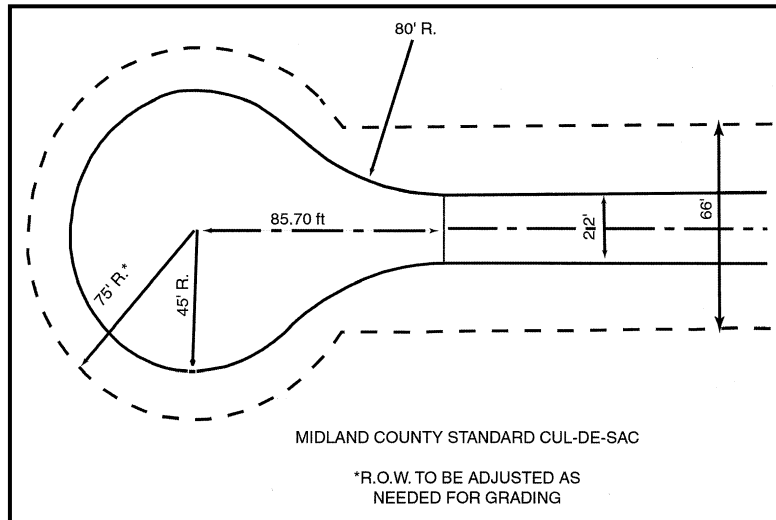


FIGURE 4 – STANDARD CUL DE SAC

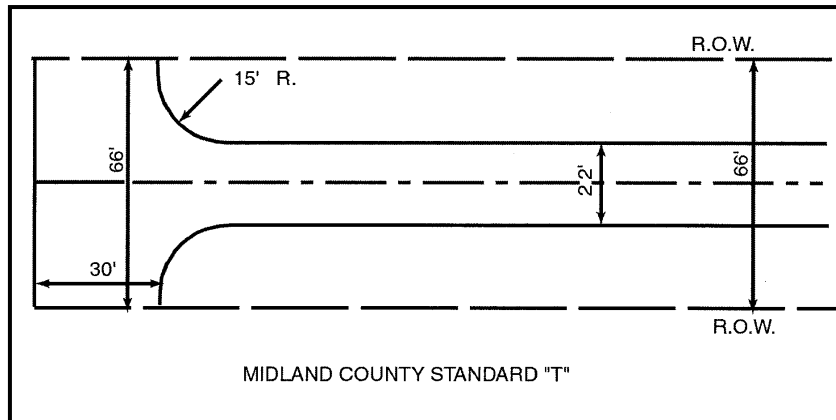


FIGURE 5 – STANDARD T ROAD END

Chapter 6 • General Regulations

The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations:

SECTION 6.1 CONSTRUCTION OF ORDINANCE.

- a. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing use of buildings or land; nor is it intended by this Ordinance to interfere or abrogate or annul any existing easements, covenants or other agreements, between parties; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of land or buildings, or requires larger yards, land areas, or open spaces than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.
- b. The requirements of this Ordinance are to be construed as minimum requirements. In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare.
- c. Uses not expressly permitted are prohibited. Any business, or organization, enterprise or use in violation of local, state or federal law is prohibited and is a violation of this Ordinance.

SECTION 6.2 PUBLIC UTILITIES.

The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building or structure, if the board shall find such height, area, building and structures reasonably necessary for the public convenience and service, provided such building or structure is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

SECTION 6.3 USE REGULATIONS.

- a. **ACCESS TO A STREET.** All parcels created after the effective date of this Ordinance shall have access to a public street or approved private road. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street. If more than two dwellings are accessed by one driveway, a private road must be constructed according to the private road regulations of the Township.
- b. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- c. **GARAGE, ESTATE, RUMMAGE, YARD SALES AND FLEA MARKETS.** Not more than three (3) garage or yard sales shall be conducted by a household of the Township during a calendar year. Said garage or yard sale shall not exceed three (3) days of duration. Temporary signs for the sale shall be removed at the end of the sale.

- d. **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) years of the date of issuance.
- e. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Midland County Health Department and applicable State agencies.

SECTION 6.4 DWELLING REGULATIONS.

- a. **DWELLING UNIT STANDARDS.** The following standards shall be applied to each dwelling unit constructed or placed in Ingersoll Township:
 - 1) It complies with the minimum square footage requirements of Chapter 3 for the district in which it is located.
 - 2) It complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations, and where the standards of construction are less stringent than those imposed by the Township building code, then the more stringent Township regulations shall apply.
 - 3) It is firmly attached to a permanent foundation, constructed on site in accordance with the Township building code and other state and federal regulations.
 - 4) It does not have exposed wheels, towing mechanism, undercarriage, or chassis.
 - 5) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home construction and Safety Standards," effective June 15, 1976, as amended.
 - 6) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the code of the Township pertaining to these parks.
- b. **TEMPORARY MOBILE HOME.** One (1) Mobile Home may be placed temporarily on a Parcel. The Mobile Home may house only the owner(s) of the parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector.
- c. **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation.

- d. MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- e. ONE SINGLE FAMILY DWELLING PER PARCEL. Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- f. ATTACHED GARAGE. The floor area of a garage attached to a dwelling shall not exceed the footprint area of a dwelling to which it is attached, nor shall the height of the garage exceed the height of the dwelling to which it is attached.

SECTION 6.5 STRUCTURE REGULATIONS.

- a. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.
 - 1) Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
 - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of three (3.0') feet.
 - 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of six (6') feet.
 - 4) Signs, subject to provisions of Chapter 7.
- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
 - 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of sixty-five (65') feet in the Commercial Zoning District.
 - 2) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed eighty-five (85') feet in height.
- c. ABANDONED BUILDINGS AND STRUCTURES. Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than one year shall be considered abandoned and come under the provisions of this Ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once one year has passed, the building or structure shall have to meet all the current standards of all applicable Township codes.

SECTION 6.6 NONCONFORMING USES.

- a. Intent. It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. Changing uses. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- c. Expansion of nonconformity prohibited. No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the commercial and industrial districts.
- d. Historic properties. Any nonconforming property in Ingersoll Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
 - 1) Historic buildings and structures built or located in 1930 or before may be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, provided such expansion, enlargement, extension or location is approved by the Planning Commission and further subject to site plan approval in accordance with Chapter 9 - Site Plan Review. In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences
- e. Legality of nonconformities. Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
 - 1) ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.
 - 2) LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
 - a) The nonconformity existed legally before the effective date of this Ordinance.
 - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.

- c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
- d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.
- f. Loss of legal nonconforming status. If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- g. Nonconforming lots. In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- h. Reconstruction and restoration. Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure. If the damage includes greater than 40% of the structure, the entire structure must be brought up to the current building code.
 - 1) All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the commercial district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.
 - 2) Repair. Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.

SECTION 6.7 ACCESSORY BUILDINGS AND USES.

- a. Accessory buildings.
 - 1) No portion of an accessory building in any zoning district is to be used as a dwelling.
 - 2) Accessory structures greater than 100 square feet are not permitted on lots without a principal structure.
 - 3) Attached garages shall be considered part of the principal building for the purpose of computing required yards.
 - 4) Attached garages may be located in front of, behind or on the side of principal structures and must be located outside of the required yard for principal structures.

- 5) Detached garages may be located behind or on the side of principal structures and may be located within the required side or rear yard but must comply with minimum setbacks for accessory structures. Detached garages may not occupy any part of the required front yard.
 - 6) In a Residential zoning district, no building or structure initially constructed or designed for use as a mobile home, mobile office, shipping container, recreational vehicle, other vehicle or parts of vehicles including trucks, buses, truck cabs, truck boxes and semi-trailers shall be used as an accessory building or for storage.
- b. Accessory uses: Nothing in this Ordinance shall be construed to prohibit the following accessory uses:
- 1) Outdoor wood hydronic heaters.
 - 2) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.
 - 3) Gardens, garden ornaments and usual landscape features within required yard space.
 - 4) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.
 - 5) Home occupations.
 - 6) Use of premises as a voting place.
 - 7) Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.
 - 8) Wind turbines for individual use and less than 65' in height.
 - 9) Private towers, radios and TV antennas. These shall be placed at a distance not less than the height of such structures from all property lines and shall not exceed a height of 65'.
 - 10) Swimming pools – See applicable State laws.
 - 11) Front yard handicap access facilities in residential districts, with proof of need.
- c. Rooftop solar energy systems:
- 1) Solar panels shall be permitted as a rooftop installation in any zoning district as an accessory a structure.
 - 2) The solar panels shall not exceed a height of 8" from the rooftop. In no event shall the placement of the solar panels results in a total height including building and panels than what is permitted in the zoning district which they are located for the principle building.

SECTION 6.8 HOME OCCUPATIONS

- a. Each home occupation requires a permit.

- b. Does not display, or create any external evidence of the operation of the home occupation outside the structure including but not limited to noise, vibration, odor, light or waste products.
- c. There shall be no open display of goods, materials or services in connection with a home occupation, no sale of pre-packaged products produced off premises.
- d. Does not have signage beyond permitted by this ordinance is Section 7.3, Table 16.
- e. Does not employ any persons other than family members residing on the premises.
- f. Is not conducted in such a way as not to constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
- g. Does not require parking beyond that which can be accommodated on the property and outside of the required yards;
- h. Is not open to the public earlier than 8:00 a.m. or later than 8:00 p.m.;
- i. Does not have any outdoor storage.

SECTION 6.9 KEEPING OF FARM ANIMALS

- a. Agricultural operations, hobby farms: including general farming, truck gardening, fruit orchards, nursery green houses, and associated farm buildings provided such activities occur on a parcel of land one (1) acre or larger.
- b. In the Agricultural district, small farm animals may be kept on parcels of any size. Large farm animals may be kept on parcels greater than 5 acres. The following requirements apply to all farm animals in the Agricultural district:
 - 1) All animals are adequately housed and fenced.
 - 2) Housing shall be provided at least one hundred (100) feet from all property lines.
 - 3) Pasture lot fences may be on the property line in any district.
- c. On unplatted lots in all Residential districts, small farm animals may be kept on parcel 5 acres or greater. Large farm animals may be kept on parcels 10 acres or greater. The following requirements apply to all farm animals in any Residential district:
 - 1) All animals are adequately housed and fenced.
 - 2) Housing shall be provided at least one hundred (100) feet from all property lines.
 - 3) Pasture lot fences must be at least fifty (50) feet from the property line.
 - 4) No roosters or other similar noise producing animals are permitted.
 - 5) Odors must not be offensive to adjacent neighbors.
 - 6) No external lighting of animal housing, pasture or animal yard are permitted.

- 7) No stockpiling of manure is permitted.
- d. The slaughtering and dressing of farm animals and poultry for the occupant's own use shall be permitted in an accessory building.
- e. No wild, exotic or vicious animal shall be kept permanently or temporarily in any district in the Township except in an accredited American Association of Zoologies Parks and Aquariums facility.

SECTION 6.10 OUTDOOR WOOD FIRED HEATERS

a. Definitions

- 1) "Clean wood" means wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.
- 2) "EPA" means the United States Environmental Protection Agency.
- 3) "Outdoor wood-fired hydronic heater" (OWHH) or "outdoor wood boiler" means a fuel burning device designed to burn wood or other solid fuels; That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- 4) "Phase I OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million BTUs input and is labeled accordingly.
- 5) "Phase II OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTUs output and is labeled accordingly.

b. Permit Requirements

No OWHH may be installed or relocated from one lot to another lot in any district without first obtaining a permit from the building inspector. Any new installation or relocation of an OWHH must be inspected by the building inspector prior to use.

c. Unit Requirements

- 1) No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood Furnace unless such operation conforms to the manufacturer's instruction regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace.
- 2) All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

- 3) All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
- 4) The owner of any new Outdoor Wood Furnace shall produce a copy of the manufacturer's owner's manual or installation instructions and a site plan of where the furnace will be located to the Code Enforcement/Building Department to review prior to installation.

d. Setback Requirements

The Outdoor Wood Furnace shall be located

- 1) Behind the principal structure and at least 15 (fifteen) feet from the owners property line.
- 2) At least 250 (two hundred and fifty) feet from any residence that is not served by the Outdoor Wood Furnace unless the owner of the neighboring property gives written permission and agrees to a deed notification for the property waiving the required setback.

e. Permitted Fuels

Permitted fuels means any fuel burned in an OWHH:

- 1) Clean wood;
- 2) Wood pellets made from clean wood;
- 3) Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired OWHHs.
- 4) Corn

f. Prohibited Fuels

Prohibited fuels means any fuel burned in an OWHH other than permitted fuels. Prohibited fuel includes but is not limited to:

- 1) Wood that does not meet the definition of clean wood,
- 2) Garbage, refuse, tires, yard waste, materials containing plastic or rubber
- 3) Newspaper, cardboard or any material with ink or dye products
- 4) Petroleum products, including asphalt products, other than those that are permitted fuels,
- 5) Paints and paint thinners, chemicals, coal,
- 6) Plywood, particleboard, manure or other animal products or wastes.

g. Fuel Storage

Fuel must be stored behind the principal structure and in the rear or side yard and meet the setback for accessory structures.

h. Nuisance

A nuisance, as defined by this ordinance is “an offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property.”

- i. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:
- 1) Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance
 - 2) Modifications made to the unit to eliminate the nuisance such as extending the chimney/stack, or relocating the Outdoor Wood Furnace or both.

SECTION 6.11 SAND, CLAY OR GRAVEL PITS, QUARRIES, AND PONDS.

- a. Ponds exceeding 25,000 square feet. Ponds exceeding twenty-five thousand (25,000) square feet in area, and the conduct of mineral mining shall comply with the Ingersoll Township Mineral Mining Licensing Ordinance 11-A. Ponds up to twenty-five thousand (25,000) square feet in area shall comply with the requirements of this section.
- b. Permitted ponds. Where the parcel of land upon which a pond is situated is ten (10) acres or larger in area, no pond shall exceed twenty-five thousand (25,000) square feet, unless same complies with Ordinance 11-A.
- 1) No ponds are permitted upon parcels of land which are less than five (5) acres in area.
 - 2) Where the parcel of land is five (5) acres to ten (10) acres in area, ponds shall be permitted, but the maximum pond size shall be proportioned to the parcel area as set forth in this subsection.
 - 3) No pond may exceed the size limitation set forth in this subsection. A five-acre parcel of land may have one pond with a pond area no larger than twelve thousand five hundred (12,500) square feet, a six-acre parcel of land may have one pond with a pond area no larger than fifteen thousand (15,000) square feet, a seven-acre parcel of land may have one pond with a pond area no larger than seventeen thousand (17,500) square feet, an eight-acre parcel of land may have one pond with a pond area no larger than twenty thousand (20,000) square feet, a nine-acre parcel of land may have one pond with a pond area no larger than twenty-two thousand five hundred (22,500) square feet, and a ten-acre parcel of land may have one pond with a pond area no larger than twenty-five thousand (25,000) square feet.
- c. Specifications for ponds. In addition to the maximum area specifications listed above, all ponds shall meet the following specifications:
- 1) Ponds shall have a minimum depth of two (2) feet. Ponds shall have a maximum slope of three (3) inches per foot. This slope shall begin on the surrounding land not less than ten (10) feet from the water's edge and shall continue to a depth of five (5) feet below the water's surface (if the pond is five (5) feet or greater in depth).
 - 2) In ponds shallower than five (5) feet the slope shall continue to the low point of the pond.

- 3) A pond may have a steeper slope than that stated in the preceding paragraph if it has a secure fence at least four (4) feet in height and the fence is provided with a secure latch.
- d. Set back requirements. All ponds shall adhere to the following minimum set back requirements from all property lines.
 - 1) Minimum depth of front yard--One hundred (100) feet from the road right-of-way.
 - 2) Minimum depth of rear yard--Fifty (50) feet from the property line.
 - 3) Minimum depth of side yards--Fifty (50) feet from the property line.
- e. Fencing. If the pond takes longer than thirty (30) days to complete or if the owner intends to take more than thirty (30) days to complete the pond, temporary fencing as required herein shall be provided during completion of the pond. This fence shall fully enclose the pond excavation, be at least four (4) feet in height and shall be secured at the end of each work day.

The minimum specifications for said fencing shall be as follows: #9 gauge top wire; #12 gauge bottom wire with spacing of not less than six inches by six inches (6" x 6"). All stays shall be of at least 14 gauge wire with spacing of support posts to be no greater than sixteen (16) feet. As an alternate, a permanent fence of equal or greater strength, such as a chain link fence, may be constructed.

- f. Site plan review. A site plan of any proposed pond shall be submitted to the Ingersoll Township Planning Commission for review and approval prior to commencement of any excavation.
 - 1) Minimum information on the site plan shall show the address of the property, what section the property is in, all adjoining property lines and the distance from the property line to the pond at the closest point, planned slope of the pond and the adjoining beach area, depth of the pond, length and width of the pond.
 - 2) If fencing is required, the minimum height of the fence, the type of fence and the latch specifications shall also be indicated.

SECTION 6.12 TEMPORARY PERMITS; CARNIVALS, ETC.

- a. The Ordinance Enforcement Officer may issue temporary permits for a period of time not to exceed forty-eight (48) hours for transient enterprises such as carnivals, circuses, festivals, races, sports events, and tent meetings to be held on property not zoned for such enterprises.
- b. The Ordinance Enforcement Officer shall consider the adequacy of such facilities as means of entrance and exit, parking facilities, fire and police protection, refuse disposal, including human wastes and drainage.

SECTION 6.13 SCREENING.

- a. Any land zoned commercial or industrial which abuts a residential or agricultural zoning district shall have and maintain boundary screening as defined within this Ordinance. The boundary screening shall be started within the first ten (10) feet of the property or road right-of-way line and if evergreen plants are used, branches will not extend beyond the property

or road right-of-way line at full growth. Any plant material which dies after planting shall be replaced within one year.

- b. If the commercial or industrial property abuts an agricultural zone and a residence is located in the agricultural zone within five hundred (500) feet of its property line with the commercial or industrial property, a six-foot screening shall be required to block the line-of-sight to the improvements on the commercial or industrial site. Line-of-sight is defined as a line extending ten (10) feet beyond the improvements on both sides.
- c. If a residence is built or zoning is changed after the commercial or industrial improvements are established, the commercial or industrial property owner is not required to establish boundary screening with respect to those residences. If, however, in the future, the
- d. commercial or industrial improvements are extended to within five hundred (500) feet of a residential area, the boundary screening requirements must be fulfilled.
- e. When in the opinion of the ordinance enforcement officer, said screening would constitute a hazard to safety and security, other alternatives to the required six-foot screening may be permitted by resort to the variance procedure set forth in Chapter 11 of this Ordinance

SECTION 6.14 WIRELESS COMMUNICATION FACILITIES.

- a. **FINDINGS AND PURPOSE.** The Communications Act of 1934 as amended by the Telecommunications Act of 1996 grants the Federal Communications Commission Exclusive jurisdiction over the regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities and the regulation of radio signal interference among users of the RF spectrum. The Township's regulation of towers and telecommunications facilities in the Township will not have the effect of prohibiting any person or entity from providing wireless telecommunications services in violation of the act. Depending upon height and placement, Wireless Communication Facilities may also be regulated by local airport zoning.

The general purpose of Section 6.14 is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the township. Please note that Wireless Communication Facilities are a Special Use in the Agricultural Zone.

- b. **USE BY RIGHT, BY SPECIAL USE PERMIT AND NOT ALLOWED**
 - 1) Wireless Communication Facilities are a Use by Right in the Commercial A, Commercial B, Commercial C, Industrial A, Industrial B and Landfill Districts.
 - a) Wireless Communication Facilities as a Use by Right are required to undertake Site Plan Review and obtain site plan approval in accordance with Chapter 9 of this Ordinance.
 - 2) Wireless Communication Facilities are allowed by Special Use Permit in the Agricultural District.
 - a) Wireless Communication Facilities as a Use by Special Use Permit are required to obtain a Special Use Permit in accordance with Chapter 8 of this Ordinance.

- 3) Wireless Communication Facilities are not allowed in any other districts.

c. GENERAL REQUIREMENTS FOR USE BY RIGHT

- 1) Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- 2) The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- 3) All new and modified wireless communication facilities shall be designed, constructed and maintained so as to accommodate collocation.
- 4) HEIGHT. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), but in all events it shall be no more than 250 feet in height from grade. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- 5) TOWER CONSTRUCTION. Wireless communication structures are restricted to self-supporting structures. The use of guy wires is prohibited.
- 6) SETBACKS
 - a) The setback of the support structure from any adjacent property line shall be no less than the combined height of the support structure, tower and antennas, unless a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall is included in the design documentation. When such certification is submitted a lesser setback may be approved utilizing the certificate along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities. In no case shall the setback be less than $\frac{1}{2}$ of the combined height of the support structure, tower and antennas.
 - b) A wireless communication structure must be located at least twice the height of the tower from any neighboring residential structure. This is independent of the property line setback regulation listed in Item b. 7.a. directly above.
- 7) ACCESS. There shall be unobstructed access to the support structure, for operation; maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - a) The location of adjacent thoroughfares and traffic and circulation within the site;
 - b) Utilities needed to service the tower and any attendant facilities;
 - c) The location of buildings and parking facilities;

- d) Proximity to residential districts and minimizing disturbance to the natural landscape; and,
 - e) The type of equipment which will be needed to access the site.
- 8) **ROOF STRUCTURES.** Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there shall be a single, architecturally uniform accessory building for all providers.
- 9) **LIGHTING.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Strobe lighting is to be avoided unless specifically required for particular times of the day.
- d. **SITE PLAN REQUIREMENTS.** In addition to the data, exhibits and information required generally for all site plan review applications, there shall be included with all applications for site plan review for wireless communication facilities the following:
- 1) **LANDSCAPING PLAN.**
 - 2) **COLLOCATION.** Site plan review approval of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs. All applicants for a site plan approval for a wireless communication facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
 - a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
 - b) Contact with all other licensed carriers for commercial wireless services operating in the Township and within areas surrounding the borders of the Township which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
 - c) Sharing information necessary to determine if collocation is feasible under the design configuration.
 - d) In the event that collocation is to be infeasible, a written statement for the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to conduct a "Propagation Study" or "Coverage Analysis" to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost of such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation. A "Propagation Study" or "Coverage Analysis" shall mean a study or analysis by a Radio Frequency Engineer to determine the feasibility of wireless communication towers to collocate. A "Radio Frequency (RF) Engineer"

shall mean an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

- 3) CONTACT PERSON Name, e-mail address, phone, and mailing address of person(s) to be contacted for engineering, maintenance and other notice purposes, which information shall be updated throughout the term of the special use permit.
 - 4) HEIGHT JUSTIFICATION. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - 5) LAND OWNER APPROVAL. Signature and approval of owner of land upon which the wireless communication facility shall be situated.
 - 6) ENVIRONMENTAL COMPLIANCE. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of Certification of Compliance by the applicant's licensed engineer.
 - 7) SUPPORT SYSTEM. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.
 - 8) MAINTENANCE PLAN. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
 - 9) SIGNATURE. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Planning Commission review may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for 90 days. If, during a ninety-day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to colocate on the facility that has been newly granted final approval.
- e. DESIGN AND APPEARANCE. The Planning Commission shall, in its discretion, with respect to the design and appearance of the support structure and all accessory buildings, shall be such that they minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings.
- f. COLLOCATION FAILURE AND REFUSAL
- 1) The policy of the Township is for collocation in order to minimize the number of newly established locations for wireless communication facilities and support structures and to encourage the use of existing structures. If a party who owns or otherwise controls a

wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure. Any proposed commercial wireless communication facility shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- 2) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall be prohibited from receiving site plan approval or special land use permits, where necessary, for new wireless communication support structures within the Township for a period of five years from the date of the failure or refusal to permit the collocation.

g. CESSATION OF OPERATIONS AND REMOVAL

- 1) Adequate provisions shall be made for removal of all or parts of a wireless communication facility in the event same have not been used for 180 days or more. A decommissioning plan shall be provided prior to approval of the site plan. This shall include a surety bond or another acceptable security, the value of which shall be determined by the Planning Commission.
- 2) Site plan approval for any wireless communication facility shall be deemed expired and void if same has not been used for 180 days or more.
- 3) For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The owner or operator of the wireless communication facility shall notify the Township Clerk in writing of the facility non-use immediately upon its non-use. Upon the expiration or voiding of the site plan approval permit for non-use or upon notification to the Township Clerk, such facilities and towers, or parts thereof, shall be removed and the premises restored to a safe, level and reasonable condition, as determined by the Ordinance Enforcement Officer, within 180 days of non-use.

SECTION 6.15 ON-SITE SOLAR ENERGY

- a. Solar Energy Systems located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity off the premises shall be allowed as a permitted accessory use in all zoning districts, providing the electricity is primarily used on site for a farm, home, or business. These On-Site Solar Energy Systems shall comply with all other restrictions and regulations for structures in the relevant district where they are located and shall be subject to the following requirements.
- b. GENERAL REQUIREMENTS. All On-Site Solar Energy Systems, whether ground mounted or roof mounted, are subject to the following general requirements:

- 1) On-Site Solar Energy Systems must conform to all Township, County, State, and Federal laws, regulations, and ordinances as well as any applicable safety requirement and industry standards.
 - 2) On-Site Solar Energy Systems shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- c. ROOF MOUNTED ON-SITE SOLAR ENERGY SYSTEMS. Roof mounted On-Site Solar Energy Systems shall be subject to the following additional requirements:
- 1) Solar panels erected on a building shall not extend beyond the peak of the roof.
 - 2) Roof mounted panels must be installed with a minimum of a 3-foot setback from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
- d. GROUND MOUNTED ON-SITE SOLAR ENERGY SYSTEMS. Ground mounted On-Site Solar Energy Systems shall be subject to the following requirements:
- 1) Prior to the installation of a ground mounted On-Site Solar Energy System, the property owner shall submit a descriptive site drawing to the Zoning Administrator. This drawing shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. This site drawing must be drawn to scale.
 - 2) A ground mounted On-Site Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but, in any case, the top of the system shall not be more than 12 feet above the ground.
 - 3) A ground mounted or free-standing solar energy system shall not be installed in the required front yard.
 - 4) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
 - 5) There shall be a greenbelt screening any ground mounted solar energy systems and equipment associated with the system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence may be used.
- e. ABANDONMENT
- 1) In the event that a ground mounted On-Site Solar Energy System has been abandoned (meaning not having been in operation for a period of one year), the system shall be removed by the property owner within six months from the date of abandonment.
 - 2) The zoning administrator may issue a "Notice of Abandonment" to the owner. The notice shall be sent via regular and certified mail return receipt requested to the owner of record. If the system is not removed within six months of receipt of notice from the Township notifying the owner of such abandonment, the Township may remove the system as set forth below.
 - 3) When an owner of a solar energy system has been notified to remove same and has not done six months after receiving said notice, then the Township may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner,

a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

Chapter 7 • Signs

SECTION 7.1 SCOPE

These standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Avoid excessive signage.
- c. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- d. Promote the use of aesthetically pleasing sign materials and colors.
- e. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- f. Enhance the effectiveness of necessary directional and warning signs.
- g. Preserve property values.
- h. Provide for the effectiveness of permitted signs.
- i. Require structurally safe signs.
- j. Preserve the rural character of the township, specifically in agricultural districts.

SECTION 7.2 SIGNS AUTHORIZED WITHOUT A PERMIT

The following exempt signs are allowed in all zoning districts within the Township. All exempt signs shall comply with placement provisions of Section 7.3, Table 16. for the Zoning District in which they are located.

- a. **CONSTRUCTION SIGNS.** These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project or expiration of the building permit involved.
- b. **SMALL SIGNS.** Except as set forth in and subject to the limitations in this sub-section, in the AG and RA, RB, RC zoning districts, no more than one (1) of the following signs, no greater than six (6) sq. ft. and four (4) ft. in height, is permitted without a permit, provided it is located within the required yard.
 - 1) Garage sale signs shall be posted for no more than two (2) days prior to the sale date and must be removed two (2) days after.
 - 2) Seasonal produce sale signs shall be posted for no more than sixty (60) days in any calendar year.
 - 3) Real estate signs shall be removed within thirty (30) days after the sale of the listed property.

- 4) Agricultural test plots may have unlimited signs not to exceed six (6) square feet each. They may be displayed for up to 120 days in any calendar year.
- c. POLITICAL CAMPAIGN SIGNS may be up to thirty-two (32) square feet in total area and must be removed within fifteen (15) days after the election for which they were made.
- d. PRIVATE TRAFFIC DIRECTION SIGNS. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner. These signs are exempt from setback requirements.
- e. ADDRESSES OR NAMEPLATES. Signs displaying the address AND/OR NAMEPLATE of the property are exempt from permitting and setback requirements and do not count toward the total signage on the property.
- f. SHORT TERM TEMPORARY/PORTABLE SIGNS. Temporary and portable signs up to thirty-two (32) square feet that are displayed for no more than 3 consecutive days **and for a total of no more than 9 days per calendar year** do not need a permit.

SECTION 7.3 SIGNS AUTHORIZED WITH A PERMIT

Table 16 shows the signs that are allowed with a permit in each zoning district. No permanent or temporary/portable/seasonal sign shall be erected, altered, relocated, or painted on a wall without a permit issued as described in this section below.

- a. Applications for sign permits shall include
 - 1) A drawing of the sign design,
 - 2) Identification of the construction materials to be used, and
 - 3) Indication of where the sign will be placed on the property relative to property lines and right of ways.
 - 4) Where electrical or other construction permits are required, same shall also be acquired from the appropriate inspector or entity. Applications for sign permits shall be obtained from the Township Clerk or on the Township website.
 - 5) In addition to application for permit, all permanent, construction, illuminated and ground signs which are greater than sixteen (16) square feet in total area requires submittal of a site plan showing placement on the property and landscaping plans for the base area. In addition to application for permit, all wall signs require submittal of a plan showing placement on the building.
 - 6) An approved sign permit shall expire if the sign is not installed within 6 months from the date of approval.
- b. Review and approval of sign permit applications shall be by Zoning Enforcement Officer Actions Exempt from Permitting. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:
 - 1) REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy with the exception of LED signs.

- 2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

| TABLE 16 SIGNS AUTHORIZED WITH A PERMIT | | | | | |
|--|---|---------------|-------------------------|-------------------------------------|--|
| District | Type | # per Parcel | Max. sq. ft. | Height | Placement |
| Residential A, B, C | Ground mounted sign for multi-family dwelling land use or other uses that are NOT one-family or two-family dwellings ¹ | 1 | 12 | 8' | <p>35' from road centerline and outside road right-of-way.</p> <p>Ground mounted signs must also be 12' from all other property lines.</p> <p>Wall signs may not project more than 12" from the surface of the building at any point.</p> <p>Signs shall not be placed on or erected on roofs.</p> |
| | Wall sign for multi-family dwelling land use or other uses that are NOT one-family or two-family dwellings ¹ | 1 | 12 | Height of wall | |
| | Home Occupation | 1 | 4 | Height of wall or 6' ground mounted | |
| Agricultural | Ground mounted sign for uses that are NOT one-family dwellings ¹ | 1 | 12 | 8' | |
| | Wall sign for uses that are NOT one-family dwellings ¹ | 1 | 12 | Height of wall | |
| | Temporary/Portable/Seasonal ² | 1 | 32 | 8' | |
| | Home occupation | 1 | 12 | Height of wall or 6' ground mounted | |
| Commercial A, B, C | Wall ¹ Awning Ground mounted sign ¹ Marquee Window | 5 total signs | 80 sq ft. for all signs | 8' or height of wall | |
| | | | | | |
| Commercial A, B, C | Digital signs | 1 | 32 | 8' | |

NOTES TO TABLE

- 1) One additional permanent ground sign not to exceed twelve (12) square feet in total area shall be permitted at the entrance from a second road or street or at a second driveway entrance provided it is a minimum of two hundred (200) feet from the first entrance. Parcels with greater than **350'** of road frontage may be granted additional signage at the discretion of the Planning Commission. As a guideline, the Planning Commission may provide for any combination of the following but it is not limited to these guidelines
 - a) One only of these signs may be ground mounted unless the parcel exceeds 800 lineal feet in frontage in which case there may be two ground mounted signs.
 - b) Increase the square footage of wall signs not to exceed 1.5 times that which would be permitted for parcels with less than 400' of road frontage.
- 2) Each sign shall require a permit if it is to be posted more than 3 days. Temporary/portable/seasonal signs are permitted 4 times each year per parcel for a maximum of 30 days each time the sign is displayed. This time period may run consecutively. The permit fee for a temporary/portable/seasonal sign shall be good for the life of the sign for each specific parcel. This **permit** is non transferrable.

SECTION 7.4 CONSTRUCTION AND DESIGN

- a. Permanent, construction and illuminated signs must be made of good quality construction materials which shall be expected to meet the requirements of local weather conditions without deterioration over time or the possibility of detachment thereby becoming a hazard.
- b. Every attempt shall be made to utilize a pleasing design which does not detract from the surrounding areas. Neutral colors and natural materials which are in keeping with the rural, agricultural atmosphere of the Township are preferred. Use of bright/neon colors and shiny or metallic surfaces will be discouraged.
- c. Both sides of the sign may be utilized for the printed message. Only one side of the sign is used to determine square footage of the sign.

SECTION 7.5 ILLUMINATION

It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the Township with sufficient technical and design information to demonstrate that the following provisions are met:

- a. Illumination of Signs is prohibited in the AG, RA, RB and RC districts with the exception of churches and schools and uses approved by special permit in the AG district.
- b. No flashing, intermittent or moving lights are permitted with the exception of approved digital signs.
- c. Light Levels for all illuminated signs
 - 1) Purpose - No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.

- 2) The maximum luminous intensity of a sign shall not exceed five-thousand (5,000) nits during daylight hours or five-hundred (500) nits between dusk and dawn, as measured from the sign's surface.
- d. Internally Illuminated. In order to prevent internally illuminated signs from becoming light fixtures in their own right, it is the intent of this section that such signs consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.
- 1) Lettering or symbols shall constitute no more than forty (40%) percent of the surface area of the sign.
 - 2) The luminous transmittance for the lettering or symbols shall not exceed thirty-five (35%) percent.
 - 3) The luminous transmittance for the background portion of the sign shall not exceed fifteen (15%) percent.
 - 4) Signs without changing messages may be illuminated 24 hours a day.
 - 5) Illumination of home occupation signs is prohibited.
- e. Externally Illuminated:
- 1) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
 - 2) Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed only at the sign facade and not toward adjacent streets, roads, properties or sky.
 - 3) Light fixtures illuminating shall be of a type that the light source (bulb) is not directly visible from adjacent streets, roads or properties.
- f. Digital Signs
- 1) Parcel must have a minimum street frontage of 350'.
 - 2) Only one digital sign is allowed per parcel.
 - 3) Digital signs shall not be mounted on walls.
 - 4) Digital signs must be turned off between the hours of 10pm and 6am or show a constant non-changing message.
 - 5) There shall be no full motion video or flashing on the sign. The message shall not change more than once every 4 seconds.
 - 6) All digital signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

SECTION 7.6 PROHIBITED SIGNS

The following types of signs are prohibited:

- a. Ground signs which prevent the driver of a motor vehicle from having a clear and unobstructed view of traffic/road signs and approaching or merging traffic.
- b. Signs which move or which have moving or animated parts which are not part of an approved digital sign.
- c. Signs upon trees, utility poles, rocks or other natural features.
- d. Roof signs and signs which are mounted or affixed to roofs or other horizontal components of a building and which extend beyond or above the surface area of the building.
- e. Signs which are illuminated to be of such intensity or brightness to be injurious to, or interfere with, the health, safety, welfare, peace, comfort, convenience, repose or other interests of persons occupying residential properties contiguous to the commercial or industrial location of the sign.
- f. Signs not properly anchored, secured or maintained.

SECTION 7.7 NONCONFORMING SIGNS

- a. Shall not be altered structurally or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

SECTION 7.8 ABANDONED SIGNS

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

Chapter 8 - Special Use Permits

SECTION 8.1 INTENT, PURPOSE AND PROCESS

- a. **INTENT.** The purpose of this Section is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of the special nature of such uses or their particular location in relation to neighboring properties, require a stricter level of review by the Township. Accordingly, Special Land Uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.
 - 1) It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude for land use and at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.
 - 2) The Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.
- b. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- c. **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
- d. **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- e. **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may terminate when the use for which the special use permit was granted ends or may be revoked for violation of the terms of the special use permit.

SECTION 8.2 TABLE OF USES PERMITTED BY SPECIAL USE PERMIT

TABLE 17 USES PERMITTED BY SPECIAL USE PERMIT

| Use | District | | | | | | | | | |
|---|----------|----|----|----|----|----|----|----|----|----|
| | RA | RB | RC | AG | CA | CB | CC | IA | IB | LF |
| X = Allowed by Special Use Permit | | | | | | | | | | |
| Agricultural Activities outside of the AG district | X | X | X | | X | X | X | X | X | |
| Airports and Commercial Landing Strips | | | | X | | | | | | |
| Auto service, sales | | | | | | X | | | | |
| Child Care organizations outside the home | X | | | | | | | | | |
| Concentrated Animal Feeding Operations | | | | X | | | | | X | |
| Greenhouses | | | | X | | | | | | |
| High Intensity Uses | | | | | | | | X | X | |
| Institutions: Cultural, Educational, Human Care, Rehabilitation, Religious, Retreats, Social, State Licensed Residential Facilities for 7-20 people | X | X | X | X | X | X | X | X | X | |
| Institutions: Incarceration, Substance Abuse | | | | | | | X | | | |
| Kennels and Veterinary Hospitals | | | | X | | | | | | |
| Livestock auction, production yards | | | | | | | | | X | |
| Manufactured Housing Park | | | X | | | | | | | |
| Public Facilities, Utilities and Service Installations | | X | X | X | X | X | X | | | |
| Recreation, Indoor and Outdoor | | X | X | X | | | | | | |
| Riding Stables, Commercial | | | | X | | | | | | |

| Use | District | | | | | | | | | |
|-----------------------------------|----------|----|----|----|----|----|----|----|----|----|
| | RA | RB | RC | AG | CA | CB | CC | IA | IB | LF |
| X = Allowed by Special Use Permit | | | | | | | | | | |
| Sexually Oriented Businesses | | | | | | | | X | X | |
| Solar Energy | | | | X | X | X | X | | | |
| Wind Energy | | | | X | X | X | X | X | X | X |
| Wireless Communication Facilities | | | | X | | | | | | |

SECTION 8.3 HOW A SPECIAL USE PERMIT IS REVIEWED

- a. SUBMISSION OF APPLICATION. The application package is to be submitted to the Clerk or Zoning Enforcement Officer.
 - 1) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board.
 - 2) APPLICATION DEADLINE. The complete application package must be submitted to the Clerk or Zoning Enforcement Officer at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - 1) SEPARATE. The rezoning shall be considered separately and prior to the Special Use Permit.
 - 2) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 - 3) STANDARDS. All standards required by this Ordinance shall be observed for each action.
 - 4) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions if a rezoning is required.
- c. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:

- 1) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - a) NOTICE. A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
 - b) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
- 2) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- 3) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - a) OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - b) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
- d. REAPPLICATION. An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- e. TERMS OF PERMIT. A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of

one (1) year, the Special Use Permit shall terminate. To reestablish the use after such termination will require granting a new Special Use Permit, starting with a new application.

- f. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.” However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated. Violation penalties shall be in accordance with Section 10.3 b of this Zoning Ordinance.
- g. **STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.**
 - 1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.
 - 2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
 - 3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 8.4 AGRICULTURAL ACTIVITIES

Agricultural activities are limited to crop farming, poultry, fur-bearing animals or honeybees, general farming, truck gardening, fruit orchards, nursery green houses, and associated farm buildings provided such activities occur on a parcel of land one (1) acre or larger.

SECTION 8.5 AIRPORTS AND COMMERCIAL LANDING STRIPS.

- a. All uses shall be established and maintained in accordance with all applicable Federal and State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State and Federal statutes, the State and Federal requirements shall prevail.
- b. The proposed site shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.
- c. Any runway shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each of the runway's ends.
- d. The site in question shall have at least one (1) property line abutting a collector or mile road.

- e. Buildings, height limits, lighting, parking and uses and activities shall be in accordance with applicable FAA and MAC regulations.

SECTION 8.6 AUTO REPAIR FACILITY

- a. Auto repair facilities permitted by special use permit must be the principle use or owned and operated by the principle use on the property.
- b. No outdoor storage of dismantled vehicles or parts is permitted.
- c. No towing or transport vehicles may be parked outside when the facility is closed.
- d. Where such facilities are within 100' of a residential use or residential zoning classification,
 - 1) The auto repair facility and all vehicles or vehicle parts kept outside shall be screened from view according to the requirements of Section 6.13, Screening.
 - 2) The hours of operation shall be limited to 8:00am – 8:00pm.

SECTION 8.7 CONCENTRATED ANIMAL FEEDING OPERATIONS, LIVESTOCK AUCTION AND PRODUCTION YARDS

It is the intent of this Section to allow for intensive livestock operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

- a. The Michigan Right to Farm Act shall control minimum site area.
- b. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. See the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- c. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- d. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats, mice, or other vermin.
- e. For the location of new or expanding intensive livestock operations see The Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- f. The storage of manure, odor or dust producing materials is also prohibited within one hundred (100) feet of any property line pursuant to the Right to Farm Act.
- g. Proper disposal of deceased animals shall be in accordance with State laws.

SECTION 8.8 GREENHOUSES

- a. The site shall have five (5) acres or more in area.
- b. Materials for sale and used in the operation of a greenhouse shall not be stored in a required front or side yard.

- c. Only products as are produced and handled incidental to such a business be sold from the premises.

SECTION 8.9 HIGH INTENSITY USES, WASTE TREATMENT AND DISPOSAL

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are:

- | | |
|---|--|
| ■ Sewage Treatment and Disposal | ■ Salvage Yard, Scrap Yard, Junk Yard, Landfill |
| ■ High Intensity Food Processing | ■ Petroleum or flammable liquid production, refining and storage |
| ■ Reduction, conversion & disposal of waste goods and materials, Incinerators | ■ Sawmills |

- a. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. **CONTRACTUAL AGREEMENTS.** The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the Township and any individual or company which owns a landfill or is involved with landfill operations.
- c. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- e. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- f. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- g. **FENCE REQUIREMENTS:**
- 1) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the

interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which shall be locked during hours when no operation is taking place.

- 2) **AROUND JUNK YARD OR RESOURCE RECOVERY.** Storage of junk should be screened by a solid fence or wall at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
- 3) **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- h. **RESTORATION OF LANDFILL SITES.** Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

SECTION 8.10 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE, RETREATS, REHABILITATION AND STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 PEOPLE; CHILDCARE – OUTSIDE DWELLING

- a. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.
- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.
- d. Parking or drop off and pick areas shall not abut residentially zoned property lines.

SECTION 8.11 INSTITUTIONS: INCARCERATION, SUBSTANCE ABUSE REHABILITATION

- a. **Frontage and Access.** Such uses shall front onto a county primary road. The main means of access to the facility for patients, visitors and employees shall be via the primary road. In no case shall access be off of a residential street.
- b. The principle building shall be setback at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
- c. Open space will be required and will be site specific.
- d. Screening will be required and will be site specific.

SECTION 8.12 KENNELS, VETERINARY HOSPITALS

Kennels are subject to the following conditions:

- a. Compliance with all County and State Regulations
- b. All activities shall be conducted within a completely enclosed structure.
- c. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- d. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
- e. Kennel facilities shall be designed as follows
 - 1) Constructed of masonry or comparable sound-proofing material.
 - 2) Mechanical ventilation shall be provided in all areas.
 - 3) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.
- f. Operating standards:
 - 1) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
 - 2) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
 - 3) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
 - 4) Refuse shall not include animal waste.
 - 5) Animal waste shall be disposed of through a sewage disposal system.
 - 6) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

SECTION 8.13 MANUFACTURED HOUSING PARK

a. PERMITTED USES:

- 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this section.
- 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
- 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

4) Public Service Installations

b. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- 2) Dead end internal roads shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A safe-sight distance of two hundred fifty (250) feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than two (2) internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
 - a) No parking, twenty-one (21) feet.
 - b) Parallel parking, one (1) side, thirty-one (31) feet.
 - c) Parallel parking, two (2) sides, forty-one(41) feet.
- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
 - a) All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
 - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
 - d) Alternative designs that provide for adequate ingress and egress shall be approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, DLEG.
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), which is available from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, <https://bookstore.transportation.org/support.aspx>

- 8) The community developer may use other suitable material of equal quality if approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, DLEG.
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100) feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.
- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
 - a) All home sites shall be provided with two (2) parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:
 - (1) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
 - (2) A parking space shall be hard-surfaced.
 - b) Additional parking facilities.
 - (1) A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve. The five hundred (500) feet shall be measured along a road or sidewalk.
 - (2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- c. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
 - 1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.

- 2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
 - 3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
 - 4) If a central park, mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
 - 5) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- d. **MOBILE HOME INSTALLATION.** Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

SECTION 8.14 PUBLIC FACILITIES, UTILITIES AND SERVICE INSTALLATIONS

- a. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- b. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material. On residential lots, electrical, gas and cable boxes shall be located behind the front line of the principal structure in the side or rear yard and in some cases may be required to be fenced for safety.
- c. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

SECTION 8.15 RECREATION, INDOOR AND OUTDOOR

- a. **INDOOR RECREATION.** Indoor Recreation uses included, but are not limited to: putt putt courses, batting cages, bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, and athletic clubs.
 - 1) The sites shall be located on, or shall have principal access from a major thoroughfare or county primary road.
 - 2) Minimum site area shall be one (1) acre.
 - 3) No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned, or currently being used for residential purposes.
 - 4) Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.
 - 5) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the Township Board may stipulate noise standards beyond those stipulated otherwise in this Ordinance
 - 6) Operating hours for all uses shall be determined by the Planning Commission and the Township Board based on the nature of the use and the nuisance potential to adjoining

property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to midnight.

- b. **OUTDOOR RECREATION:** Outdoor Recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.
- 1) The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
 - 2) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
 - 3) No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
 - 4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the Township Board may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the Township Board may require additional information concerning the proposed use and the potential for nuisance.
 - 5) No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned, or used property.
 - 6) A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Township Board may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
 - 7) Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) foot wall shall be provided along the side of the parking area adjacent to such land.
 - 8) Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.
 - 9) Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Township Board.
 - 10) Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.
 - 11) Central loudspeakers/ paging systems are prohibited within two hundred (200) feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200 foot setback.

- 12) Operating hours for all uses shall be determined by the Planning Commission and the Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to Midnight.

SECTION 8.16 RIDING STABLES, COMMERCIAL

- a. LOCATION. Commercial stables shall not be located on land that is part of a recorded plat.
- b. MINIMUM SIZE. Commercial stables shall have a minimum of one (1) acre per animal, but in no such case shall there be less than twenty (20) acres.
- c. SETBACKS. All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line planned, zoned or used for residential purposes and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public on-site.
- d. DESIGN. All commercial stables shall provide adequate space for shelter, exercise and water for animals.
- e. MAINTENANCE. All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one-hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
- f. SUPERVISION. Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

SECTION 8.17 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES

Sexually oriented businesses and Adult Media Stores are permitted in the Industrial A and Industrial B Districts.

- a. INTENT. There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- b. DISTANCE RESTRICTIONS.
 - 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000) feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
 - 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1500) feet of any residentially zoned property or within one thousand five hundred (1500) feet of any religious or educational institution, library, day care centers, public park or recreational land use.

This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.

- c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- d. **PARKING AND LIGHTING.** All Parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.

- e. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

- 1) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
- 2) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
- 3) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
- 4) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

SECTION 8.18 SOLAR ENERGY FACILITIES

- a. The solar energy regulations and standards described in this section pertain to the creation, construction, operation, and or repair of large-scale ground-mounted solar photovoltaic installations that will provide power to the electrical grid. The regulations below, do not apply to solar panels and other solar devices which will provide power to an onsite farm, home, or business.

- b. **SPECIAL LAND USE REQUIREMENTS.** Solar Energy Facilities shall only be allowed as a special land use in the C-A, C-B, C-C, I-A, I-B, pursuant to Section 8.1, 8.2, and 8.3 as to Special Land Use approvals and requirements outlined below. The planning commission may also consider a conditional rezoning request for solar energy facilities for parcels in the AG district.

- 1) **Applicant Identification.** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the

property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Ingersoll Township;

- 2) Project Description. A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule;
- 3) Project Design. A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- 4) Procedure. The Planning Commission review of a Special Land Use Permit application for a solar energy facility is a two-step process. The first step is the public hearing and special use decision by the Planning Commission, per the procedures for review in Chapter 8. The second step, which may occur at a separate meeting for a solar energy system, is the site plan review process by the Planning Commission as described in Chapter 9. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed solar energy facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s);
- 5) Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Farm at all times. Said policy shall provide a minimum of \$2,000,000 property and personal liability coverage.
- 6) Certification. Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural PA Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must be removed from that program in order to locate a Solar Energy Facility on the property;
- 7) Manufacturers' Safety Data Sheet(s). Documentation shall include the type and quantity of all materials used in the operation of all equipment;
- 8) Visual Simulations. Photo exhibits visualizing the proposed solar energy system
- 9) Maintenance Plan
- 10) Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- 11) An applicant shall remit an application fee, an escrow deposit, in the amount specified by the Planning Commission. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required those costs shall be borne by the applicant with his consent.
 - 12) Decommissioning. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process;
 - 13) Complaint Resolution. Description of the complaint resolution process;
- c. ADDITIONAL SITE PLAN REQUIREMENTS. The applicant shall submit a site plan in full compliance with Article 8 of this Ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy site plan are as follows:
- 1) The project area boundaries.
 - 2) The location, height, and dimensions of all existing and proposed structures and fencing
 - 3) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
 - 4) Existing topography
 - 5) Water bodies, waterways, wetlands, drainage channels, and drain easements.
 - 6) A site grading, erosion control and stormwater drainage plan. At the Township's discretion, these plans may be reviewed by the Township's engineering firm.
 - 7) All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
 - 8) Identification of construction/set-up area.
- d. STANDARDS AND REQUIREMENTS. Solar Energy Facilities shall meet the following standards and requirements:
- 1) Location of Solar Energy Facilities.
 - a) All solar energy facilities must be located on parcel(s) that are at least 75 acres in size.
 - b) Unless otherwise specified herein, all solar energy facilities must comply with the requirements established in the Ingersoll Township Zoning Ordinance.
 - c) Any structures, solar panels, appurtenances, access roads shall be located at least 30 feet from the side and rear property lines. A 50-foot front yard setback shall apply for structures, appurtenances, and solar panels. When adjacent to an existing residential lot or use, any structures, solar panels, appurtenances, access roads shall be located at least 100 feet from the side and rear property lines.
 - d) Solar energy panels are limited in height to 20'.
 - 2) Design and Installation Standards

- a) All proposed facilities will comply with all applicable local, state, and federal standards and requirements, including electrical and building code.
- b) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.
- c) Any other relevant studies, reports, certificates and approval as may be reasonably required by Planning Commission.
- d) All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of four feet underground (both on the property where the Solar Energy Facility will be located and off-site). The Planning Commission may waive the requirement that distribution lines for the Solar Energy Facility which are located off-site (i.e., are not located on or above the property where the Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- e) The design and construction of solar energy facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
- f) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- g) The applicant must obtain a driveway permit from the Midland County Road Commission or MDOT, as applicable.
- h) The applicant must obtain any drain permits from the Midland County Drain Commission or MDEQ, as applicable.
- i) The design of solar energy facilities shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- j) Lighting shall be consistent with local, state, and federal law, and shall be limited to only that required for safety and operational purposes. Lighting shall be reasonably shielded from abutting properties.
- k) Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
- l) Changes to the pending application that do not materially alter the initial site plan may be adopted without renewed public hearing.
- m) If a Solar Energy Facility ownership changes, the new owner/operator must meet with the Ingersoll Township Zoning Administrator to review the conditions of the use permit within sixty days of the change in ownership.

- 3) Noise - No additional noise over the existing ambient level shall be heard at the property lines of the project. If noise complaints occur, the owner/operator may be required to complete a noise study and mitigate any additional noise that is found.
- 4) Light and Glare
 - a) All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
 - b) The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.
 - c) The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/ or traffic control operations.
- 5) Landscaping
 - a) Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting.
 - b) Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance, of the solar energy facility pursuant to practices of best management of natural areas or good stewardship of the land or forest otherwise prescribed by applicable laws, regulations and bylaws.
 - c) Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies shall utilize good plant husbandry techniques with respect to vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Low level vegetation, cover plants, or grasses shall be maintained by the facility operator not to exceed twelve inches in height.
 - d) All solar energy facilities shall have a minimum landscape buffer of 20 feet in width. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. The Planning Commission may also allow a 10' high berm or solid fencing as a landscape buffer. These landscaping requirements may be reduced or eliminated at the request of the applicant and the discretion of the planning commission. Such request may occur when the adjacent use is agricultural or industrial and there is insufficient reason to buffer the solar energy facility as a more intensive or intrusive land use.
 - e) Applicant must provide a detailed maintenance plan for the proposed solar energy system, and surrounding area, including maintenance for natural vegetation.

6) Security

- a) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator
- b) Solar energy facilities shall be surrounded by a six-foot tall chain link fence that shall be designed to restrict unauthorized access. The planning commission may modify this requirement if deemed appropriate.

e. ABANDONMENT AND DECOMMISSIONING.

- 1) Abandonment: A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility.
 - a) Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six months of notice by the Planning Commission or its designee.
 - b) If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous predevelopment condition.
- 2) Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
 - a) The anticipated life of the project;
 - b) The estimated decommissioning costs in current dollars (salvage costs cannot be considered in the estimated decommissioning costs). The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
 - c) The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 - i. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
 - ii. Complete restoration of property to condition prior to development of the Solar Energy Facility;

- d) The anticipated manner in which the project will be decommissioned and the site restored.
 - i. Decommissioning shall include the removal of each PV Panel, all electrical components, and associated facilities within the footprint of the solar energy facility to a depth of 48 inches below grade. However, the landowner may submit a request allowing the concrete foundations to be left for other uses, subject to the Zoning Administrator.
 - ii. Following removal, the location of any remaining foundation shall be identified on a map and recorded with the deed to the property with the Midland County Register of Deeds.
 - iii. All access roads to the Solar Energy Facility shall be removed, cleared, and graded by the facility owner, unless the property owner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.
 - iv. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner of the Solar Energy Facility or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activities, unless the property owner requests, in writing, that the land surface areas not be restored.
- e) A provision to give notice to the Township one year in advance of decommissioning.
- f) A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new solar energy facility shall include a description of the financial security guaranteeing removal of the solar energy facility which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator thirty (30) days prior to its expiration or termination. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
- g) The time frame for completion of decommissioning activities.
- f. COMPLAINT RESOLUTION. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be submitted monthly to the Township Zoning Administrator.

SECTION 8.19 WIND ENERGY

STATEMENT OF INTENT – Due to the passage of PA 342 of 2016, known as the Clean and Renewable Energy and Energy Waste Reduction Act, which requires Michigan electric providers to supply renewable energy sources, Ingersoll Township felt a need to address wind energy in the Township. According to the 2004 Ingersoll Township Master Plan, Ingersoll Township’s vision statement states “Ingersoll Township is a safe attractive, rural community that balances farming and residential uses while protecting our natural environmental and individual freedoms.” Wind energy is a renewable and carbon-free energy resource of the Township, and the conversion of wind energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from the use of conventional energy sources. However, wind energy facilities may cause significant potential negative effects because of their large size, lighting, shadow flicker, noise, and other factors.

The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the Ingersoll Township community. Regulation of the siting, installation and operation of wind energy facilities is necessary to ensure compatible land uses. Further, regulation of wind energy facilities meets the Township Master Plan goal that states, “Preserve rural community character.” The regulations provide for the designation of property suitable for the location, construction and operation of wind energy facilities in the Township.

f. DEFINITIONS

- 1) Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- 2) ANSI: American National Standards Institute.
- 3) A-Weighted Sound Level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, a method for weighting the frequency spectrum to mimic the human ear. Expressed as dB(A) or dBA.
- 4) Background Sound shall mean the all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9 Part 3.
- 5) Continuous Background Sound shall mean background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9 Part 3.
- 6) dB(A): The sound pressure level in decibels on the A Weighted scale defined by ANSI.
- 7) Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- 8) Decommission: To remove or retire from active service.
- 9) Equivalent A-weighted Continuous Sound Level shall mean the level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as Leq A, and expressed as dBA.
- 10) Frequency shall mean the number of oscillations or cycles per unit of time, expressed as Hertz (Hz).

- 11) Hertz means the frequency of sound expressed by cycles per second.
- 12) Height of Turbine: The distance from the ground level base of the structure highest point on the tip of a fully vertical rotor blade.
- 13) Hub Height shall mean the distance from ground level base of the structure to the center of the turbine hub or horizontal rotor shaft.
- 14) IEC: International Electrotechnical Commission.
- 15) Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
- 16) ISO: International Organization for Standardization.
- 17) MET Tower, Meteorological Tower, or Anemometer Tower: A temporary tower used to measure wind speed and direction. (Also known as a SCADA tower).
- 18) Noise Sensitive Facility means an inhabited structure, school, hospital, church, public library, or other area designated by the Planning Commission.
- 19) Non-Participating Parcel. A parcel of land that is not a participating parcel.
- 20) Octave Band shall mean the frequency interval where the upper frequency is twice the lower frequency.
- 21) One-Third Octave Band shall mean the frequency interval where the upper frequency is the lower frequency times the cube root of two.
- 22) On-Site Use Wind Energy Systems: An On-Site Use wind energy system is intended to primarily serve the needs of the parcel upon which the wind energy system located.
- 23) Participating Parcel: A parcel of land that participates by ownership, lease or easement agreement, or other contractual agreement, with a person or entity constructing, operating, or submitting a Special Land Use Permit application for a wind energy conversion facility. A participating parcel shall also include the parcel on which a wind energy system is located.
- 24) Rotor: An element of a wind energy system that acts as a bladed airfoil assembly, extracting through rotation kinetic energy directly from the wind.
- 25) SCADA Tower: A temporary or permanent freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
- 26) Shadow Flicker: Alternating changes in light intensity caused by a moving blade or rotor of a wind energy system casting shadows on the ground and stationary objects, such as a window at an inhabited structure.

- 27) Sound Power shall mean the rate per unit time at which sound energy is radiated, expressed as watts (W).
 - 28) Sound Power Level shall mean ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).
 - 29) Sound Pressure shall mean the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).
 - 30) Sound Pressure Level shall mean twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement
 - 31) Utility Grid Wind Energy Systems: A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.
 - 32) Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
 - 33) 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.
- g. On-Site Use or Wind Site Assessment for Wind Energy Systems: On-site Use wind energy systems shall be a permitted use in all zoning districts. Prior to the installation of an On-Site Use wind energy system with a height greater than 65 feet or a MET Tower with a tower higher than 65 feet, an application for a Special Land Use permit shall be submitted to the Clerk or Township Zoning Official that will include:
- applicant identification,
 - a site plan,
 - documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met
 - a copy of that portion of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment
 - note that leased property can include more than one piece of property and the requirement shall apply to the combined properties
 - proof of the applicant's public liability insurance.
- 1) Property Set-back: All setbacks shall be measured from the center of the turbine.
 - a) The distance between an On-Site Use wind energy system and the owner's property lines shall be at least 1½ times the height of the wind energy system tower including the top of the blade in its vertical position.

- b) The distance between a MET or an anemometer tower and the owner's property lines shall be at least 1½ times the height of the tower.
 - c) No part of an On-Site wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- 2) Sound Pressure Level: On-Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- 3) Construction Codes, Towers, & Interconnection Standards:
- a) On-Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - b) On-Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
 - c) An On-Site Use wind energy system connected to the grid shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- 4) Safety:
- a) An On-Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - b) All wind energy systems shall have lightning protection.
 - c) If a wind energy system is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
 - d) The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- h. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use which is allowed in the Agricultural, Commercial, Landfill and Industrial districts in Ingersoll Township.
- 1) Procedure: The Planning Commission review of a Special Land Use Permit application for a wind energy system is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Section 8.3. The second step, which may occur at a separate meeting for a Utility Grid wind energy system, is the site plan review process by the Planning Commission as described in Chapter 9. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
 - 2) Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
 - a) Applicant Identification: Applicant name, address, and contact information.
 - b) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - c) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements for site plan review are described in sub-section d. below.
 - d) Insurance: Proof of the applicant's public liability insurance.
 - e) Sound Pressure Level: Copy of the modeling and analysis report.
 - f) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
 - g) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 - h) Environmental Impact: Copy of the Environmental Impact analysis.
 - i) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 - j) Shadow Flicker: Copy of the Shadow Flicker analysis.

- k) Manufacturers' Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - l) Decommissioning: Copy of the decommissioning plan.
 - m) Complaint Resolution: Description of the complaint resolution process.
 - n) Fire suppression plan
 - o) Maintenance Schedule: Description of operations, including anticipated regular and unscheduled maintenance.
- 3) Application Fee, Township Costs and Escrow. With its application, an applicant shall remit an application fee.
 - 4) Township costs in review and retention of professionals. The applicant shall pay to and reimburse the Township its costs incurred in acquisition of professional, engineering, or other technical advice or review of the application, including without limitation engineering, sound modeling, post construction sound surveys, visual, environmental and wildlife studies, electromagnetic and decommissioning analysis. No special land use approval shall be issued or effective until all such fees have been paid. With the application, the applicant shall make an initial deposit in an amount specified in a schedule established by the Planning Commission. Thereafter, in its consideration and review of the application, the Planning Commission may require additional deposits from the applicants.
- i. A detailed site plan shall be provided for the site plan review. The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - 1) The project area boundaries, including all lot lines and dimensions.
 - 2) Names and parcel identification number of each parcel within the utility grid wind energy system.
 - 3) The location, elevation, height, and dimensions of all existing and proposed structures, and fencing, utility easements, land use, zoning district, and ownership of property.
 - 4) The location, grades, composition, dimensions, and proposed maintenance of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
 - 5) Existing topography.
 - 6) Water bodies, waterways, wetlands, and drainage channels.
 - 7) All new infrastructure above and below ground related to the project, including proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures.
 - 8) Lighting plan.

- 9) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.
 - 10) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of six feet.
 - 11) Anticipated construction schedule.
 - 12) Description of operations, including anticipated regular and unscheduled maintenance.
- j. The Utility Grid wind energy system shall be constructed and thereafter maintained and operated to the following standards and requirements:
- 1) Property Set-Back: The following setback distances shall be maintained and measured from the center of the turbine.
 - a) The distance between a Utility Grid wind energy system and an inhabited structure shall be at least 1,400'.
 - b) The distance between a Utility Grid wind energy system and the property lines of the nearest or adjacent non-participating parcel shall be at least 2,000'.
 - c) The distance between a Utility Grid wind energy system and the centerline of a public roadway shall be at least 1.5 times the overall height of the turbine.
 - d) Each Utility Grid wind energy system shall be set back from active public utility corridors such as natural gas lines, oil lines, telecommunication towers, any overhead lines including electric, telephone, internet, or cable tv at a distance no less than 1.5 times its overall height, determined from the boundary line of the corridor.
 - e) Each Utility Grid wind energy system shall be set back from the centerline of a stream, or river by at least 1.0 times the overall height of the turbine. Each utility Grid wind energy system shall be set back from a drain easement at least 1.0 times the overall height of the turbine and in no case shall it be set back by less than 1.0 times the overall height of the turbine from the top of the bank of the drain that is closest to the turbine location.
 - f) An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.
 - g) Overhead transmission lines and power poles that are part of the Utility Grid Wind Energy System shall be on participating parcels and shall comply with the set-back requirements applicable to public utilities.
 - 2) Utility Grid Wind energy systems are limited to a height of 499' above the existing grade.
 - 3) Underground power lines within the Utility Grid Wind energy system shall be placed a minimum of five feet below grade and below any drainage tile on the property.

4) Sound Pressure Level:

- a) For participating parcels, the audible sound from a Utility Grid Wind Energy System at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous Sound Level (Leq) limits set forth in Table 1, measured in accordance with the methodology described in sub-sections f) and g).

| Table 1 –Equivalent A-weighted Continuous Sound Level (Leq) Limits Participating Parcels | | |
|---|-------------------|---|
| Zone | Time | Equivalent A-weighted Continuous Sound Level (dBA) |
| Participating parcel | 7 a.m. to 10 p.m. | 50 |
| | 10 p.m. to 7 a.m. | 45 |

- b) For non-participating parcels, the audible sound from a Utility Grid Wind Energy System at a parcel line may not exceed the Sound Level (Lmax) levels shown in Table 2, measured in accordance with the methodology described in sub-sections f) and g).

| Table 2 – Maximum Sound Level L_{max} Limits Non-Participating Parcels | | |
|---|-------------------|----------------------------------|
| Zone | Time | Maximum Sound Level (dBA) |
| Non-participating parcel | 7 a.m. to 10 p.m. | 45 |
| | 10 p.m. to 7 a.m. | 35 |

- c) In the event audible noise from the operation of the Utility Grid Wind Energy System contains a prominent discrete tone, the limits set forth in Table 1 shall be reduced by five (5) dBA. For a prominent discrete tone to be identified as present, the equivalent-continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent-continuous sound pressure level for the two adjacent one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above, by eight (8) dB for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB for center frequencies between twenty five (25) and one hundred and twenty-five (125) Hz as specified by ANSI S12.9 Part 3, Annex B.
- d) Any noise level falling between two whole decibels shall be rounded to the nearest whole number.
- e) Sound Modeling Study – The applicant shall provide a predictive sound modeling study of all turbine noise for a Utility Grid Wind Energy System to verify that ordinance requirements can be met for the Equivalent A-weighted Continuous Sound Level limits in Table 1. The sound modeling must follow International Standard, ISO 9613-2 “Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.” The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the

- manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground ($G=0$) for all large areas of pavement and water, and mixed ground ($G=0.5$) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all Noise Sensitive Facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30 dBA sound contour line, at 5 dBA intervals from the center of the proposed Utility Grid Wind Energy System.
- f) **Post Construction Sound Survey** – The applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in sub-sections a) and b) above. The measurements and the reporting of the data shall be conducted as described below. The survey shall address noise complaints on file with the Township and may require additional measurement locations as deemed necessary by the Planning Commission. Should the sound survey indicate a non-compliant measurement, the owner of the Utility Grid Wind Energy System will be required to obtain compliance through mitigation or other measures.
- (1) **Methodology**
- (a) Measurement personnel and instrumentation shall be as required in sub-section h).
 - (b) A calibration check shall be performed and recorded before and after each measurement period.
 - (c) The nighttime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. For participating parcels, sound level data shall be aggregated in 10-minute measurement intervals within the nighttime compliance measurement period (nighttime: 10:00 pm to 7:00 am).
 - (d) The daytime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. For participating parcels, sound level data shall be aggregated in 10-minute measurement intervals within the daytime compliance measurement period (daytime: 7:00 am to 10:00 pm). Because compliance with nighttime noise limits presumes compliance with the less stringent daytime noise limits, this requirement may be waived by the Planning Commission.
 - (e) For participating parcels, compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of every twelve representative 10-minute measurement interval is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in sub-section a). For non-participating parcels, compliance will be demonstrated when the I_{max} Sound Level of each two-hour measurement interval is less than or equal to the I_{max} sound level limits as set forth in sub-section b). Representative intervals are defined as:

- (i) Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.
 - (ii) Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
 - (iii) Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).
- (f) The sound level measured in each measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.
- (2) Measurement Locations
- (a) The specific measurement locations shall be chosen by the applicant's Measurement Personnel and by the Planning Commission prior to the Post Construction Sound Survey.
 - (b) The measurement locations shall be performed at Noise Sensitive Facilities for participating parcels and at parcel boundary lines for non-participating parcels. The locations shall be in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits identified in Table 1. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of eight measurement locations. The measurement locations shall include, but are not limited to, the following:
 - (i) A minimum of four measurements of different non-participating parcels. The measurement location shall be at the parcel boundary line nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (ii) A minimum of two measurements of different participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (iii) Any measurement location determined necessary by the applicant's Measurement Personnel and Planning Commission. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
 - (c) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
 - (d) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.

- (e) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - (f) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - (g) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (3) Reporting of Measurement Data - Reports shall be submitted to the Planning Commission within 45 days of completion of the post-construction sound survey and shall include, at a minimum, the following:
- (a) A narrative description of the sound from the Utility Grid Wind Energy System for the compliance measurement period result.
 - (b) A narrative description of the sound measurements collected.
 - (c) A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 - (d) The dates, days of the week and hours of the day when measurements were made.
 - (e) The wind direction and speed, temperature, precipitation, and sky condition for each measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the Utility Grid Wind Energy System from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each measurement interval shall be reported.
 - (f) The wind energy output for each measurement interval for the closest wind turbine.
 - (g) Identification of all measurement equipment by make, model and serial number.
 - (h) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 - (i) All A-weighted equivalent sound levels for each measurement interval.
 - (j) All 1/3 octave band linear equivalent sound levels for each measurement interval and identification of tonal periods.
 - (k) All attendant's notes and observations.
 - (l) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.

- (m) All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
 - (n) All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.
 - (o) All other information determined necessary by the Planning Commission.
- g) Measurement of the Sound from Routine Operation – As an ongoing condition of any special use permit for a Utility Grid Wind Energy Stem, the Zoning Enforcement Officer or Township Supervisor may require measurements of the sound from routine operation of the completed system. Such measurements may be required to determine compliance with this ordinance and the special use permit, to investigate a community complaint for validation the calculated sound levels presented to the Planning Commission in support of the special use permit. The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a non-compliant measurement, the owner and the operator of the Utility Grid Wind Energy System shall be required to obtain compliance through mitigation or other measures.
- (1) Methodology - Refer to sub-section h).
 - (2) Measurement Locations
 - (a) Measurement locations as determined by the Zoning Enforcement officer or Supervisor beforehand. The measurement locations shall include, but are not limited to, the following representative locations:
 - (i) For participating parcels, a minimum of one measurement location at the Noise Sensitive Facility of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (ii) For non-participating parcels, a minimum of one measurement location at the parcel boundary line of the complainant nearest the closes wind turbine of the Utility Grid Wind Energy System.
 - (iii) Any measurement location determined necessary by the Planning Commission.
 - (b) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
 - (c) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.

- (d) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - (e) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - (f) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (3) Reporting of Measurement Data Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include as indicated in sub-section f) 3.
- h) General Sound Survey Methodology
- (1) All sound studies will be completed by an independent third party that is hired by the Township. Fees for such studies shall be paid for from the escrow fund described in sub-section c. 3 above, or in case of studies conducted after the post-construction sound survey, by the operator in advance.
 - (2) Measurement Personnel. Measurements shall be supervised by personnel who are independent of the Utility Grid Wind Energy System, well qualified by training and experience in measurement and evaluation of environmental sound, and are Board Certified members of the Institute of Noise Control Engineering (INCE).
 - (3) Measurement Instrumentation. Measurement devices shall comply with the following requirements:
 - (a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - (b) An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - (c) A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - (d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - (e) A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.

- (f) The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
 - (g) The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
 - (h) Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.
 - (i) Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
 - (j) Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
 - (k) A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.
- 5) Construction Codes, Towers, and Interconnection Standards:
- a) Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - b) Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- 6) Lighting:
- a) Utility Grid wind energy system towers shall not be illuminated unless required by the FAA.
 - b) When illumination is required by the FAA, Utility Grid wind energy system are required to use Aircraft Detection Lighting Systems (ADLS). No other illumination or tower lighting will be approved by Ingersoll Township.
 - c) All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. Continuous nighttime lighting systems are not allowed.
- 7) Safety:
- a) All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

- b) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
 - c) A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information.
 - d) Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - e) The minimum vertical blade tip clearance from grade shall be 50 feet for a wind energy system employing a horizontal axis rotor.
 - f) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.
- 8) Visual Impact:
- a) Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
 - b) A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
 - c) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - d) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
- 9) Environmental Impact:
- a) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
 - b) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
 - c) The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

10) Avian and Wildlife Impact:

- a) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- c) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- d) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee ([APLIC](#)) published standards to prevent avian mortality.

11) Electromagnetic Interference:

- a) No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system.
- b) No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

12) Shadow Flicker:

- a) Shadow Flicker Analysis: The applicant shall conduct an analysis on potential shadow flicker at inhabited structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted 30 hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures.

- b) The shadow flicker analysis shall include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate shadow flicker that occurs beyond the levels set herein. Mitigation measures may be allowed on participating parcels.
 - c) All turbines that may cause shadow flicker on inhabited structures in non-participating parcels shall be outfitted with curtailment software.
 - d) Any shadow flicker complaint shall be addressed by the applicant and be mitigated or eliminated based upon the standards herein.
 - e) Shadow flicker at participating parcels shall be limited to a maximum of 30 hours per year.
 - f) Shadow flicker on participating parcels will be measured at the nearest external wall or walls of inhabited structures.
 - g) Shadow flicker on non-participating parcels is not allowed.
- 13) Decommissioning:
- a) The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.
 - (2) The estimated decommissioning costs net of salvage value in current dollars
 - (3) The method of ensuring that funds will be available for decommissioning and restoration,
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
 - (5) A provision to give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning may be required.
 - (6) The standard for inactivity shall be 12 months. Inactivity means that the utility grid wind energy system has ceased to generate electric power.
 - b) Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official and the Zoning Administrator.
 - c) Removal of the structure and its accessory use facilities shall include removing the caisson and all other components to a depth of no less than six feet below the original grade (prior to installation of the turbine) as indicated on the approved site plan. This area shall then be appropriately drained. It shall be filled with like soil that was removed, including top soil, and restored to a state compatible with the surrounding land. Restoration must be completed within 90 days of abandonment.
 - d) To ensure proper removal of the structure when it is abandoned, any application for approval of a structure shall include a description of the financial security to be posted at the time of receiving a special use permit. The security shall be in the form

- of: 1) cash deposit; 2) irrevocable bank letter of credit or 3) performance bond in a form approved by the Township Attorney, establishing the obligation of the applicant to remove the structure in a timely manner. The amount of such guarantee shall be no less than 110% of the estimated cost of removal. Salvage value shall not be considered in the estimated cost of removal. The estimate shall be prepared by the engineer for the developer and approved by the Township Board. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences. Such financial security shall be kept in full force and effect during the entire time that the structure exists. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the structure) for at least thirty (30) years from the date of the special land use approval or for the life of the turbine, whichever is longer. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval. The applicant shall be responsible for the payment of any attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- e) In the event that the Owner/Operator defaults on any or all of the previously outlined decommissioning requirements, the landowner upon which any Utility Grid wind energy system facilities are located shall be responsible and liable for the removal of any structures. Failure of the landowner's compliance to the removal and decommissioning guidelines would result in the Township having the structure(s) removed at the expense of the landowner. If funding is not available to cover the costs of removal by the landowner, legal action to pursue the seizure of property(s) will take place to cover such costs.
- 14) Complaint Resolution
- a) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. 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.
- b) The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- c) A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

SECTION 8.20 WIRELESS COMMUNICATION FACILITIES.**a. GENERAL REQUIREMENTS**

- 1) Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- 2) The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- 3) All new and modified wireless communication facilities shall be designed, constructed and maintained so as to accommodate collocation.
- 4) **HEIGHT.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), but in all events it shall be no more than 250 feet in height from grade. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- 5) **TOWER CONSTRUCTION.** Wireless communication structures are restricted to self-supporting structures. The use of guy wires is prohibited.
- 6) **SETBACKS**
 - a) The setback of the support structure from any adjacent property line shall be no less than the combined height of the support structure, tower and antennas, unless a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall is included in the design documentation. When such certification is submitted, a lesser setback may be approved utilizing the certificate along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities. In no case, shall the setback be less than $\frac{1}{2}$ of the combined height of the support structure, tower and antennas.
 - b) A wireless communication structure must be located at least twice the height of the tower from any neighboring residential structure. This is independent of the property line setback regulation listed in Item b. 6.a. directly above.
- 7) **ACCESS.** There shall be unobstructed access to the support structure, for operation; maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - a) The location of adjacent thoroughfares and traffic and circulation within the site;
 - b) Utilities needed to service the tower and any attendant facilities;
 - c) The location of buildings and parking facilities;

- d) Proximity to residential districts and minimizing disturbance to the natural landscape; and,
 - e) The type of equipment which will be needed to access the site.
- 8) **ROOF STRUCTURES.** Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there shall be a single, architecturally uniform accessory building for all providers.
- 9) **LIGHTING.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Strobe lighting is to be avoided unless specifically required for particular times of the day.
- b. **SITE PLAN REQUIREMENTS.** In addition to the data, exhibits and information required generally for all special land use applications, there shall be included with all applications for special land use for wireless communication facilities the following:
- 1) **LANDSCAPING PLAN.**
 - 2) **COLLOCATION.** A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs. All applicants for a Special Use Permit for a wireless communication facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
 - a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
 - b) Contact with all other licensed carriers for commercial wireless services operating in the Township and within areas surrounding the borders of the Township which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
 - c) Sharing information necessary to determine if collocation is feasible under the design configuration.
 - d) In the event that collocation is to be infeasible, a written statement for the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to conduct a "Propagation Study" or "Coverage Analysis" to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost of such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation. A "Propagation Study" or "Coverage Analysis" shall mean a study or analysis by a Radio Frequency Engineer to determine the feasibility of wireless communication towers to collocate. A "Radio Frequency (RF) Engineer"

shall mean an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

- 3) CONTACT PERSON Name, e-mail address, phone, and mailing address of person(s) to be contacted for engineering, maintenance and other notice purposes, which information shall be updated throughout the term of the special use permit.
 - 4) HEIGHT JUSTIFICATION. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - 5) LAND OWNER APPROVAL. Signature and approval of owner of land upon which the wireless communication facility shall be situated.
 - 6) ENVIRONMENTAL COMPLIANCE. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of Certification of Compliance by the applicant's licensed engineer.
 - 7) SUPPORT SYSTEM. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.
 - 8) MAINTENANCE PLAN. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
 - 9) SIGNATURE. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Planning Commission review may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety-day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to colocate on the facility that has been newly granted final approval.
- c. PLANNING COMMISSION DISCRETION. The Planning Commission shall, in its discretion, with respect to the design and appearance of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings.
- d. COLLOCATION FAILURE AND REFUSAL
- 1) The policy of the Township is for collocation in order to minimize the number of newly established locations for wireless communication facilities and support structures and to encourage the use of existing structures. If a party who owns or otherwise controls a

wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure. Any proposed commercial wireless communication facility shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- 2) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall be prohibited from receiving approval or special land use permits for new wireless communication support structures within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation.

e. CESSATION OF OPERATIONS AND REMOVAL

- 1) Adequate provisions shall be made for removal of all or parts of a wireless communication facility in the event same have not been used for one hundred eighty (180) days or more. A decommissioning plan shall be provided prior to approval of the site plan. This shall include a surety bond or another acceptable security, the value of which shall be determined by the schedule of values adopted by the Township Board.
- 2) The special use permit provided for any wireless communication facility shall be deemed expired and void if same has not been used for 180 days or more.
- 3) For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The owner or operator of the wireless communication facility shall notify the Township Clerk in writing of the facility non-use immediately upon its non-use. Upon the expiration or voiding of the special use permit for non-use or upon notification to the Township Clerk, such facilities and towers, or parts thereof, shall be removed and the premises restored to a safe, level and reasonable condition, as determined by the Ordinance Enforcement Officer, within one hundred eighty (180) days of non-use.

Chapter 9 • Site Plan Review

SECTION 9.1 SITE PLAN REVIEW

a. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits.

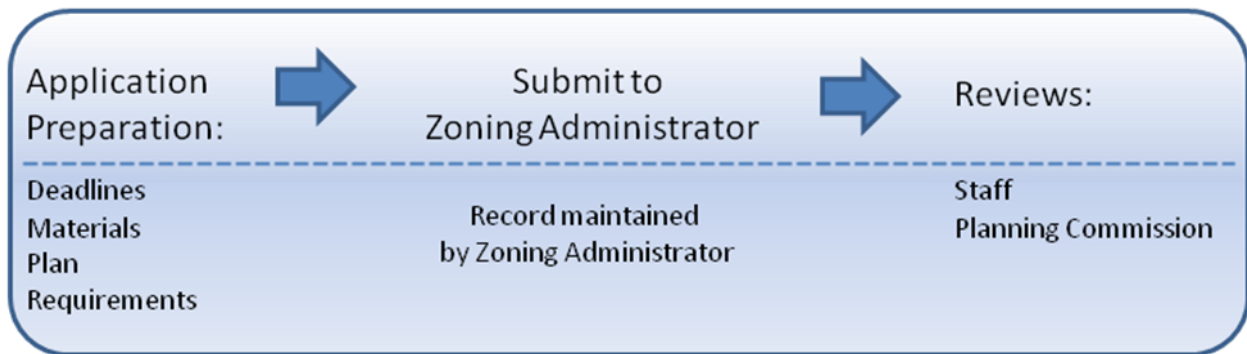
In addition, and in the case of new development, Site Plan Review before the Township Planning Commission is required for any project meeting one of the following conditions:

- a) The proposed project will have more than two (2) dwelling units.
- b) The proposed project is in a Commercial Zoning District **AND**
 - (1) is greater than 1,500 square feet in size **OR**
 - (2) requires more than 5 new parking space
- c) The proposed project is in an Industrial district.
- d) The project is a Special Use.

At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

b. SITE PLAN REVIEW PROCESS.

Site Plan Review Process



- 1) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies. A preapplication meeting is encouraged.

- 2) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.
- 3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must be prepared in a complete and accurate manner so that the plan can be used by the building inspector for all other necessary permits.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.
- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to

- driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- g) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information that, in the Clerk or supervisor's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j) **PERFORMANCE BOND.** Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Supervisor. The Township Supervisor may, at his/her discretion, call upon professional assistance from the Township Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

- 4) STAFF REVIEW OF SITE PLAN.
 - a) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, may be given an opportunity to review and comment upon it. In addition, the Clerk or supervisor may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Clerk or supervisor at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. A preapplication meeting with the applicant and Clerk or supervisor is encouraged.
 - b) STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
- 5) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:
 - a) RECOMMEND APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
 - b) RECOMMEND CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Ingersoll Township Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission. When these conditions have been met the site plan is considered to have final approval.

- c) **RECOMMEND DENIAL TO THE TOWNSHIP BOARD WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 6) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Clerk or Supervisor determines that all Site Plan Review Standards have been complied with.

However, if the Clerk or Supervisor finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder within one week, the Township Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Clerk or Supervisor shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Clerk or Supervisor before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 7) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Clerk or Supervisor. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Clerk or Supervisor. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Clerk or Supervisor.
- c. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her

original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Except for large parking lots, driveways shall be limited to one (1) per development.
- 7) **UTILITIES.** Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought. To the greatest extent possible, all utility installations shall be screened from abutting residential uses.
- 8) **LANDSCAPING**
 - a) In all Commercial and Industrial Districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway.

- b) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
 - c) Undeveloped areas proposed for future expansion shall be maintained in a weed free condition.
- 9) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas. All entrance doors for the public and employees must be illuminated. No lighting may exceed 12' in height nor may bleed onto neighboring properties.
- 10) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 11) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practical to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- 12) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- 13) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in Chapter 3.

Chapter 10 ▪ Administration & Enforcement

SECTION 10.1 PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Ingersoll Township Planning Commission, the Zoning Board of Appeals, the Township Board and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

a. ZONING ADMINISTRATOR OR DESIGNEE:

The Township Board, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. The Township Board may designate the Zoning Administrator as the Building Inspector. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

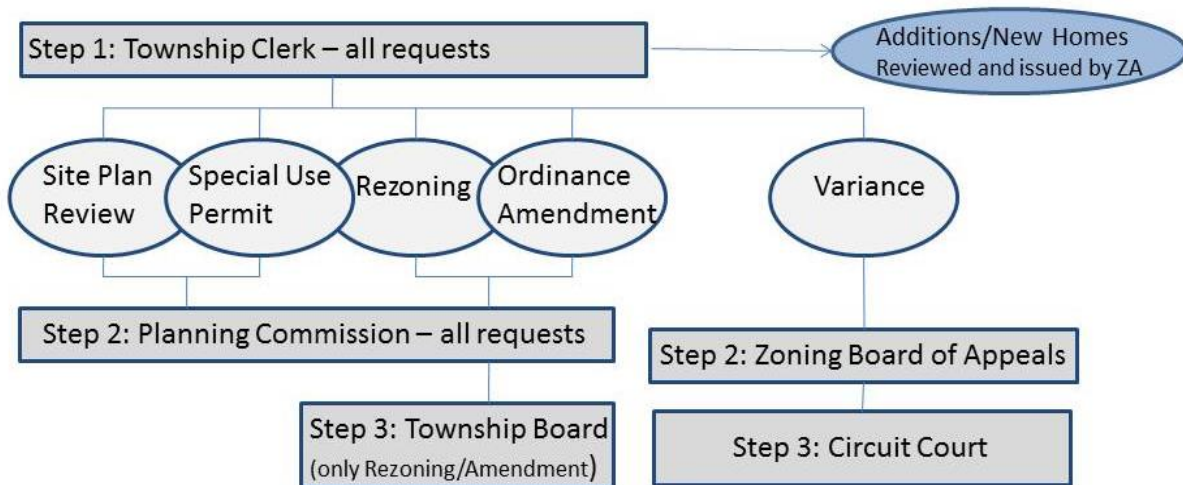
The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance:

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Township Clerk who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **INSPECTIONS.** The Zoning Enforcement Officer shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 4) **RECORD NONCONFORMING USES.** The Zoning Enforcement Officer shall record all nonconforming uses existing at the effective date of this Ordinance.
- 5) **RECORD SPECIAL USES.** The Zoning Enforcement Officer shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 6) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.

- 7) PUBLIC INFORMATION. The Clerk or Supervisor shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
 - 8) RESPOND TO COMPLAINTS. The Zoning Enforcement Officer shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Enforcement Officer shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
 - 9) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Enforcement Officer permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
 - 10) PROVIDE A WRITTEN REPORT to the Planning Commission each month.
- b. PLANNING COMMISSION:
- 1) MEMBERSHIP. The Planning Commission shall be composed of seven (7) members, comprised of
 - a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
 - b) Six residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
 - 2) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
 - 3) RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
 - 4) FUNCTION: The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, commonly known as the Michigan Zoning Enabling Act, and where applicable in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.
 - 5) MEETINGS. The Planning Commission shall meet monthly or as determined by the Township Board and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
 - 6) PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Township Board may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.

- 7) MASTER PLAN. The Planning Commission shall make and adopt a master plan as a guide for the development of the Township. Plan contents, adoption, amendment, approval by the Township Board, hearing and publication shall be according to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended and where applicable in the Michigan Panning Enabling Act, PA 33 of 2008, as amended..
- 8) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 9) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny an application and shall also take any necessary action to revoke a Special Use Permit.
 - c) REZONING OR TEXT AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- c. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may review all zoning decisions of the Planning Commission. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance and may also act to waive any fee.

SECTION 10.2 ADMINISTRATIVE PROCESSES



- a. APPLICATION: Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a Building Permit. Applications shall be made in writing upon forms provided by the Township. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.
- b. BUILDING PERMIT REQUIRED: A Building Permit must be obtained from the Ingersoll Township Building Inspector before any of the following activities may legally take place:
 - 1) Occupancy and use of vacant land (including parking lot construction).
 - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Building Inspector.
 - 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the Uses Table in Chapter 3, District Regulations, for the Zoning District in which the parcel is located.
 - 4) Any change of a nonconforming use or building.
- c. APPLICATION REVIEW PROCESS. On submission of an application for a site plan, (**Site Plan Approval - Application**) the Clerk or Supervisor will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- d. RECORD MAINTAINED. The Clerk or Supervisor shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.

SECTION 10.3 ENFORCEMENT

This Ordinance shall be enforced by the Zoning Enforcement Officer for Ingersoll Township.

- a. RESPONSIBILITY. The Zoning Enforcement Officer shall enforce the provisions of this Ordinance.
- b. VIOLATIONS AND PENALTIES. Any building or structure which is erected, altered, maintained, or used or any use of land which is begun, maintained or changed in violation of this Ordinance is hereby declared to be a civil infraction nuisance per se. Violations of any provisions of this Ordinance are declared to be enforceable as criminal actions through circuit court.
- c. CONFLICTING REGULATIONS. In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 10.4 AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by Public Act 110 of 2006, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. **AMENDMENT PROCEDURE:**
 - 1) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application provided by the Township to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - 2) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3) **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
 - 4) **RESUBMITTAL.** No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.
 - 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

SECTION 10.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- a. If the Township is required to provide notice and hearing under the Michigan Zoning Enabling Act, the Township shall publish notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner.
- e. If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

Chapter 11 • Board of Appeals

SECTION 11.1 ESTABLISHMENT

The Township Board, exercising the authority of Act 110 of the Public Acts of 2006, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

SECTION 11.2 MEMBERSHIP

- a. **REGULAR MEMBERS.** The Ingersoll Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Ingersoll Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.
- b. **ALTERNATE MEMBERS.** The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member 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 of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- c. **COMPENSATION.** A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

SECTION 11.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 11.4 BOARD OF APPEALS PROCEDURES

- a. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- b. **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the member and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- c. **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. **MAJORITY VOTE.** The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 11.5 APPEALS, METHOD FOR TAKING

- a. Any appeal from a ruling of the Zoning Enforcement Officer or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Enforcement Officer's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Enforcement Officer shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.
- b. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- c. An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Enforcement Officer may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

SECTION 11.6 DECISIONS

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned.

Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

SECTION 11.7 DUTIES

The Ingersoll Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- a. **REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Enforcement Officer, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. **INTERPRETATION.** The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:
 - 1) So as to carry out the intent and purposes of this Ordinance.
 - 2) To determine the precise location of the boundary lines between zoning districts; or,
 - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. **VARIANCES.** The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the conditions listed are satisfied. .
 - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - 2) The variance will do substantial justice to the applicant, as well as to other property owners.
 - 3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 5) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.
- d. **RULES FOR GRANTING VARIANCES:**
 - 1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the

objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.

- 2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
- 3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- 4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
- 5) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

SECTION 11.8 LIMITATIONS

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.