

# Edwards Township



## Zoning Ordinance

Public Hearing: November 7, 1994  
Adopted: November 14, 1994

**September, 1994**

Design<sup>+</sup>

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# CHAPTER 1 DEFINITIONS

## SECTION 1.01 RULES APPLYING TO TEXT

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

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicate the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicate the contrary, the conjunctions noted below shall be interpreted as follows:
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

## SECTION 1.02 DEFINITIONS – A

### ACCESSORY BUILDING

A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

### ACCESSORY USE, OR ACCESSORY

A use of a zoning lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

### ADMINISTRATOR

The Edwards Township Zoning Administrator.

### ADULT BOOKSTORE

An enclosed building used for the sale of motion picture films, video cassettes, magazines, poster, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.



#### ADULT LIVE ENTERTAINMENT THEATER

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

#### ADULT MOTION PICTURE THEATER

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in the Ordinance, for observation by patrons therein.

#### ADULT USES

Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

#### AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes, or for forestry processing and production. All reasonable dust, spray drift, water drift, noise, odor, and other conditions normally associated with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

#### ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

#### AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

### SECTION 1.03 DEFINITIONS – B

#### BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

#### BED AND BREAKFAST ESTABLISHMENTS

A house, or portion thereof, used as a residence, where short-term lodging and meals are provided as a commercial operation.

#### BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

## BOARD

The Edwards Township Board of Trustees.

## BODY SHOPS

Any buildings, premises or lands in which or upon which the principal use is the servicing, repair, or painting of motor vehicles.

## BUFFER STRIP

A strip of land required between certain Districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

## BUILDING

A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

## BUILDING CODE

The currently adopted Township code or codes governing the erection and maintenance of buildings.

## BUILDING HEIGHT

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

## BUILDING INSPECTOR

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Edwards Township.

## BUILDING LINE

A line formed by the eave of the building, or the most horizontal appendage of the building; and for the purposes of this Ordinance, a minimum building line is the same as the required yard setback.

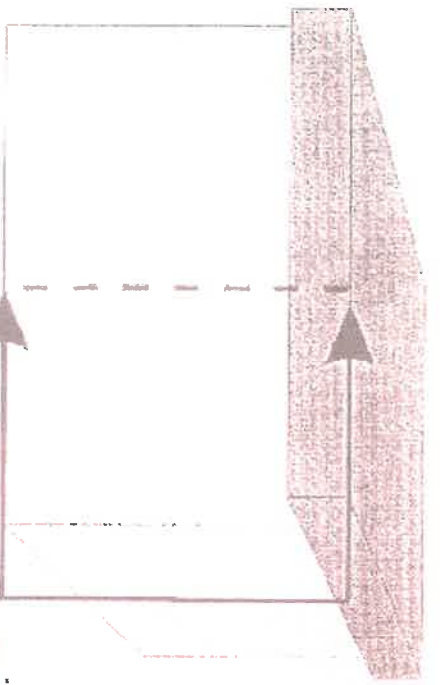
## SECTION 1.04 DEFINITIONS – C

### CERTIFICATE OF OCCUPANCY

A document signed by an authorized Township official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

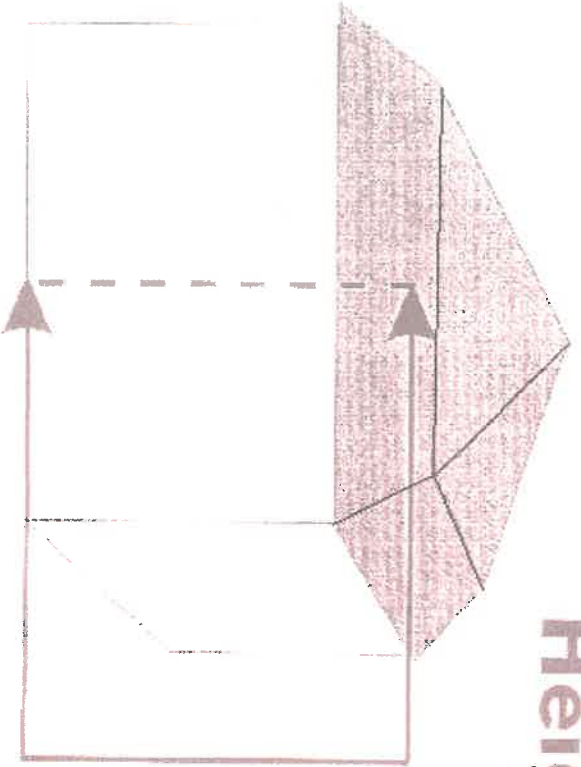
### CHILD CARE CENTERS

Any facility other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care centers include facilities which provide care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

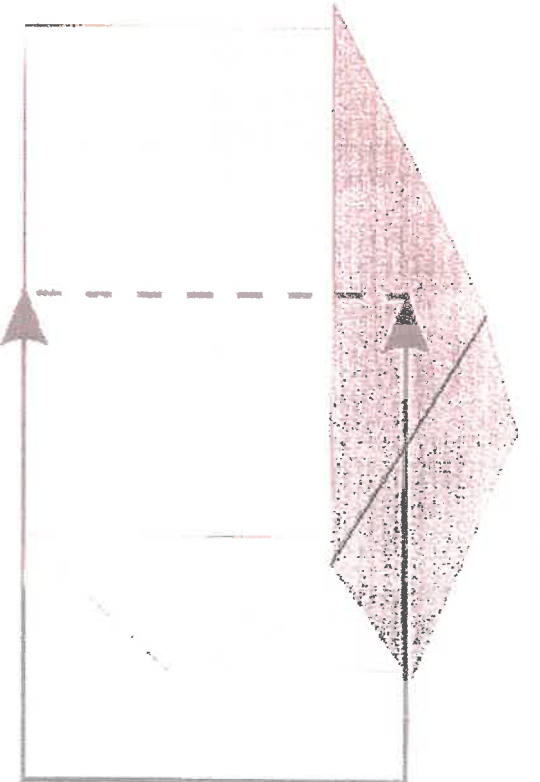


**Flat Roof**

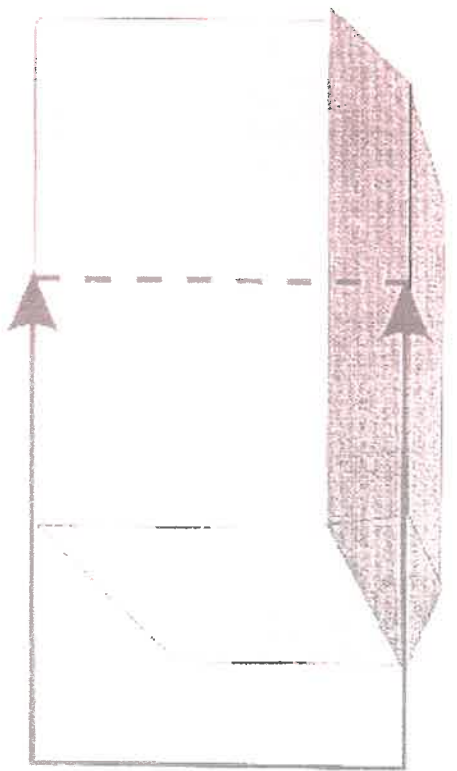
**Building Heights**



**Gambrel Roof**



**Hip and Gable Roof**



**Mansard Roof**

**Design+**

Child care centers do not include Sunday schools, vacation Bible schools, or religious classes that are conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while person responsible for the children are attending religious classes or services.

#### COMMERCIAL STORAGE WAREHOUSES

Any building or buildings used primarily as a commercial business for the storage of goods and materials.

#### CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

#### CRAFT BREWERY

An independent brewery that produces less than 15,000 barrels (17,000 hectoliters) of beer per year. Craft breweries do not sell directly to the public, but sell only to wholesalers, retailers, or restaurants. Craft breweries possess either an all malt flagship product or have at least 50% of its volume in either all malt beers or in beer which use adjuncts to enhance rather than lighten flavor. "Craft brewery" for the purposes of this Zoning Ordinance do not include brewpubs, restaurant-brew pubs, to-go service, on-site tap-room, or any other on-site sale of its product.

### SECTION 1.05 DEFINITIONS – D

#### DECIBEL

A logarithmic unit of measurement of sound that expresses the magnitude of a physical quantity, or sound intensity, relative to a specified sound reference level. Decibel is a ratio of two quantities with the same unit, and is therefore dimensionless. A decibel is one tenth of a bel, a seldom-used unit of sound measurement.

#### DISTRICT

A Zoning District as described in Section 3.01 of this Ordinance.

#### DRIVE-THROUGH FACILITIES

Any facility used in connection with a business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

#### DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

#### DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

#### DWELLING, TWO-FAMILY

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

## DWELLING UNIT

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and sleeping purposes, with housekeeping facilities.

## SECTION 1.06 DEFINITIONS -- E

### ERECTED

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

### ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or governmental units, boards, or commissions of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, electrical substations, gas regulator stations, utility pump and metering stations, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**SECTION 1.07 DEFINITIONS – F**

**FALL ZONE**

The potential fall area for a WECS measured as 1.5 times of the total height of the WECS, shall be measured as the radius from the center point of the base of a WECS tower or the average grade building for WECS mounted on a building.

**FAMILY**

One person residing in a household; or two (2) or more persons related by blood, marriage, adoption or legal arrangement, including foster children and servants residing together; or three (3) or fewer unrelated persons residing together as one housekeeping unit in a dwelling unit.

**FAMILY DAY-CARE HOMES**

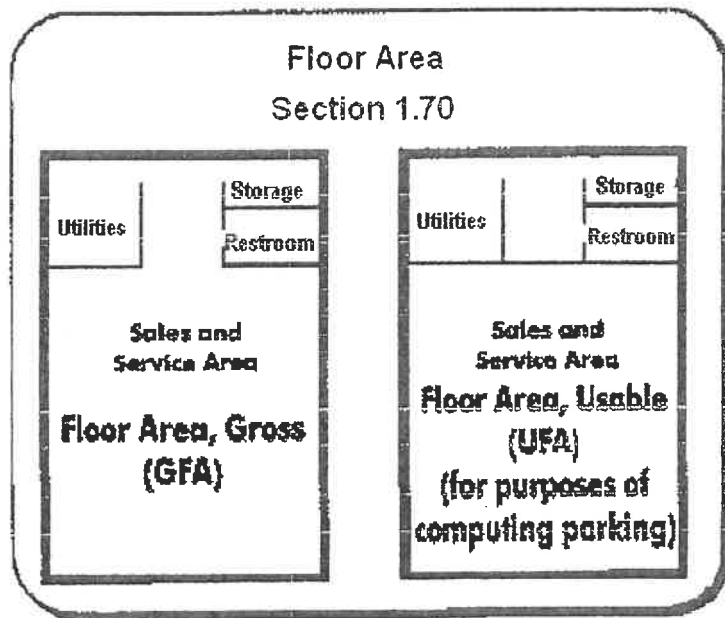
Any private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes homes that give care to unrelated minor children for more than four (4) weeks during a calendar year.

**FARM**

A contiguous parcel of land of not less than ten (10) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer or with assistance of members of the household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Fish hatcheries, stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, keeping furbearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farm uses.

**FLOOR AREA, GROSS (GFA)**

The total horizontal area of all floors of all buildings on a lot, measured from the interior faces of exterior walls, excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.



## FLOOR AREA, USABLE (UFA)

That area used or intended to be used for the sale of merchandise or services, or to serve patrons, clients, or customers, or living area in a dwelling unit. Floor area used or intended to be used principally for storage or processing of merchandise, hallways, or utilities shall be excluded from UFA. Measurement of UFA shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

## SECTION 1.08 DEFINITIONS – G

### GRADE

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent (25%).

### GREENBELTS

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

### GROUP DAY CARE HOMES

Any private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care houses includes homes that give care to unrelated minor children for more than four (4) weeks during a calendar year.

## SECTION 1.09 DEFINITIONS – H

### HAWT

A horizontal axis wind turbine, mounted on a tower or building.

### HEIGHT

The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.

### HOME OCCUPATION

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit.

## SECTION 1.10 DEFINITIONS – I

### INOPERATIVE VEHICLES

Any motor vehicle which can no longer propel itself.

**SECTION 1.11 DEFINITIONS – J**

**JUNK**

Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

**JUNK YARDS**

An open area where waste, used or secondhand material are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses entirely within enclosed buildings.

**SECTION 1.12 DEFINITIONS – K**

**KENNEL, COMMERCIAL**

Any lot or premise on which more than four (4) dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A commercial kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

**SECTION 1.13 DEFINITIONS – L**

**LOADING SPACE**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

**LOT**

A parcel, vacant land, occupied land, or land intended to be occupied by a main building and accessory buildings, or utilized for the principal accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

**LOT, CORNER**

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets 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 street line, intersect at an interior angle or less than one hundred thirty-five (135) degrees.



**LOT, INTERIOR**

A lot other than a corner lot or through lot.

**LOT, THROUGH**

Any interior lot having frontage on two parallel Streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

**LOT, WATERFRONT**

A lot having a property line abutting a shoreline.

**LOT AREA**

The total horizontal area within the lot lines.

**LOT COVERAGE**

The part of the lot occupied by any building, including accessory buildings.

**LOT DEPTH**

The horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES**

The lines bounding a lot as defined herein.

**A. FRONT LOT LINE**

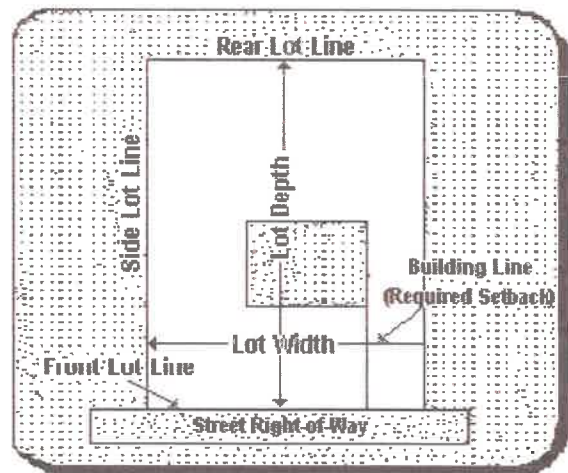
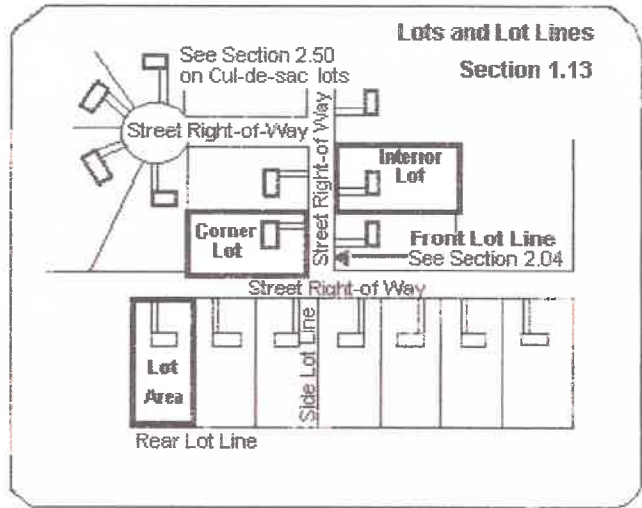
In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront.

**B. REAR LOT LINE**

That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

**C. SIDE LOT LINE**

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



## LOTS OF RECORD

Any parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or county officials, which actually exists as shown, or any part of a parcel held in a record ownership separate from that of the remainder thereof.

## LOT WIDTH

The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

## SECTION 1.14 DEFINITIONS – M

### MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

### MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

### MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made thereof, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

### MASTER PLAN

The Master Plan as may be adopted by Edwards Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public building, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

### METEOROLOGICAL TOWER (MET tower)

Includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource a given location.

### MICRO DISTILLER

A manufacturer of spirits annually manufacturing in Michigan not exceeding 60,000 gallons of spirits, of all brands combined.

### MOTEL/HOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

## SECTION 1.15 DEFINITIONS – N

### NET METERING

The difference between the electricity supplied over the electric distribution system, i.e. the "grid," and the electricity generated by the small WECS which is fed back into the grid over a period of time in accordance with Michigan's Clean, Renewable and Efficient Energy Act (Public Act 295 of 2008) and Michigan Public Service Commission's (MPSC) statewide net metering program.

### NONCONFORMING BUILDINGS

A building or portions thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the Zoning Ordinance in the District in which it is located.

### NONCONFORMING USE

A use or activity, which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not conform to the use regulations of the District in which it is located.

### NONRESIDENTIAL DISTRICT

The NC, HC, or LI Districts

## **SECTION 1.16 DEFINITIONS – O**

### **OFF-STREET PARKING LOT**

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

### **OPEN AIR BUSINESSES**

Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

### **ORDINARY HIGH WATER MARK OR SHORELINE**

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

### **OWNER, LARGE WECS**

The individual or entity that intends to own and operate the large wind energy system in accordance with this ordinance.

## **SECTION 1.17 DEFINITIONS – P**

### **PARKING SPACE**

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

### **PERSONAL SERVICES ESTABLISHMENTS**

Any commercial business conducting services that are performed primarily on the premises.

### **PLANNING COMMISSION, OR COMMISSION**

The Edwards Township Planning Commission.

#### PRIMARY ROAD

A County Primary roadway as designated in the Edwards Township Master Plan or the Ogemaw County Road Commission. For purposes of this Ordinance only, a State Trunkline shall also be considered as a County Primary

#### PRINCIPAL USE

The primary use to which the premises is devoted.

#### PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulation, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

### SECTION 1.18 DEFINITIONS – R

#### RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purpose. For the purpose of the Ordinance, recreational vehicle shall mean: 1) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper; 2) Boats and trailers designed to transport boats; 3) Snowmobiles and trailers designed to transport snowmobiles; 4) Off-road vehicles and trailers designed to transport off-road vehicles; 5) Pop-up tent and camper trailers; 6) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

#### RESIDENTIAL DISTRICT

Residential District shall refer to the AR, R-1, and MHP District, as described in the Ordinance.

#### REQUIRED YARD

The required yard shall be that set forth in the applicable Chapters of the Edwards Township Zoning Ordinance as the minimum yard requirement for each District.

#### ROTOR DIAMETER

The diameter of the circle swept by the rotating blades, including the 3-dimensional depth of the blade

### SECTION 1.19 DEFINITIONS – S

#### SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchange, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel material and equipment and automobile wrecking.

#### SETBACK

The distance required to obtain minimum front, side or rear yard open space provision of the Ordinance.

## SHADOW FLICKER

The moving shadow created by the sun shining on the rotating blades of a WECS.

## SIGN

A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public.

## SIGNIFICANT NATURAL FEATURES

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

## SPECIFIED ANATOMICAL AREAS

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

## SPECIFIED SEXUAL ACTIVITIES

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

## SPIRITS

A beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

## STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

## STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

## STREET

A public, dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property, or a private easement which affords principal access to more than one (1) lot.

## STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

## SUBSTANTIAL IMPROVEMENT

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places of the Michigan Register of Historic Places.

## SECTION 1.20 DEFINITIONS – T

### TOTAL SMALL AND LARGE WECS HEIGHT

The vertical distance from the average grade at the base of the WECS tower or building (in the case of building-mounted WECS) to the top of the WECS blade when the tip is at its highest point.

### TOWNSHIP

Edwards Township, Ogemaw County, Michigan.

### TOWNSHIP BOARD

The Township Board of Edwards Township.

### TRUCK TERMINAL

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

## SECTION 1.21 DEFINITIONS – V

### VAWT (Vertical Axis Wind Turbine)

A vertical axis wind turbine, mounted on a tower or building.

### VEHICLE SERVICE STATIONS

Buildings and premises where the principal uses include the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, or the minor servicing of vehicles, including such activities as engine tune-ups, oil changes, muffler replacements, and other similar minor repairs, but not including body shops.

## SECTION 1.22 DEFINITIONS – W

### WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

### WECS TOWER

The monopole, freestanding, or guyed structure that supports a WECS generator.

#### WIND ENERGY CONVERSION SYSTEM (WECS)

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, or foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

#### WIND ENERGY CONVERSION SYSTEM, SMALL

A WECS which has a rated capacity of not more than thirty (30) Kilowatts (kW) and which is intended to primarily produce electricity for on-site use.

#### WIND ENERGY CONVERSION SYSTEM, LARGE

A wind energy conversion system as defined herein, consisting of a wind turbine or electric current generator, tower with or without guide-wires, electrical wiring, and associated control or conversion electronics, which has a rated capacity of more than thirty (30) Kilowatts (kW).

#### WIND GENERATOR

Blades and associated mechanical and electrical conversion components mounted on top of the tower.

#### WIND MONITORING STATION

An instrument for measuring and/or recording the force or speed of wind, also known as an anemometer. Includes the tower, base plate, anchors, guy wires, hardware, anemometers, wind direction vane booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

### SECTION 1.23 DEFINITIONS – Y

#### YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in the Ordinance, and as defined herein.

##### A. FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building.

##### B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

##### C. SIDE YARD

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



**C. SIDE YARD**

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

**YARD REQUIRED**

The required yard shall be that set forth in the applicable Chapters of the Edwards Township Zoning Ordinance as the minimum yard requirement for each District.

**SECTION 1.24 DEFINITIONS – Z**

**ZONING ACT**

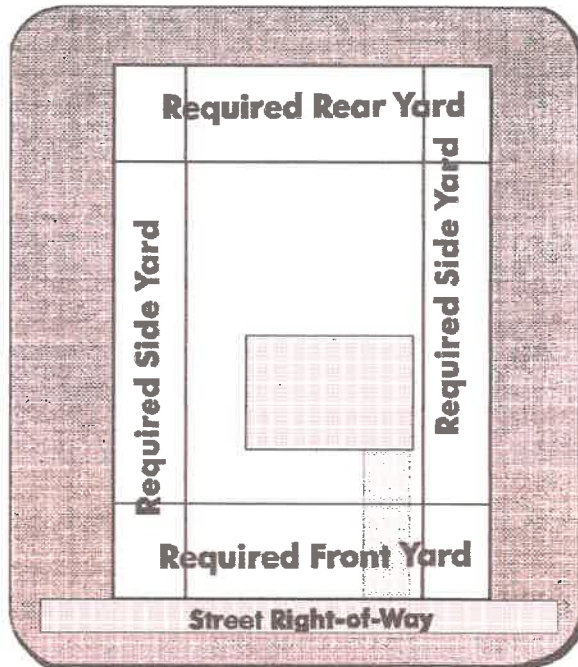
The township Rural Zoning Act; Act 184 of 1941 of the Public Act of Michigan, as amended and P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. *et seq.*)

**ZONING ADMINISTRATOR**

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS, OR BOARD**

The Zoning Board of Appeals of Edwards Township.



## CHAPTER 2 GENERAL PROVISIONS

### SECTION 2.01 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- A. Required Area or Space - A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. Existing Lots of Record - A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District, provided the lot can meet the provisions of Section 2.17 of this Ordinance, and further provided that the main building meets at least fifty percent (50%) of the required yard and setback requirements of the District in which it is located. Accessory structures shall meet the setback requirements of Section 2.12.
- C. If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are in common ownership and adjacent each other or have continuous frontage and which individually do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
- D. Height Exceptions

The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height. .

### SECTION 2.02 REQUIRED YARDS OR LOTS

- A. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. Computations for minimum lot area and width shall not include lands used for private easements granted to other properties for the purposes of establishing and maintaining a private street.
- C. Required yard setbacks shall be measured from the lot lines, except for lots which derive access from a private street, or have an easement for a private street on the property, in which case the setbacks shall be measured from the easement line.
- D. The depth of any lot shall not exceed four times its width.
- E. Dwellings on More Than One (1) Lot

If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

**480 feet**

**120 feet**

**The depth of any lot shall  
not exceed four times its width.**

### **SECTION 2.03 PRINCIPAL USE OR MAIN BUILDING ON A LOT**

- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and other similar site features, or as otherwise permitted by this Ordinance.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other nonresidential use, the part thereof used for residence purposes shall comply with all applicable requirements of the underlying District, if a Residential District, and with the requirements of the R-1 District if a nonresidential District.

### **SECTION 2.04 DOUBLE FRONTAGE LOTS**

- A. Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.
- B. Lots fronting on a lake shall comply with front yard requirements on that part of the lot facing the shoreline. In such cases, the yard opposite the front yard shall be considered the rear yard.

### **SECTION 2.05 MINIMUM LOT WIDTH FOR IRREGULAR LOTS**

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the minimum building line and shall not be diminished throughout the rest of the lot. Such lots shall have a front lot line of at least forty (40) feet in width, and in no case shall the lot width within the required front yard be less than forty (40) feet.

### **SECTION 2.06 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO CREEKS AND RIVERS**

Notwithstanding any other provision of this Ordinance, no dwelling or accessory building shall be hereafter constructed, erected, installed, or enlarged within a minimum of thirty-five (35) feet (as measured from the shoreline or ordinary high water mark) of the Tittabawassee River, Mansfield Creek, Rau Creek, Edwards Creek; Perrys Creek or Parren Creek.

### **SECTION 2.07 PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front or rear yard, and may not project into the required side yard.
- B. Porches, decks, balconies, or window awnings and similar structures.
  - 1. On non-waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line.
  - 2. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level shall meet the front and rear yard setbacks established by existing porches, terraces, decks, balconies and awnings for buildings within one-hundred (100) feet of the lot line of the proposed structure. No such structure shall project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line.

## **SECTION 2.08 CLEAR VISION CORNERS**

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.

## **SECTION 2.09 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS**

Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located.

## **SECTION 2.10 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION**

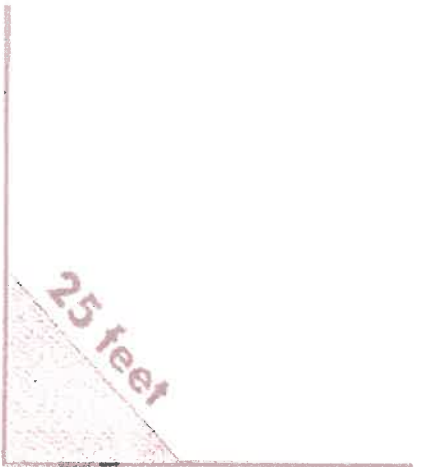
### **A. Temporary Offices.**

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

### **B. Temporary Manufactured Homes as Residences.**

1. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any District provided that the Zoning Administrator makes the following determinations:
  - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
  - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
  - c. The manufactured home dwelling meets the requirements of all applicable Township ordinances.
2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Zoning Administrator as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. All original manufactured home permits shall be limited to a period of six (6) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Administrator, within the six (6) month period, a six (6) month extension or less shall be permitted by the Zoning Administrator only for the purpose of completing the residence.

### **C. The Zoning Administrator may attach reasonable conditions to the approval of temporary uses or structures to secure the public health, safety, and welfare.**



## Section 2.08 Clear Vision Corners

Right-of-Way



Right-of-Way



## SECTION 2.11 ACCESSORY USES

- A. In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property; provided that such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations as regulated by Section 2.14, nor shall it exclude the operation of a garage or yard sale in any Residential District, provided that such sale is not operated for more than a total of five (5) days within any thirty (30) day period.
- B. No accessory use shall be established on any lot unless a principle use has been established on the same lot.
- C. The outside edge of any swimming pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the required front yard. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. These regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet

## SECTION 2.12 ACCESSORY BUILDINGS (A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.)

- A. General Requirements
  - 1. In any District, except as noted elsewhere, an accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building.
  - 2. When erected as an integral part of the main building, accessory buildings shall comply in all respects with the requirements of this Ordinance applicable to the main building. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
  - 3. No accessory building shall be erected in the required front yard, except that on lots with frontage on a lake and with a single family dwelling in the R-I District, not more than one (1) accessory building may be erected in the required front yard, but such accessory building shall be located at least fifteen (15) feet from the shoreline and shall not exceed one-hundred (100) square feet in area.
  - 4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten ( 10) feet.
  - 5. No accessory building shall be erected or placed on a lot unless a main building has been erected, placed, or established on the same lot.
- B. Accessory buildings shall be permitted within the A-R and R-I Districts or with any residential use provided that the following restrictions are met:
  - 1. No more than two (2) detached accessory buildings shall be permitted on any residential lot, except for those used in farming operations, which shall not be counted toward this total.
  - 2. In the A-R and R-I Districts, detached accessory building sizes shall conform to the following:

Lot Size	Square Footage Permitted
1 acre or less	1,000 square feet
Greater than 1 acre but less than 3 acres	1,500 square feet
3 to 5 acres	2,000 square feet
More than 5 acres	Not to exceed maximum lot coverage

3. Side yard setbacks shall conform to the required setbacks for the zone district in which the accessory building is located. Accessory buildings shall be located no closer than ten (10) feet to the rear lot line. All setbacks for accessory buildings shall be measured from the eave line of the structure.
4. No accessory building shall exceed twenty-five (25) feet in height, as measured from the average grade to the highest point of the roof, except for those used in farming operations, which may be as high as reasonably necessary.
5. The use of any unfinished basement or finished basement without a direct outside access shall be prohibited for use as a dwelling unit. Any dwelling without a full floor above grade shall be considered a basement dwelling.

**C. Other District Accessory Buildings and Structures**

Accessory buildings shall be permitted within the Neighborhood Commercial, Highway Commercial, and Light Industrial Districts provided that the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed twenty-five percent (25%) of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for the District in which it is located.
4. No eave of any detached accessory building shall be located nearer than ten (10) feet to any main building.
5. No accessory building shall exceed the permitted height for main buildings in the District in which it is located, as measured from the average grade to the highest point of the roof.

**SECTION 2..13 FENCES**

- A. Fences in any Residential District shall not exceed six (6) feet in height, or eight (8) feet in height in any Nonresidential District, measured from the average grade to the uppermost portion of the fence.
- B. Fences erected within the required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six (6) feet in height. Fences within the required front yard shall be of a type which is not more than twenty-five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences in nonresidential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground.
- D. Fences shall not be erected within any public or private street right-of-way in any District.



- E. Fences shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

#### **SECTION 2.14 HOME OCCUPATIONS**

All home occupations shall be subject to the following restrictions and regulations:

- A. Home occupations may be conducted within the main and accessory buildings as required by this Section and only by a person resident in the building, except that not more than five (5) people may be employed who are not residents of the premises.
- B. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
- C. There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than twenty five percent (25%) of the living area of the dwelling shall be devoted to such home occupation.
- D. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of such merchandise shall be displayed on the premises. No outside storage is permitted.
- E. Accessory buildings may only be used for storage of materials used in connection with such home occupation, or for work areas related to such home occupation. Accessory buildings may not be used for any display or sales area for merchandise.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard. .
- G. There shall be no sale of products or services on the premises, except those that are produced or provided on the premises by such home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

#### **SECTION 2.15 ESSENTIAL SERVICES**

Essential services are permitted in any District, except that:

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- B. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use. Any such building constructed in a Residential District shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
- C. Essential services and public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner.

## **SECTION 2.16 GOVERNMENTAL IMPROVEMENTS**

The provisions of this Ordinance shall be applicable to and enforceable against the Township and all other governmental agencies and units, federal, state or county.

## **SECTION 2.17 HEALTH DEPARTMENT APPROVAL**

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities do not comply with the rules and regulations governing water, waste, and sewage disposal in Ogemaw County.

## **SECTION 2.18 RAZING OF BUILDINGS**

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes. The performance guarantee shall be administered in accordance with the requirements of Section 14.08.

## **SECTION 2.19 MOVING OF BUILDINGS**

- A. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Building Inspector. All such buildings shall meet the construction code as adopted by the Township. In considering such permit, the Building Inspector shall consider the following standards:
1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard. .
  2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

## **SECTION 2.20 NONCONFORMING USES, BUILDINGS OR STRUCTURES**

### **A. Continuance of Nonconforming Uses**

Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.

### **B. Continuance of Buildings or Structures**

Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

C. Expansion

Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized when the following conditions are met:

1. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
2. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
3. No nonconforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Zoning Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:
  - a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming are upon and limited to the same parcel the nonconforming use was located on at the time of the adoption of the existing Edwards Township Zoning Ordinance.
  - b. That the enlargement or extension will not create requests for variances in the area.
  - c. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.
  - d. That such enlargement or expansion will not exceed twenty five percent (25%) of the total square footage of the original nonconforming building or area.

D. Restoration and Repair

1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
3. In the event any nonresidential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored to its original condition, provided that such reconstruction or restoration is completed within one (1) year of the time of such damage.

E. Change or Discontinuance

The nonconforming use of a building or structure or of any land or premises shall only be changed to a use that is equal to or more conforming than the nonconforming use.

F. Building or Structure Under Construction on Effective Date of Ordinance

Any building or structure shall be considered existing and lawful and for purposes of Section 2.20, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

G. Nonconformance Under Previous Zoning Ordinances

Any structures or uses which fail to conform to the previous Edwards Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the within Zoning Ordinance shall not be considered permissible nonconforming uses under the within Ordinance but shall be considered impermissible nonconforming uses and subject to the provisions of Chapter 14.

**SECTION 2.21 KEEPING OF ANIMALS AND PETS**

- A. No more than four (4) adult (six (6) months of age or older) dogs shall be kept or housed for each dwelling unit in any Residential District.
- B. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of medical care for fowl or animals other than house pets of an occupant of the premises in the R-I District, is subject to the following provisions:
  - 1. On lots of one-half ( ½ ) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
  - 2. On lots of greater than one (1) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises;
  - 3. On lots of two (2) acres to five (5) acres; the uses permitted by paragraph 2, above; and one (1) horse, or one (1) cow, or one (1) pig for each ½ acre over two (2) acres, or part thereof, provided that any pig pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
  - 4. On lots of greater than five (5) acres the restrictions of this Section do not apply.
  - 5. A commercial kennel or riding stable need not provide over four (4) acres for such use, and further provided that animal hospitals or veterinary clinics need not provide more area than required in the District in which it is permitted.
- C. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

**SECTION 2.22 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOME PARKS**

- A. All dwelling units located outside of manufactured home parks shall comply with the following requirements:
  - 1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7 ½) feet.
  - 2. The minimum width of any single family dwelling unit shall be fourteen (14) feet measured between the exterior part of the walls having the greatest length.
  - 3. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
  - 4. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
  - 5. All dwellings shall be connected to a sewer system and water supply system approved by the Township.

6. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of one (1) point of ingress and egress.
  7. All additions to dwellings shall meet all of the requirements of this Ordinance and the currently adopted building code of the Township.
  8. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
    - a. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling.
    - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within one quarter (  $\frac{1}{4}$  ) of a mile of the subject dwelling.
    - c. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- B. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- C. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. Manufactured homes shall not be more than twelve (12) years of age. All other dwellings shall meet the requirements of the construction code adopted by the Township.

### SECTION 2.23 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- A. In all Districts there shall be at least fifteen (15) feet of lake, river, or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

### SECTION 2.24 PRIVATE AND PUBLIC STREETS

- A. Purpose

The Township determines that it is in the best interest of the public health, safety and welfare of its residents to regulate the construction, improvements, maintenance, extension, relocation and use of private streets. These provisions have been enacted to assure that:

1. Proposed private streets will not be detrimental to the public health, safety, or general welfare.

2. Proposed private streets will not adversely affect the long term development of Edwards Township.
3. Private streets will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, snowplows, and other safety vehicles.
4. Private streets will be constructed so as to protect against or minimize soil erosion and deposition, and prevent damage to lakes, streams, wetlands, and the natural environment of the Township.

B. Definitions

1. "Frontage" means the continuous linear distance of that portion of a parcel abutting a public or private street right-of-way.
2. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
3. "Private Street" means an undedicated, privately maintained right-of-way designed and maintained in compliance with the provisions of this Ordinance that provides the means of access to abutting property until final Ogemaw County Road Commission inspection and issuance of a Certificate of Compliance at which time the private street may become a public street. The term "street" shall be synonymous with the terms road, avenue, place way, drive, lane, boulevard, highway, or other thoroughfare.
4. "Public Street" means a road or right-of-way established and adopted, or accepted as a dedication, for the use of the general public, and over which every person has a right to pass and use it for all purposes of travel or transportation to which it is adapted or devoted.
5. "Road Commission" means the Ogemaw County Road Commission, but may include adjoining county road commissions for proposed private roads within developments straddling political jurisdictions.

C. Frontage and Access

1. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.
2. All parcels utilizing a private street shall have frontage on the approved private street for a distance equal to or greater than the minimum lot width required by the Zoning District in which the parcel is located.
3. All private streets shall have access to a public street.

D. Permits

1. No individual, association, corporation, or other entity, either public or private, shall construct a private street without first obtaining a private street permit from the Township Board.
2. At the discretion of the Edwards Township Planning Commission, the Township Zoning Administrator may issue land use or zoning permits for existing or proposed lots to be served by a private street prior to the completion of the private street provided that a performance guarantee acceptable to the Planning Commission is received from the private or public street applicant in accordance with Section 2.24(H) Performance Guarantee of the Article.
3. A permit to cross public road right-of-way shall be obtained from the Ogemaw County Road Commission.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Ogemaw County Building and Zoning Department, as may be required by the Michigan Soil Erosion and Sedimentation Control Act, Part 91 of P.A. 451 of 1994, as amended.
5. All other required State of Michigan permits shall be obtained.

6. The Township Board may elect to have all design and construction plans reviewed by the Townships attorney, engineer, and/or planner prior to consideration of the application for the private street permit. The Township Board reserves the right to require that Applicant(s) place sufficient funds in escrow to cover the reasonable costs of such expert review of the private road applicant in accordance with Section 2.24L.

E. Application

An application for private street shall contain the following:

1. A completed private street permit application, as provided by Edwards Township.
2. A detailed written description of the development to be served by the proposed private street.
3. Seven (7) copies of a site plan, drawn to scale, prepared by a licensed engineer, showing the precise location, grade, route, dimensions, and design of the proposed private street, any proposed curb cuts, and the location and distance to any public streets which the proposed private street is to intersect. The plan shall be prepared by a registered surveyor, rather than a licensed engineer, if the proposed private street is to serve five (5) or fewer parcels, main buildings, etc., and the Edwards Township Board waives said requirements in writing.
4. A survey of the right-of-way by a registered surveyor, together with surveys for each parcel to be served by the proposed private street.
5. The location of all public utilities, including but not limited to water, sewer, telephone, gas, electricity, and communications cable to be located within the proposed private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the Private Street Application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
7. The location of any other buildings and structures existing or proposed within one hundred (100) feet of the proposed private right-of-way.

F. Design Requirements

The construction of private streets shall conform to Ogemaw County Road Commission standards for local roads, except as may otherwise be provided in this Ordinance as follows:

1. All private streets shall have a recorded permanent right-of-way and easement with a minimum width of eighteen (18) and a maximum width of sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
2. All private streets shall be paved within one year of final construction.
3. All private streets shall be paved and completely constructed within one (1) year of final approval in accordance with the Private Street Application process as described in Section 2.24 E above.
4. All private roads, except those allowed to continue as private roads by the Edwards Township Board, shall formally apply to the Ogemaw County Road Commission for dedication as a public road within one (1) year of final construction.
5. All costs for private street construction, maintenance, and public road dedication shall be paid by the Private Street Applicant(s) until the street is completed, a Township Certificate of Compliance is obtained, and the private road is designated or dedicated by the Ogemaw County Road Commission as a public road.
6. Edwards Township Zoning Administrator shall not approve new zoning or land use permits on any lot served by a new private road until the applicant has complied with all of the requirements of this Ordinance.
7. The Township Board, based on recommendations by the Township Planning Commission, may require that an applicant comply with additional reasonable conditions relative to the design and construction of the proposed private street.

G. Maintenance and Repairs

1. All private streets, and associated private driveways, shall be continuously maintained in such a way that they will not constitute an unreasonable danger to health, safety, and welfare of the inhabitants of the Township, and shall be accessible to and usable by emergency vehicles at all times and in all types of weather.
2. All costs for maintenance and repair of the private street prior to issuance of a Certificate of Compliance as provided in 2.241 and public road dedication in accordance with 2.24F above shall be the responsibility of the Private Road Applicant, property owner(s), or any property owner association served by the proposed private street.
3. The Applicant(s) or owners(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having an interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the costs thereof are paid.
4. The Applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement, and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the Private Street permit, and filed with the Ogemaw County Register of Deeds.

H. Performance Guarantee

In accordance with Section 14.08 of the Edwards Township Zoning Ordinance, the Township Board may require a performance guarantee, or other suitable negotiable security, in the amount equal to estimated private street project costs to ensure private road construction, completion, paving, maintenance, and application for public road dedication in accordance with Ogemaw County Road Commission standards and this Ordinance. The Edwards Township Board will require a performance guarantee, or other suitable negotiable security, in the event an applicant seeks land use or other permits from the Township before completing public or private road completion in accordance with this Article.

I. Inspections/Certificates of Compliance

1. Upon completion of construction of the private street the Township shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit(s), and the Ordinance.
2. The Applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings and all applicable materials testing bearing the certificate and statement from a licensed engineer certifying that the private street has been completed in accordance with the requirements of the permit.
3. If the completed private street satisfies the requirements of this permit and this Ordinance, the Township Board shall issue a Certificate of Compliance to the Applicant(s).
4. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the Applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time, though not exceeding the requirements of Section 2.24F(3), within which to correct the deficiencies. Failure to correct the deficiencies within the period provided shall subject the Applicant(s) to penalties provided for in this Ordinance.



J. Liability

The Applicant(s)/owners(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, or replace the private street.

K. Public Street Designation and Dedication

Upon final completion of the private street, inspection by the Township Board or its designee, and issuance of a Certificate of Compliance as provided in Section 2.241, the Applicant(s) shall comply with Ogemaw County Road Commission requirements and formally apply for designation and dedication for use as a public street. Upon designation and dedication of the new public street, the Ogemaw County Road Commission shall assume all responsibility and expenses for regular maintenance, repairs, and snow plowing so as to assure that the public street is safe for travel for the term of the useful life of the road.

L. Fees

Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the Applicant(s) put sufficient funds in escrow to cover the costs of having the Township zoning administrator, attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

M. Existing Private Streets

Any private street in existence or any Applicant(s) holding a permit prior to the enactment of this amended Ordinance shall be governed by the Ordinance in place at the time the permit was acquired.

N. The Township shall record public street designations.

**SECTION 2.24**

**CERTIFICATE OF COMPLETION  
FOR PRIVATE AND PUBLIC STREETS  
EDWARDS TOWNSHIP .OGEMAW COUNTY**

**A. Compliance Review**

- 1. Upon completion of construction of the private street the Township shall inspect the completed private street.**

Inspection completed: (yes or no) \_\_\_\_\_

Date of inspection: \_\_\_\_\_

Name of Township Inspector: \_\_\_\_\_

- 2. "As built" drawings must be provided bearing the certificate and statement from a licensed engineer certifying that the private street has been completed in accordance with the requirements of the permit.**

As-built drawings provided: (yes or no ) \_\_\_\_\_

Engineer's statement or certification provided: (yes or no) \_\_\_\_\_

Name of Township Reviewer: \_\_\_\_\_

- 3. Certificate of Completion.**

**On behalf of Edwards Township, I have reviewed the applicant's private road or street plans and certify that the plan has been completed in compliance with the design, maintenance and other requirements of Section 2.24, Private Roads and Streets of the Edwards Township, adopted November 14, 1994.**

Signature of Township Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

*Note: If the completed private street does not satisfy the requirements of the permit or this Ordinance, the Applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time, though not exceeding the requirements of Section 2.24F(3), within which to correct the deficiencies. Failure to correct the deficiencies within the period provided shall subject the Applicant(s) penalties provided for in the Edwards Township Zoning Ordinance.*

## **SECTION 2.25 RECREATION EQUIPMENT**

- A. The Zoning Administrator may grant approval for recreational equipment located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:
1. Recreational equipment shall not be stored within the required front yard.
  2. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding thirty (30) days in an R-1 District, and sixty (60) days in the A-R District, in any calendar year.
  3. The recreational equipment must be of a type that is compatible with other structures in the general vicinity.

## **SECTION 2.26 STORAGE AND REPAIR OF VEHICLES**

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
1. Procedures or projects exceeding seventy two (72) hours in duration or which require the vehicle to be immobile or inoperable in excess of seventy two (72) hours shall be carried out within a garage. Only one such period shall be permitted within a single thirty (30) day period.
  2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.

- B. It shall be unlawful for the owner, tenant or lessee of any lot in the R-1 District to permit the open storage or parking outside of a building of semi-truck tractors or trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.
  
- C. In the A-R and R-1 Districts it shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers for more than twenty (20) days of any thirty (30) day period. Such vehicles shall be parked so as to not block vision of drivers on or entering any adjacent street.

## CHAPTER 3 MAPPED DISTRICTS

### SECTION 3.01 DISTRICTS

The township of Edwards is hereby divided into the following Districts:

ABBREVIATION	DISTRICT NAME
A-R	Agricultural-Residential
R-1	Residential
NC	Neighborhood Commercial
HC	Highway Commercial
LI	Light Industrial
MHP	Manufactured Home Park

### SECTION 3.02 ZONING MAP

- A. The locations and boundaries of the Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Edwards Township, Ogemaw County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
  4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
  5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- B. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two different Districts, the area is divided along a line half way between them according to the adjacent District, unless the Township Board shall otherwise designate.

### SECTION 3.03 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a District on the zoning map, such land shall be in the A-R District.

## CHAPTER 4

### A-R AGRICULTURAL - RESIDENTIAL DISTRICT

#### SECTION 4.01 DESCRIPTION AND PURPOSE

This District is intended for residential and farm uses, including other uses generally associated with agriculture, and related nonresidential uses. The overall purpose of this District is to preserve the rural, agricultural and residential character of the lands within this District.

#### SECTION 4.02 PERMITTED USES

Land and/or buildings in the A-R District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands for produce grown on the premises.
- B. Single-family dwellings.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 2.14.
- F. Radio and television transmitting buildings and towers.
- G. Schools, churches, libraries, parks, playgrounds and community center buildings.
- H. Single family site condominium projects.
- I. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

#### SECTION 4.03 SPECIAL LAND USES

Land and/or buildings in the A-R District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 11:

- A. Country clubs, golf courses, riding stables, hunting clubs, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Animal hospitals.

- F. Bed and breakfast establishments.
- G. Junkyards.
- H. Forestry production (wood cutting and storage).
- I. Utility and public service buildings, without storage yards.

**SECTION 4.04 DISTRICT REGULATIONS**

- 1. No building or structure, nor the enlargement of any building of structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

FRONT YARD	35 feet
SIDE YARD	15 ft./30 ft. total
REAR YARD	20 feet
BUILDING HEIGHT	35 feet or 2 ½ stories
LOT COVERAGE	30%
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	120 feet
MINIMUM DWELLING UNIT FLOOR AREA	720 square feet UFA; 576 Sq. ft. on the ground floor

- 2. Additional dwelling units may be constructed and occupied on parcels of forty (40) acres or more, provided that the number of dwelling units not exceed one (1) for each twenty (20) acres of land on said parcel. For example, a forty (40) acre parcel could have two (2) single family dwelling units on the same parcel; a sixty (60) acre parcel could have three (3) such dwelling units, etc.

## CHAPTER 5 R-1 RESIDENTIAL DISTRICT

### SECTION 5.01 DESCRIPTION AND PURPOSE

This District is primarily intended for residential uses. It is also intended for certain areas within the Township which were developed in past years with smaller lots and frontages. Certain related nonresidential uses are also provided.

### SECTION 5.02 USES PERMITTED BY RIGHT

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings.
- B. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- C. Family day care homes.
- D. Home occupations in accordance with the requirements of Section 2.14.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Single family site condominium projects.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

### SECTION 5.03 SPECIAL LAND USES

Land and/or buildings in the R-1 District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 11:

- A. Two family dwellings.
- B. Multiple family dwellings.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. State licensed residential group care facilities.
- E. Group and commercial day care homes and facilities.
- F. Bed and breakfast establishments.
- G. Utility and public service buildings, without storage yards. .



**SECTION 5.04 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Single Family Dwelling Requirements	
FRONT YARD	35 feet
SIDE YARD	20 feet total/10 feet minimum
REAR YARD	20 feet
BUILDING HEIGHT	35 feet or 2 ½ stories
LOT COVERAGE	30%
MINIMUM LOT AREA	15,000 square feet
	Non-Residential Uses – 2 acres
MINIMUM LOT WIDTH	85 feet
MINIMUM DWELLING UNIT FLOOR AREA	720 square feet UFA/576 feet on ground floor

Two-Family and Multiple Family Dwelling Requirements	
FRONT YARD	35 feet
SIDE YARD	Two Family Dwellings - 20 feet/10 feet minimum
	Multiple Family Dwellings - 30 feet/15 feet minimum
	Non-Residential Buildings - 30 feet/15 feet minimum
REAR YARD	20 feet
BUILDING HEIGHT	35 feet or 2 ½ stories
LOT COVERAGE	30%
MINIMUM LOT AREA	15,000 square feet
	Multiple Family Dwelling – 6,000 square feet. Overall net density shall not exceed four (4) units per acre
MINIMUM LOT WIDTH	Two Family Dwellings – 150 feet
	Multiple Family Dwellings – 250 feet
MINIMUM FLOOR AREA	576 square feet UFA per unit

## CHAPTER 6

### NC - NEIGHBORHOOD COMMERCIAL DISTRICT

#### SECTION 6.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate uses which can provide office, personal services, and commercial goods for visitors to and residents of Edwards Township, including auto-related uses which would ordinarily be incompatible with the character of Residential Districts.

#### SECTION 6.02 PERMITTED USES

Land and/or buildings in the NC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10:

- A. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building, provided that no individual store shall exceed twenty thousand (20,000) square feet in gross floor area.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Commercial child care centers.
- J. Veterinary hospitals and animal clinics.
- K. Utility and public service buildings, without storage yards.
- L. Accessory buildings, structures, and uses.

#### SECTION 6.03 SPECIAL LAND USES

Land and/or buildings in the NC District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 11:

- A. Commercial greenhouses and nurseries.
- B. Commercial kennels.

C. Funeral homes and mortuary establishments.

D. Open air businesses.

**SECTION 6.04 SITE DEVELOPMENT REQUIREMENTS**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

FRONT YARD	35 feet The first 10 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	15 feet
REAR YARD	15 feet
LOT COVERAGE	40%
BUILDING HEIGHT	35 feet or 2 ½ stories
MINIMUM LOT AREA	20,000 square feet
MINIMUM LOT WIDTH	150 feet

## CHAPTER 7 HC - HIGHWAY COMMERCIAL DISTRICT

### SECTION 7.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate uses which can provide office, personal services, and commercial goods for visitors to and residents of Edwards Township, including auto-related uses which would ordinarily be incompatible with the character of Residential Districts.

### SECTION 7.02 PERMITTED USES

Land and/or buildings in the HC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10:

- A. Offices.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities, excluding bowling alleys.
- J. Veterinary hospitals and animal clinics.
- K. Commercial child care centers.
- L. Utility and public service buildings, including storage yards.
- M. Accessory buildings, structures, and uses.

### SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the HC District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 11:

- A. Commercial greenhouses and nurseries.

- B. Commercial kennels.
- C. Funeral homes and mortuary establishments.
- D. Hotels and motels.
- E. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- F. Restaurants with drive-through facilities.
- G. Vehicle service stations, excluding body shops.
- H. Vehicle wash establishments, either self-serve or automatic.
- I. Open air businesses.
- J. Bowling alleys.
- K. Commercial storage warehouses.

**SECTION 7.04 SITE DEVELOPMENT REQUIREMENTS**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

FRONT YARD	35 feet The first 10 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	15 feet
REAR YARD	15 feet
LOT COVERAGE	40%
BUILDING HEIGHT	35 feet or 2 ½ stories
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	150 feet

## CHAPTER 8 LI – LIGHT INDUSTRIAL DISTRICT

### SECTION 8.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial-related uses which have minimum potential impact on surrounding property.

### SECTION 8.02 PERMITTED USES

Land and/or buildings in the LI District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10.

- A. Offices.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, or testing).
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Trade or industrial schools.
- I. Utility and public service buildings, including storage yards.
- J. Contractor's showrooms and storage yards.
- K. Accessory buildings, structures, and uses.

### SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the LI District may be used for the following purposes following review by Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 11.

- A. Body shops.
- B. Lumber and planing mills.
- C. Mineral processing and storage, including cement and gravel processing.

- D. Commercial storage warehouses.
- E. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- F. Junk yards.
- G. Adult uses.

**SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties in any Residential District.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for storage, loading and unloading operations, and on-site parking of vehicles.

FRONT YARD	50 feet
	The first 15 feet of the Front Yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses - 40 feet
	Side abutting other Districts - 20 feet
REAR YARD	Abutting Residential Districts or uses - 40 feet
	Abutting other Districts - 20 feet
LOT COVERAGE	50%
BUILDING HEIGHT	40 feet
MINIMUM LOT AREA	1 Acre
MINIMUM LOT WIDTH	150 feet

## CHAPTER 9

# MHC – MANUFACTURED HOUSING COMMUNITIES

### SECTION 9.01 INTENT

This district is established to allow the development of state-licensed manufactured housing communities that comply with the requirements of this Article. The preliminary plans, construction and management of a manufactured housing community (MHC), or mobile home park, as defined in Public Act 96 of 1987, as amended (the Mobile Home Commission Act), shall comply with the standards established and referenced in the Act and the administrative rules promulgated thereunder, as provided in this Article. MHC development standards include the anchoring and manufactured home (MH) installation specifications; plan review, distance, setback and space requirements; paving and width criteria for internal roads and sidewalks; parking provisions; screening features; safety, lighting and utility regulations established in this Article. A MHC shall, at minimum, be maintained to the constructions standards established under the acts in effect when it was built and legally licensed. If the municipality proposes a standard related to manufactured housing communities or homes within these communities that is higher than those provided in this Article, the Act or Rules, it shall file for review the proposed standard and written justification with the Michigan Manufactured Housing Commission, as established in Section 7 of the Act.

### SECTION 9.02 DEFINITION, MANUFACTURED HOME

#### A. Construction Codes

Minimum specifications for MH construction (including the home plumbing, heating, and electrical systems) shall be those established in the United States Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280), if the home was built on or after June 15, 1976, the effective date of these standards, per 24 CFR 3282.1 (a). Section A119.1 of the American National Standards Institute code shall be the minimum construction standard for MHs built before June 15, 1976. A MH whose construction is altered may be required to comply with codes established under 1972 PA 230, the Stille-De-Rossett-Hale Single State Construction Code Act.

#### B. Definition

"Manufactured home (MH)" means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

### SECTION 9.03 DEFINITION, MANUFACTURED HOUSING COMMUNITY

"Manufactured Housing Community (MHC)" means a parcel or tract of land under the control of a person upon which three (3) or more MHs are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a MH. A person, as used in this definition, means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.

#### A. Operation of a Community

A MHC owner shall operate the community according to the standards established and referenced in the Mobile Home Commission Act and Manufactured Housing Commission Rules.



## SECTION 9.04 LAYOUT, LOCATION & ZONING REVIEW

The design, layout, construction and use of a MHC shall comply with the regulation set forth in this Article, pursuant to the Manufactured Housing Commission Rules.

### A. Minimum Lot Size

A MHC shall consist of a parent parcel of forty (40) acres or more.

### B. Zoning District Location

MHCs within Edwards Township must abut and/or possess direct, lawful ingress and egress from M-30 Highway.

### C. Special Land Use & Site Plan Approval Required

MHCs within Edwards Township shall require a special land use permit in accordance with Chapter 11 and site plan approval in accordance with Chapter 10 of the Edwards Township Zoning Ordinance.

## SECTION 9.05 EMERGENCY & SAFETY

### A. Disaster, Severe Weather

A MHC shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and the shelter location.

### B. Fire Protection

Act No. 133 of the Public Acts of 1974, being §125.771 *et seq.* of the Michigan Compiled Laws, which provides for home fire protection, requires that all MHs built, sold, or brought into this state shall be equipped with at least one (1) fire extinguisher approved by the national fire protection association and one (1) smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a MH brought into this state for use as a dwelling shall have 90 days to comply with this requirement, under 1974 PA 133, as amended. The MHC shall provide its residents with written notification of this requirement, which may be published in the community rules.

### C. Flood Areas

A MH shall not be placed in a designated floodway, as determined by the Federal Emergency Management Agency (FEMA) and/or Michigan Department of Environmental Quality (MDEQ).

### D. General, Safety and Maintenance

The operator of a MHC shall maintain community equipment and facilities in a safe, sanitary condition, as required under MDEQ Rules R325.3371 and R325.3374.

### E. Pest and Animal Control

A MHC operator shall maintain the community in a condition reasonably free of health and safety hazards resulting from insects, rodents and other animals in the care of residents. Accordingly, the MHC shall comply with the provisions of MDEQ Rules R325.3361 to R325.3363 and R325.3372.

F. **Swimming Pools**

Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 *et seq.*, 1978 PA 368, as amended, and Rule R125.1941(1)(f). Required emergency and safety facilities and practices shall be installed and/or implemented prior to MHC inhabitation and shall be reasonably maintained to comply with this Section.

**SECTION 9.06 GARBAGE & RUBBISH DISPOSAL**

Each MH site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the MDEQ Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

**SECTION 9.07 INSPECTIONS**

Municipal inspections of manufactured housing communities shall comply with Section 17(2) of the Mobile Home Commission Act. The municipality shall present any evidence of an alleged violation of this Act or standards promulgated under this Act to the Michigan Bureau of Construction Codes, which may refer the available evidence concerning violations of the Act to the Attorney General or the proper prosecuting attorney who, with or without a reference, may take appropriate action, as further provided in Sections 17 and 36 of the Act.

**SECTION 9.08 INSTALLATION & ANCHORING**

The installation of manufactured housing on each site within the MHC shall conform to the requirements of Rules R125.1602 and R125.1602a. All utility connections to homes within the community shall comply with the requirements of Rule R125.1603. MHs shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code Commission, pursuant to Rules R125.1605 and R125.1607.

**SECTION 9.09 LICENSES & PERMITS**

- A. No MHC shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- B. No MH shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary. Occupancy shall not occur until after local inspections, permit and certificate of occupancy approvals, pursuant to 1972 P A 230, the Stille-DeRossett-Hale Single State Construction Code Act.
- C. Site-constructed buildings erected within the community, such as community buildings or laundries, but not including MHs and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to 1972 PA 230, the Stille-DeRossett-Hale Single State Construction Code Act.
- D. Site plan review shall not be required for individual MHs in a MHC.

**SECTION 9.10 LIGHTING**

Except in a seasonal MH community, all internal streets, roads, parking bays, and sidewalks; access points; internal intersections; and designated pedestrian crosswalks within a MHC shall comply with the state electrical code and be shielded and downward directed. Required lighting shall be installed prior to MHC inhabitation and shall be reasonably maintained and/or repaired to comply with this Section.

### SECTION 9.11 INDIVIDUAL LOT SIZE, ACREAGE & DENSITY

- A. *Home Site Area.* A MHC shall be developed with sites averaging 6,000 square feet per manufactured housing unit. The 6,000 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 5,000 square feet. For each square foot of land gained through the reduction of the average site below 6,000 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under Rules R125.1946, R125.1941 and R125.1944, and this Chapter.
- B. The distance and setback requirements shall at least comply with those established in Rules R125.1941 and R125.1944.

### SECTION 9.12 OPEN & RECREATIONAL SPACE AND FACILITIES

- A. A MHC that contains fifty (50) or more sites constructed under a Permit to Construct shall have not less than ten (10) percent of the community's gross acreage dedicated to designated open space, but in no case less than one (1) acre or 43,560 square feet. Open space shall be demonstrated to be dedicated to MHC resident recreational use and consist as much as possible of contiguous land area(s) or tract(s).
- B. Required property boundary setbacks may not be used in the calculation of open space area.
- C. Optional improvements shall comply with state codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.
- D. If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.

### SECTION 9.13 PARKING

A minimum of two (2) hard-surfaced parking spaces shall be provided for each MH site. Additional parking equal to one (1) space for three (3) MHs shall be provided for visitor parking. Parking may be on-site or off-site.

- A. If the two resident vehicle parking spaces required by this Section are provided off the home site, then the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- B. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- C. If vehicle parking is provided on the home site, it shall be constructed of concrete, bituminous asphalt, and 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 be not less than twenty (20) feet.
- D. A minimum of one (1) parking space for every three (3) MH sites shall be provided for visitor parking at home sites.
- E. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk. If parking is provided for visitor parking, it shall contain individual space that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet. Required parking facilities shall be installed prior to MHC inhabitation and shall be reasonably maintained and/or repaired to comply with this Section.

## SECTION 9.14 SCREENING & LANDSCAPING

If equal or greater standards are imposed on other residential developments, MHCs shall be landscaped as follows:

- A. If a MHC abuts an existing residence, existing residential development, or parcel(s) zoned as residential, the community shall be required to provide screening along the boundary abutting the residential development.
- B. If the community abuts a non-residential development, it need not provide screening.
- C. In all cases, however, a MHC shall provide screening along the boundary abutting a public right-of-way.
- D. In all cases, individual lots within a MHC abutting agriculturally zoned parcels shall possess a statement on individual lot titles that adjoining farm uses are protected by the Michigan Right to Farm Act, P.A. 93 of 1981, as amended.
- E. Screening shall consist of native evergreen trees and/or native evergreen shrubs at least three (3) feet in height at time of planting which are spaced so that they provide a continuous screen at maturity. Alternative screening devices may be utilized if they buffer the MHC as effectively as the required landscaping described above. Trees shall be planted on a ten (10) foot by ten (10) foot triangular spacing, and shrubs shall be planted on a minimum three (3) foot by three (3) feet triangular spacing. Such required vegetative screen shall be planted on the subject MHC property, and shall not encroach upon or unreasonably shade any adjoining parcel.
- F. Exposed ground surfaces in all parts of the community shall be covered with ornamental stone or planted with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
- G. Required screening shall be installed prior to MHC inhabitation and plants shall be reasonably maintained and/or replaced to comply with this Section.

## SECTION 9.15 SETBACKS & DISTANCES

- A. MH sites shall be arranged to allow for, and MHs shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
  - 1. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
  - 2. For a home sited parallel to an internal road, fifteen (15) feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or intersecting internal road.
  - 3. Fifty (50) feet from permanent community-owned structures, such as either of the following: a) club houses; and b) maintenance and storage facilities.
  - 4. One-hundred (100) feet from a baseball or softball field.
  - 5. Twenty-five (25) feet from the fence of a swimming pool.
- B. Attached or detached structures or accessories that may not be used for living purposes for the year shall be a minimum of ten (10) feet from an adjacent home or its adjacent attached or detached structures.

- C. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
  - 1. Seven (7) feet from the edge of an internal road.
  - 2. Seven (7) feet from a parking space on an adjoining home site or parking bay off a home site.
  - 3. Seven (7) feet from a common sidewalk. Twenty-five (25) feet from a natural or man-made lake or waterway.
- D. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two (2) long sides and the entrance side:
  - 1. Support pillars that are installed adjacent to the edge of an internal road shall be set back at least 4 feet from the edge of the internal road and two (2) feet or more from the closest edge of a common sidewalk, if provided.
  - 2. Roof overhangs shall be set back two (2) feet from the edge of an internal road.
- E. Steps and their attachments shall not encroach more than three and one-half (3 ½) feet into parking areas.
- F. Homes, permanent buildings and other structures shall not be located closer than twenty (20) feet from the property boundary line of the community.
- G. If homes, permanent buildings and other structures abut a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line. This section does not apply to internal roads dedicated for public use.
- H. A MHC must maintain a minimum one-hundred (100) feet perimeter buffer between the MHC and adjoining parcels. This required perimeter buffer shall be a vegetated buffer as described in Section 9.14, and may be included within a MHC's required open space pursuant to Section 9.11 above.

#### SECTION 9.16 SIDEWALKS

- A. Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.
- B. Common sidewalks shall be constructed in compliance with all of the following requirements:
  - 1. Sidewalks shall have a minimum width of three (3) feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an Act that regulates sidewalk access to the handicapped.
  - 2. All common sidewalks shall meet the standards established in Rule R125.1928.
- C. An individual site sidewalk with a minimum width of three (3) feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck, and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.
- D. Required sidewalks shall be installed prior to MHC inhabitation and shall be reasonably maintained and/or repaired to comply with this Section.

## **SECTION 9.17 SKIRTING**

Skirting to conceal the underbody of the home shall be installed around all MHs, prior to issuance of a certificate of occupancy, and shall be installed within sixty (60) days of the placement of the home on its site, unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued, pursuant to Section 13 of 1972 PA 230, as amended. Skirting shall be vented as required by Rule R125.1604. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained by the resident; be aesthetically compatible with the appearance of the MH; and meet the requirements established in the Manufactured Housing Commission Rules.

## **SECTION 9.18 STORAGE**

### **A. Personal Property**

1. MH site shall be kept free of fire hazards, including combustible materials under the home.
2. One (1) storage shed that complies with the Michigan Residential Code may be placed upon any individual MH site for the storage of personal property, if permitted by management. Storage sheds shall be of wood construction and shall be maintained to reasonably preserve their original appearance.
  - a. Storage sheds or garages that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
  - b. A detached storage shed or garage shall be at least ten (10) feet from all adjacent homes.
  - c. All storage sheds or garages shall be securely anchored, in accordance with the Michigan Residential Code.
  - d. Storage sheds shall not exceed one-hundred (100) square feet and garages shall not exceed six hundred and seventy-five (675) square feet, and shall be designed and constructed to safely bear typical snow loads, etc.
  - e. Temporary buildings, car ports, and pole barns are not allowed within individual lots within a MHC.
3. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under MHs within a community.

### **B. Recreational Vehicles**

1. If recreational vehicle storage is provided within the MHC, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.
2. The storage area shall be limited to use by the residents and management of the MHC.

## **SECTION 9.19 STREETS, DRIVEWAYS & PARKING AREAS**

All manufactured housing communities shall comply with the following design requirements:

A. Access

1. The community's internal roads shall have direct access to M-30 Highway by a permanent easement.
2. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles only. A boulevard entrance extending to the first intersection of a MHC road shall satisfy this requirement.

B. Composition & Surfacing

All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable sub grade in compliance with the standards of the American Association of State Highway and Transportation Officials, pursuant to Rule R125.1922. Roads shall be maintained by the MHC developer and/or MHC association in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).

C. Curbing

If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928(a).

D. Street & Parking Spaces

All internal roads shall be two-way directionally, and shall conform to the standards of Section 2.24 PRIVATE AND PUBLIC STREETS of this Ordinance.

E. Road Configuration

An internal road that has no exit at one end shall terminate with a minimum turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-sight distance of two hundred and fifty (250) feet shall be provided at all road intersections internal to the MHC. A safe-sight distance of five hundred and eighty-five (585) feet shall be provided at the MHC entrance at M-30 Highway. Offsets at intersections or intersections of more than two (2) internal roads are prohibited.

F. Road Widths, Street Names, Addresses & Traffic Control

1. All entrances to new MHCs or new entrances to expanded MHCs shall be a minimum of thirty (33) feet in width and allowed speed shall be posted as twenty-five (25) miles per hour or less. 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 MHC's internal road, and shall be constructed as indicated below in subsections 2 through 4.
2. 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 MHC.
3. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
4. The ingress and right egress turning lanes of the ingress and egress road shall connect to a public road and shall have a radius determined by the Ogemaw County Road Commission. The intersection of the public road and ingress and egress road shall not have squared corners.
5. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

6. School bus stops, if provided, shall be located in an area that is approved by the school district.
7. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be ten (10) feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.
8. Required access, roads, curbs and parking facilities, etc. shall be installed prior to MHC inhabitation and shall be reasonably maintained and/or repaired to comply with this Section.

## **SECTION 9.20 UTILITIES**

The following utility standards shall apply to all MH communities.

### **A. Connections & Lines**

All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the MHC. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.

### **B. Drainage**

All drainage outlet connections shall be subject to review and approval by the Ogemaw County Drain Commissioner. Drainage systems shall be reviewed and approved by the MDEQ, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act. Drain utility connections shall comply with Rule R125.1603(c).

### **C. Electricity**

Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).

### **D. Fuel & Gas Heating Service**

The installation, maintenance, operation and service of MHC fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).

### **E. Telephone Communication Lines**

All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.

### **F. Television**

Television service installation shall comply with requirements of Rule R125.1940(1).

### **G. Water & Sewage**

All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the MDEQ, pursuant to MDEQ Rules R325.3321 and R325.3331 through



R32S.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R32S.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a. Required utilities shall be installed prior to MHC inhabitation and shall be reasonably maintained and/or repaired to comply with this Section.

#### **SECTION 9.21 PLAN REVIEW: Preliminary Plans**

Preliminary plans shall be submitted to the Edwards Township Zoning Administrator for review for completeness, and prepared in accordance with the preliminary plan provisions contained in this Article. The plans shall include the location, layout, general design and description of the project. The preliminary plan requirements of this Article shall not include detailed construction, plot or site plan review plans. Prior to the establishment of a new MHC, an expansion of a MHC, or construction of any building within the MHC not previously approved, a plan shall be presented to the municipality for its review and approval, as provided in MDEQ Rule R32S.3381.

##### **A. Application Content**

All plans submitted to the Edwards Township Planning Commission for review under this Section shall contain the following:

1. The date, north arrow direction and project scale. The scale shall not be less than one inch equals fifty (50) feet for property under three acres and at least one inch equals one hundred (100) feet for those three acres or more.
2. All site and/or property lines are to be shown in scale dimension. (i.e. MDEQ Rule R325.3381(1)(c)).
3. The typical location and height of all existing and proposed structures on and within the subject property, and existing within one hundred feet of the subject property.
4. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
5. The typical location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and address of the professional civil engineering, registered landscape architect, or architectural firms responsible for the preparation of the site plan.
7. The name and address of the property owner and developer. (i.e. MDEQ Rule R325.3381(l)(a)).
8. The typical location of all MHC garbage/rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Typical location of all fire hydrants, if applicable.
10. The number of MH sites proposed.
11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
12. Existing utility and other easements.

13. Existing wetlands as defined by Michigan's Part 303: Wetland Protection Act, P.A. 451 of 1994, as amended.
14. Proposed entrance sign locations.
15. Demonstration that all required setbacks and separation distances will be met. Provided, however, that detailed construction plans shall not be required to be submitted to the municipality.

B. Charges/Reasonable Fees

Reasonable fees for the professional review of a MHC plan shall be established by Edwards Township and paid by the Applicant prior to final site plan and special use permit review.

C. Decision on Approval

1. The Planning Commission shall review the plan for compliance with the design standards for manufactured home communities contained in this Article, and the regulations of the Manufactured Housing Commission. If it is determined that the manufactured home community complies with the regulations established in this section, it shall be approved. Any approval, approval with conditions shall be contingent upon the Applicant's obtaining all required permits and approvals from County, State, and/or federal agencies.
2. The plan shall be approved, approved with conditions, or denied within one-hundred and twenty (120) days of receipt by the municipality, unless the Applicant consents to a longer period of review.

D. Review: Construction Plan

A person shall not construct a MHC without first obtaining a Construction Permit from the Bureau of Construction Codes and Fire Safety as outlined in Rules R125.1905 through R125.1918.

E. Standards: Construction

A MHC shall be built and maintained to the construction standards for which it was licensed under Section 16 of the Manufactured Housing Commission Act by the State of Michigan, as detailed in Manufactured Housing Commission Rule R 125.1947a.

## CHAPTER 10 SITE PLAN REVIEW

### SECTION 10.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission and Township Board in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity .

### SECTION 10.02 SITE PLANS REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Site Plan has been reviewed and approved by the Planning Commission under the following circumstances:
1. Permitted Uses in Residential Districts, except farms, single family dwellings (unless part of a site condominium project), state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings and uses.
  2. Permitted Uses in the NC, HC, and LI Districts.
  3. Special Land Uses in any District
- B. All plans not reviewed by the Planning Commission shall be approved by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance.

### SECTION 10.03 APPLICATION PROCEDURES

- A. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit it to the Planning Commission.
- B. An application for either a Site Plan Review shall consist of the following: .
1. Seven (7) copies of the Site Plan.
  2. A completed application form, as provided by the Township.
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  4. A legal description, including permanent parcel number, of the entire property which is the subject of the Site Plan Review.
  5. Other materials as required in this Chapter.

### SECTION 10.04 REVIEW PROCEDURES

- A. Public Information Meeting
1. Upon receipt of a valid application for a Site Plan Review, the Planning Commission shall hold a public information meeting for the purpose of receiving comments relative to the Site Plan Review application.
  2. Notice of the public information meeting for the Site Plan Review shall be given in accordance with Section 17, Public Notice.

## SECTION 10.05 SITE PLAN REVIEW

- A. Site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
1. Legal description of the property, including permanent parcel number .
  2. Small scale sketch of properties, streets and use of land within one half ( ½ ) mile of the area.
  3. A narrative describing:
    - a. The overall objectives of the proposed development.
    - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
    - c. Dwelling unit densities by type, if applicable.
    - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
    - e. Proposed method of providing storm drainage.
  4. Seven (7) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
    - a. Date of preparation/revision.
    - b. Name and address of the preparer.
    - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
    - d. Existing man-made features.
    - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
    - f. Street rights-of-ways, indicating proposed access routes, internal circulation, and relationship to existing rights-of-ways.
    - g. Proposed grading.
    - h. Location and type of drainage, storm sewers, and other utilities.
    - i. Location and type of fences, landscaping, buffer strips, and screening.
    - j. Location and type of signs and on-site lighting.
    - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 12.
    - l. Easements, if any.
    - m. Dimensions and number of proposed lots.
    - n. All buildings and driveways within one hundred (100) feet of all property lines.
- B. The Planning Commission, prior to granting approval of a Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

## SECTION 10.06 SITE PLAN REVIEW STANDARDS

- A. The Planning Commission shall review the Site Plan and approve, approve with conditions, or deny the application based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
  3. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
  4. The landscape shall be preserved by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
  5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
  6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriffs Department.
  7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
  8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
  9. Off-street parking and loading areas shall be provided where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
  10. The general purposes and spirit of this Ordinance and the Master Plan of the Township.

## SECTION 10.07 APPROVED SITE PLANS

- A. Upon approval of the Site Plan, the applicant and the Chairman of the Planning Commission shall sign three (3) copies thereof. One (1) signed copy shall be made apart of the Township's files; one (1) shall be forwarded to the Building Inspector for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- B. Each development shall be under construction within one (1) year after the date of approval of the Site Plan by the Township, except as noted below.
1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Site Plan.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.

3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Site Plan approval shall be null and void.
- C. Amendments to an approved Site Plan may occur only under the following circumstances:
1. The holder of a valid Site Plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall consider the following to be a minor change:
    - a. Reduction of the size of any building and/or sign.
    - b. Movement of buildings and/or signs by no more than ten (10) feet.
    - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
    - d. Changes of building materials to an equal or higher quality.
    - e. Changes in floor plans which do not alter the character of the use.
    - f. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
  3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.
- D. The Planning Commission may also approve with conditions or deny the site plan applications. A written statement of findings and conclusions relative to the decision and any conditions imposed shall be made a part of the minutes. A copy of the written statement of findings shall be sent to the applicant through certified mail within five (5) days of the final Planning Commission action.

# CHAPTER 11

## SPECIAL LAND USES

### SECTION 11.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

### SECTION 11.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Township Clerk who will review the application for completeness, then transmit it to the Planning Commission.
  2. A valid application for a Special Land Use approval shall consist of the following:
    - a. Seven (7) copies of a Site Plan meeting the requirements of Section 10.05.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d. A legal description, including permanent parcel number, of the entire property which is the subject of the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 11.03, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of a valid application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
  2. Notice of the public hearing for the Special Land Use shall be given in accordance with the requirements of the Zoning Act.
  3. The Planning Commission shall review the application for a Special Land Use and make a determination on the application in accordance with:
    - a. The site plan and other materials submitted in relation to the Special Land Use application;
    - b. The standards for approval stated in Section 11.03;
    - c. Other standards contained in this Ordinance which relate to the Special Land Use under consideration.
  4. The Planning Commission shall approve, approve with conditions, or deny the Special Land Use applications. A written statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed shall be made a part of the minutes. A copy of the written statement of findings shall be sent to the applicant through certified mail within 5 days of the final Planning Commission action.

5. If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

#### **SECTION 11.03 BASIS OF DETERMINATION**

- A. Prior to approval of a Special Land Use application, the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.
  1. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
    - a. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
    - b. The Special Land Use shall not change the essential character of the surrounding area.
    - c. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
    - d. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
- B. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.

#### **SECTION 11.04 APPROVAL TERM AND EXPIRATION**

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 11.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months in which case the approval shall be deemed expired as of the end of such period of six (6) consecutive months and thereupon shall no longer be valid.
- B. If, by the end of this one ( 1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.



**SECTION 11.05 REVOCATION OF SPECIAL LAND USE APPROVAL**

- A. If the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance the Township shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Planning Commission may revoke the Special Land Use approval and all rights associated with said use shall cease.
- B. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 11.02 B.
- C. Following the public hearing, the Planning Commission shall modify, revoke, or require the Special Land Use Approval to remain in effect with all of the original conditions and requirements. If modified, the Planning Commission shall include in its minutes the conditions, requirements, or other matters as to which modification is to be required. If the conditions and requirements of the Special Land Use are not modified, and if the applicant is not in compliance therewith, the applicant shall be given a reasonable period of time, as determined by the Planning Commission, in which to correct any violations so as to cause the Special Land Use to be fully in compliance with all of the established conditions and requirements.
- D. Notwithstanding the provisions of this Section, the Township may enforce the correction of any violation of this Ordinance through the provisions of Section 14.07.

**SECTION 11.06 EXISTING SPECIAL USES, CONDITIONAL USES**

Uses of land and/or development projects granted a special use or conditional use permit by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the special use or conditional use are met.

**SECTION 11.07 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this Ordinance. The following uses have such conditions, standards, or regulations:

- A. Country clubs, golf courses, riding stables, hunting clubs, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Mineral processing and storage, including cement and gravel processing.
- E. Public or private campgrounds.
- F. Bed and breakfast establishments.
- G. Two family and multiple family dwellings.
- H. State licensed residential group care facilities.
- I. Group and commercial day care homes and facilities.
- J. Funeral homes and mortuary establishments.
- K. Commercial kennels.
- L. Hotels and motels.
- M. Theaters, or similar places of public assembly, as determined by the Zoning Administrator .
- N. Restaurants with drive-through facilities.
- O. Vehicle service stations, excluding body shops. .

- P. Vehicle wash establishments, either self-serve or automatic.
- Q. Open air businesses.
- R. Bowling alleys.
- S. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- T. Body shops.
- U. Lumber and planing mills.
- V. Commercial storage warehouses.
- W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- X. Junk yards.
- Y. Adult uses.

A Country clubs, golf courses, riding stables, hunting clubs, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.

B Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

The Planning Commission shall not approve such use until the following information is provided and the Planning Commission finds that the proposed use will not unduly impact surrounding properties and the Township in general, in accordance with the following.

1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
2. The amount of topsoil, sand, gravel or other such materials which is to be removed.
3. The purpose of such removal.
4. The effect of such removal on adjoining property, all removal activities shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District or use.
5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.

6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources.
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a Permitted Use within the District in which the extraction activity is located.
11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.
14. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
15. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
16. The applicant shall secure all necessary permits from Township, county and State authorities.

D. Mineral processing and storage, including cement and gravel processing.

1. The minimum lot size for such uses shall be twenty (20) acres.
2. All principal and accessory buildings and structures, and all stored mineral materials shall maintain the following minimum requirements:

Requirement	Adjoining Residential	Adjoining all Other Districts
Front Yard	50 feet	50 feet
Side Yard	35 feet	20 feet
Rear Yard	50 feet	20 feet
Lot Coverage	60%	60%
Height	35 feet	35 feet

3. All required yard areas shall be planted with ground cover suitable to prevent dust and erosion.
4. Screening:
  - a. The property or properties on which the use is established shall be visually screened from the view of adjacent Residential Districts or uses.
  - b. Screening shall meet one of the following requirements, or a combination thereof, as approved by the Planning Commission.

- (1) Planting of staggered rows of coniferous trees along the boundaries of the property at least six (6) feet in height at the time of planting. The planting of the rows of coniferous trees shall ensure a continuous screen along the property lines.
  - (2) Construction of a solid fence or wall of decorative wood or masonry materials, which shall be continuously maintained.
  - (3) Other methods approved by the Planning Commission that achieves the required screening, including the use of existing vegetation, earthen berms, etc.
5. Access and on-site circulation:
- a. All such uses shall have direct access to a public street. Driveway approaches to the site must be constructed in accordance with the requirements of the Ogemaw County Road Commission.
  - b. To minimize the deposit from trucks of mineral materials, only a public street, a paved or bituminous surface shall be provided for all on-site entrance and exit drives for a distance into the site of not less than three hundred (300) feet from the property line marking the entrance to the site. If such materials are deposited on the public street, it shall be the responsibility of the property owner to immediately remove the spilled or deposited material.
6. Erosion control measures shall be maintained to comply with the Soil Erosion and Sedimentation Control Act (Act No.347 of the Michigan Public Acts of 1972, as amended), and with any other applicable federal, state, or City requirements.
7. Any on-site lighting shall be shielded or otherwise directed away from adjacent properties. Poles or lighting fixtures shall not exceed a height of thirty-five (35) feet.
8. All machinery, equipment, facilities, and operations shall be maintained and conducted in such a manner as to eliminate, to the maximum extent practical, noises, vibrations, dust or other adverse conditions which interfere with the reasonable use and enjoyment of property in the vicinity. To this end, the Planning Commission may impose such conditions as are necessary to achieve this objective.
9. The operation of such facilities shall not begin prior to 7:00 a.m. and shall end not later than 7:00 p.m.

E. Public or private campgrounds.

1. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
2. Minimum lot area shall be five (5) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
  - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
  - c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

F. Bed and breakfast establishments.

1. The use shall be located on property with direct access to a public street.

2. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast establishment within seven hundred and fifty (750) feet, measured between the nearest property lines.
3. Such uses shall only be established in a single family dwelling.
4. The number of guest rooms in the establishment shall not exceed three (3), plus one additional guest room for each ten thousand (10,000) square feet or fraction thereof, by which the lot area of the use exceeds two (2) acres, not to exceed seven (7) guest rooms in any case.
5. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
6. The establishment shall contain the principal residence of the operator.
7. Accessory retail or service uses to the establishment shall be prohibited, including, but not limited to, gift shops, antique shops, restaurants, bakeries, and other similar uses.
8. Meals shall be served only to the operator's family, employees, and overnight guests.

G. Two family and multiple family dwellings.

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

H. State licensed residential group care facilities.

Such facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.

I. Group and commercial day care homes and facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one-thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

J. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

K. Commercial kennels

Buildings, dog runs, and/or any other area where animals are kept or exercised shall be set back at least fifty (50) feet from any Residential District or use.

L. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks often (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

M. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

N. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.

O. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.

6. Canopy roofs, excluding supporting poles or other structures, shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.
8. Where adjoining Residential District or use, a solid wall or fence, six (6) feet in height shall be erected along any common lot line where commercial activities are being conducted. Such fence or wall shall be continuously maintained in good condition.

P. Vehicle wash establishments, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.
3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.

Q. Open air businesses.

1. A five (5) foot fence or wall shall be constructed around the area of the lot used for the open air business, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

R. Bowling alleys.

1. The principal and accessory buildings and structures shall be located no closer than thirty (30) feet to any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

S. Utility and public service buildings, without storage yards.

Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

T. Body shops.

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
7. Where adjoining a Residential District or use property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

U. Lumber and planing mills.

The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.

V. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 District.
3. Parking and circulation:
  - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
  - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
  - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.



Lane/Aisle	Aisle/Lane Width (ft)		Lanes/Aisles Required	
	One-Way	Two-Way (each lane or aisle)	One-Way	Two Way
<b>Parking Lane</b>	10	10	1	1
Access Lane	15	12	1	2

- e. All driveways, parking, loading, storage, and vehicular circulation areas shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water .

- W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.

- X. Junk yards.

1. Requests for a Special Land Use approval for establishment of a junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within fifty (50) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall include at least six (6) acres.
14. All fences shall be setback a minimum of thirty (30) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Y. Adult uses.

1. The lot or parcel on which the use is located shall not be closer than five hundred (500) feet from any Residential District or use, school, church, or park, as measured from the nearest part of each lot line.
2. The use is not located within a one thousand (1,000) foot radius of any other such use, as measured from the nearest part of the each lot line.

12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall include at least six (6) acres.
14. All fences shall be setback a minimum of thirty (30) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Y. Adult uses.

1. The lot or parcel on which the use is located shall not be closer than five hundred (500) feet from any Residential District or use, school, church, or park, as measured from the nearest part of each lot line.
2. The use is not located within a one thousand (1,000) foot radius of any other such use, as measured from the nearest part of the each lot line.

**SECTION 11.08 SMALL WIND ENERGY CONVERSION SYSTEMS (WECS)**

A. Intent

It is the purpose of this Section to promote the safe, effective, and efficient use of small wind energy systems installed to enable the on-site production of electricity.

B. Regulations

Small WECS may be regarded as a permitted use in any district if it meets the standards and regulations of this Section. The Zoning Administrator will be responsible for small WECS land use permit review and approval pursuant to this Section.

C. Special Land Use

Any small WECS shall be regulated as a Special Land Use.

D. Number of Small WECS per Parcel

Up to three (3) small WECS shall be allowed at a single parcel of land if each complies with this Section and other provisions of the Edwards Township Zoning Ordinance.

E. Increase in Allowable Small WECS Height

The Zoning Administrator may allow for an increase in allowable small WECS height by up to thirty (30) feet where site conditions dictate and impact on neighboring properties is minimal. All other requirements of this Section shall be met, including the setback provisions.

F. Requirements for Small WECS Permit Application

A zoning permit application pursuant to Section 14.03 for small WECS shall include a plot plan and supporting information with the following information as a minimum:

1. Property lines and the physical dimensions of the property;
2. Location, dimensions and types of existing structures on the property;
3. Location of the proposed small WECS tower;
4. Right-of-way of any public or private road or other easement at or contiguous to the property;
5. Any overhead utility lines and utility easements;
6. Small WECS specifications, including manufacturer and model, rotor diameter, tower height, tower type (i.e. free standing or guyed), WECS and tower color;
7. Tower foundation blueprints or drawings;
8. Tower blueprint or drawing; and
9. A small WECS maintenance plan and any other information deemed necessary by the Planning Commission to demonstrate compliance with the standards and requirements of this Section.

The application for a zoning permit for a small WECS must be accompanied by the fee required for a zoning permit. A permit issued pursuant to this ordinance shall expire if:

1. The small WECS is not installed and functioning within 24-months from the date the permit is issued; or,
2. The small WECS is out of service and otherwise not functioning for a continuous period of 12-months, at which time the small WECS must be removed unless re-permitted under this Section.

G. Permit Procedure.

1. An Owner shall submit an application to the Zoning Administrator for a Zoning permit for a small WECS. The application must be on a form approved by the Zoning Administrator and must be accompanied by two copies of the plot plan.
2. The Zoning Administrator shall issue a permit or deny the application within one (1) month of the date on which the application is received.
3. The Zoning Administrator shall issue a permit for a small WECS if the application materials show that the proposed small WECS meets the requirements of this Ordinance.
4. If the application is approved, the Zoning Administrator will return one (1) signed copy of the application with the permit and retain the other copy with the application.
5. If the application is rejected, the Zoning Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Zoning Administrator's decision pursuant to Michigan statute. The applicant may reapply if the deficiencies specified by the Zoning Administrator are resolved.
6. The Owner shall conspicuously post the permit on the premises so as to be visible to the public at all times until construction or installation of the small WECS is complete.

H. Administration and Enforcement.

1. This ordinance shall be administered by the Zoning Administrator or other officials as designated.
2. The Zoning Administrator may reasonably enter any property for which a permit has been issued under this Ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Zoning Administrator may issue orders to abate any violation of this Ordinance.
4. The Zoning Administrator may issue a citation for any violations of this Ordinance.
5. The Zoning Administrator may refer any violation of this Ordinance to legal counsel for enforcement.

I. Small WECS Height.

Small WECS total height shall be limited to one-hundred and ten (110) feet. For the purposes of this Section, total small WECS height shall be measured from the average grade at the base of the small WECS tower or building (for building-mounted WECS) to the top of the small WECS blade when the tip is at its highest point.

J. Setback

Small WECS towers setbacks shall be the fall zone. Fall zone setbacks shall be measured from the proposed tower location to all adjoining property lines (unless written permission is granted from the affected land owner or neighbor adjunct right-of ways (public or private unless written permission is granted by the governmental entity with jurisdiction over the road), and any overhead utility lines (unless written permission is granted by the effected utility). No part of the small WECS, including guy wire anchors, may extend into any required setback.

K. Location.

In addition to the setback requirements above, a small WECS shall meet all location standards for an accessory building found under Section 2.12.

L. Noise

The applicant shall provide evidence that a small WECS will not cause sound in excess of 55 dB (A-scale) as measured at any property line.

M. Approval Required

Small WECS shall obtain all permits required from the Ogemaw County Building Department and the applicant shall demonstrate to the Edwards Township Zoning Administrator that all components of the proposed WECS meets all applicable safety standards and is UL certified.

N. Electrical Wires

Other than the wires necessary to connect the wind generator to the tower wiring, lightning protection and wiring affixed to the tower itself, all WECS shall be placed in conduit and located underground.

O. Utility Notification

No small WECS intended to be connected to the grid shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Small WECS that connect to the electric utility shall comply with the Michigan Public Service Commission's "Rules for Interconnecting Distributed Generation Facilities." Off-grid small WECS shall be exempt from this requirement.

P. Abandonment

A small WECS that is inoperable and has not functioned for at least twelve (12) continuous months shall be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a small WECS that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides adequate information that demonstrates the small wind energy system has not been abandoned.

If the small wind energy system is determined to be abandoned, the owner of a small WECS shall remove the small WECS, tower, guy and electrical wires, and any associated concrete bases(s) and/or anchor(s) at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Administrator may pursue legal action to have the wind generator removed at the Owner's expense.

Q. Violations

It is unlawful for any person to construct, install, or operate a small WECS that is not in compliance with this Ordinance or with any condition contained in a permit issued pursuant to this ordinance. Small WECS installed prior to the adoption of this Ordinance are exempt.

R. Additional WECS

Up to three (3) small WECS may be permitted at a single parcel of land if all other requirements of this Section and the Edwards Township Zoning Ordinance are met, and the electric generation capacity of all small WECS on the site does not exceed a total of thirty (30) kilowatts (kW).

S. MET tower

MET towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small WECS.

T. Signs

All Signs visible from any public road shall be prohibited. No small WECS tower or anemometer tower or site shall include any permanent advertising sign. Job site signs are allowed from contract date to thirty (30) days after construction is substantially complete. Further, the tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the permit.

U. Shadow Flicker.

The applicant shall provide evidence to demonstrate that no shadow flicker will fall on adjacent properties or right-of-ways.

V. Lighting

A small WECS shall not be artificially lighted.

W. Minimum Rotor Vane or Blade Clearance.

Blades or rotor vanes on small WECS shall have a minimum clearance from the ground or adjacent structures often (10') feet for a VAWT, and fifteen (15') feet for a HAWT, unless otherwise approved by the Zoning Administrator.

X. Safety Measures.

1. Each small WECS shall be equipped with controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
2. Any small WECS tower, system regulator, control/conversion and other electronics devices, and guy wires shall be grounded to safely sustain natural lightning strikes in conformance with the national Electrical Code.
3. All ground mounted and electrical control equipment shall be labeled or secured to prevent unauthorized access.
4. Any small WECS facility shall be equipped with anti-climbing devices to a height eight (8) feet above grade.

Y. Wind Monitoring Stations

Wind monitoring stations proposed prior to the installation of a small WECS shall be subject to all applicable requirements and application procedures of any small WECS regulated under this Section.

**SECTION 11.09 LARGE WIND ENERGY CONVERSION SYSTEMS (WECS)**

The following standards shall apply to all large WECS as defined herein.

A. Intent

It is the purpose of this Section to promote balanced regulation for the establishment of large WECS in locations of Edwards Township that will not be detrimental to the public health, safety or welfare of neighboring property owners or occupants.

B. Any individual large WECS as defined by this section are allowed as a special land use within the A-R Agricultural-Residential District in accordance with Chapter 11, and require site plan review in accordance with Chapter 10 or Section 10.06 specifically.

C. Minimum lot size

The minimum lot or parcel size for any large WECS within Edwards Township shall be six (6) acres.

D. Impact Analysis Required

In addition to the conditional use application, the applicant shall submit an evaluation of the likely impacts of a proposed large WECS facility as follows:

1. Analysis, measurements and projections of large WECS noise propagation conforming to the International Electromechanical Commission (IEC) Standards 61400-11 Part 11; and
2. An avian study based on the U.S. Fish & Wildlife Service's "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines;" and
3. Written documentation projecting the "shadow flicker" on any off-site property, and the extent, seasonality and duration of shadow flicker on off-site properties.

E. Required Information

A zoning permit application pursuant to Section 14.03 is required. In addition to the site plan required for a special use permit in Chapter 11 or Section 11.02 specifically, the applicant shall also submit an appropriately scaled site plan illustrating the following:

1. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation.
2. Location and elevation of all components of the proposed large WECS.
3. Location and dimensions of all existing structures and use on the lot within 300 feet of the proposed WECS(s).
4. Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed large WECS(s).
5. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the large WECS location.
6. Location of any utilities, utility easements, etc. on or adjacent to the parcel.
7. WECS specifications, including the manufacturer and model, rotor diameter, tower height, tower type (i.e. free standing or guyed), construction materials and color.
8. Any other information necessary to demonstrate compliance with the standards and requirements of this Section.

An application for a zoning permit for a large WECS must be accompanied by the fee required for a zoning permit. A permit issued pursuant to this ordinance shall expire if:

1. The large WECS is not installed and functioning within 24-months from the date the permit is issued; or
2. The large WECS is out of service and otherwise not functioning for a continuous period of 12-months, at which time the large WECS must be removed unless re-permitted under this Section.

F. Additional Required Information

The applicant shall also submit the following information.

1. Standard drawings of the structural components of the large WECS, including structures, tower, tower base, and guy wire footings. A licensed engineer shall certify drawings and any necessary calculations that the proposed large WECS complies with all applicable local, state and federal building, structural and electrical codes;
2. Any electrical wiring from a large WECS to a utility power line, electrical substation or other collection point shall be placed in conduit and underground.
3. Evidence that the proposed facility is sited in a location that is feasible for a large WECS;
4. Certification from a licensed engineer that the rotor and over speed control have been designed for the proposed use on the proposed site;
5. Licensed engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
6. Information regarding potential interference with television, radio, cellular phone, microwave or other communication signals or reception in the area, and how the interference will be abated

G. Large WECS Setbacks

1. Large WECS shall maintain a minimum setback from any property line shall be the fall zone one and one-half (1.5) times the height of the tower and blade.
2. Large WECS shall maintain a minimum setback from the right-of-way of any public road or highway of a least two (2) times the combined height of the tower and blade.
3. If any portion of the fall zone is located on an adjacent lot or the right-of-way of any public road or highway, the owner(s) of the adjacent lot or public right of way may consent in writing to the reduced setback and if so shall agree to place deed restrictions. Such deed restrictions shall run with the land on his/her/their adjacent lot or public right of way prohibiting the construction of any structure on the adjacent lot within the fall zone for as long as the WECS is erected. The deed restrictions shall be in recordable form and shall be subject to the approval of the township attorney.
4. In no case shall a large WECS be located within any underlying zoning district required setback area.

H. Dimensions

1. A large WECS shall not exceed the tower height (not including the height of the blade) of four hundred (400) feet. For purposes of this Section, height shall be measured from the average finished grade at the base of the large WECS tower.
2. In all cases the minimum height of the lowest portion of the large WECS blade shall be at least thirty (30) feet above the ground.
3. The height of a large WECS may be regulated per the height requirements of this Section, which may exceed the requirements of the zoning district.



I. General Siting and Design Standards

1. Large WECS shall be designed and placed in such a manner as to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas. Noise shall be limited to no more than sixty (60) decibels dBA at any adjoining property line.
2. Colors and surface treatment of the large WECS and supporting structures shall be light gray in color and to the greatest extent feasible, minimize disruption to the natural characteristics of the site. Colors and surface treatment of the large WECS and supporting structures shall include no advertising of any kind on any component.
3. Large WECS shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration (FAA) and in which event, such light should be positioned or shielded to avoid undue visual impact on neighboring properties, and shall, if possible, be a steady, no-flashing white light.

J Safety Measures

1. Each large WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
2. The Edwards Township Planning Commission shall determine the height, color, and type of fencing to be required for a large WECS installation.
3. Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of signs, pursuant to paragraph 8 below.
4. Any large WECS tower, system regulator, control/conversion and other electronics devices, and guy wires shall be grounded to safely sustain natural lightning strikes in conformance with the national Electrical Code.
5. Any large WECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. Where a tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
6. The large WECS operator shall maintain a current insurance policy which will cover installation and operation of the large WECS. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the large WECS can be successfully operated in the climatic conditions found in Edwards Township.
7. The large WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions as condition of approval.
8. Large WECS shall include no sign or advertising of any kind, except for one sign, no to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
  - a. "Warning high voltage."
  - b. Manufacturer's name.
  - c. Operator's name and regular business address and number.
  - d. 24-hour emergency telephone numbers of fire and safety agencies, operator and owner
  - e. Emergency shut-down procedures.

K. Radio and Television Interference

A large WECS shall be designed and constructed so as not to cause cellular telephone, microwave, radio and television interference for neighboring residents.

L. Removal Required

If any large WECS remains non-functional or inoperative for a continuous period of one (1) year, the large WECS shall be considered abandoned. The permittee of an abandoned large WECS shall be notified by certified mail by the Zoning Administrator to remove said system solely at the permittees expense. Removal of the system shall mean the entire structure, including burial below grade of any foundation(s) and the removal of any transmission equipment, fencing, etc. from the property in Edwards Township. Removal shall be complete within six (6) months of Township certified mail notification. If removal of towers and appurtenant equipment is required, and the permit holder or successors fails to remove the towers within six (6) months from the date of notification by the Zoning Administrator, Edwards Township may proceed to remove the towers and appurtenant facilities; in which case the salvage becomes the property of Edwards Township. Costs of removing the facilities will remain the burden of the permit holder. To assure removal of an obsolete, inoperable or abandoned facility, the Township shall require of the applicant a financial guarantee bond as provided in Section 14.08.

M. Principal Use

A MET may be approved by the Planning Commission either as a principal or accessory use. Other components of a large WECS may also be considered an accessory use if it is intended and used primarily to provide electricity to an on-site use. All other large WECS shall be considered a principal use on a parcel of land pursuant to Section 2.03 thereof

N. New Technology

These regulations pertaining to large WECS are intended to respond to equipment available at the time of adoption. Edwards Township recognizes that this is an emerging technology and that new means of collecting wind energy and converting it into electricity or other forms of energy, including but not limited to vertical axis wind turbine generators, are under development. Accordingly, these standards will be reviewed and may be amended as technology changes.

O. Advertising Prohibited

No large WECS shall include advertising of the brand name or related information on any part of the turbine.

P. METS

METS proposed prior to the installation of a large WECS shall be subject to all applicable requirements and application procedures of any large WECS regulated under this Section.

Y. Wind Monitoring Stations

Wind monitoring stations proposed prior to the installation of a small WECS shall be subject to all applicable requirements and application procedures of any small WECS regulated under this Section.

**CHAPTER 12  
DISTRICT REGULATIONS – PARKING AND SIGNS**

**SECTION 12.01 PARKING - GENERAL REQUIREMENTS**

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the first ten (10) feet of the required front yard.
- B. Off-street parking for all nonresidential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.

## CHAPTER 12 DISTRICT REGULATIONS – PARKING AND SIGNS

### SECTION 12.01 PARKING - GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the first ten (10) feet of the required front yard.
- B. Off-street parking for all nonresidential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any required off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - 1. Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

### SECTION 12.02 PARKING LOT DESIGN STANDARDS

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18FT.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	26 Ft.	15 Ft.	9 Ft.	18 Ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with a pavement having an asphalt or concrete binder, gravel, or compacted earth so as to provide a permanent, durable and dustless service.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Edwards Township and the Ogemaw County Drain Commission.
- E. All required parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.

**SECTION 12-03 OFF-STREET PARKING REQUIREMENTS**

- A. Required off-street parking spaces are noted in the following tables for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

USE	PARKING SPACE PER UNIT OF MEASUREMENT
	Residential
Single and two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units

USE	PARKING SPACE PER UNIT OF MEASUREMENT
	Institutional
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater.
Schools, elementary and middle	Two (2) spaces for each classroom or room used for instruction, plus amount required for auditorium or gymnasium seating.
Schools, secondary, trade, industrial and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1 ½) space for each classroom, plus amount required for auditorium or gymnasium seating.

USE	PARKING SPACE PER UNIT OF MEASUREMENT <i>Commercial</i>
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/Barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces or each accessory use
Restaurants – without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants – with drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each one and one-half (1 ½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time.
Personal service establishments not other wise specified	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two hundred (200) square feet of indoor usable floor area plus one (1) space for each one thousand (1000) square feet of out door display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Hotels and motels	One (1) space for each guest room plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time

USE	PARKING SPACE PER UNIT OF MEASUREMENT
	Offices
Bank, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) feet of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (100) square feet of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area

USE	PARKING SPACE PER UNIT OF MEASUREMENT
	Industrial
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (200) square feet of gross floor area plus those spaces required for offices located on the premises

**SECTION 12.04 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder, gravel, or compacted earth so as to provide a permanent, durable and dustless service.

**SECTION 12.05 SIGNS - INTENT**

- A. The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Edwards Township; to maintain and improve the appearance of Edwards Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

**SECTION 12.06 SIGNS - DEFINITIONS**

- A. **Billboard:** A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- B. **Construction Sign:** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- C. **Directional Sign:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

- D. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- E. Government Sign: A temporary or permanent sign erected by Edwards Township, Ogemaw County, or the state or federal government.
- F. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- G. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- H. Political Sign: A temporary sign used in connection with an official Edwards Township, school district, county, state, or federal election or referendum.
- I. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- J. Reader Board: A portion of a sign on which copy is changed manually.
- K. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- L. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- M. Roof Sign: A sign erected above the roof line of a building.
- N. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- O. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
- P. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Q. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

**SECTION 12.07 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
  - 1. Directional signs of six (6) square feet in size or less.
  - 2. Government signs.
  - 3. Placards.
  - 4. Temporary sale signs of four (4) square feet in size or less.
  - 5. Window signs.
  - 6. Political signs.
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.



- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs, may be internally illuminated or if externally illuminated , except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- I. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.
- K. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- L. No sign attached to a building shall be erected above the roof line of that building.
- M. All signs shall pertain only to the business or activity conducted on the premises, with the exception of political signs and special event signs.

**SECTION 12.08 EXEMPTED SIGNS**

- A. The following signs shall be exempt from the provisions of the Edwards Township Zoning Ordinance, except for the provisions of Section 12.07:
  - 1. Government signs.
  - 2. Historical markers.
  - 3. Window signs.
  - 4. Memorial signs or tablets.
  - 5. Signs not visible from any street.
  - 6. Signs for essential services.
  - 7. Placards of less than two (2) square feet.
  - 8. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
  - 9. Flags or insignia of any nation, state, Township, community organization, or educational institution.

**SECTION 12.09 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES**

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. For the purposes of this Chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- C. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

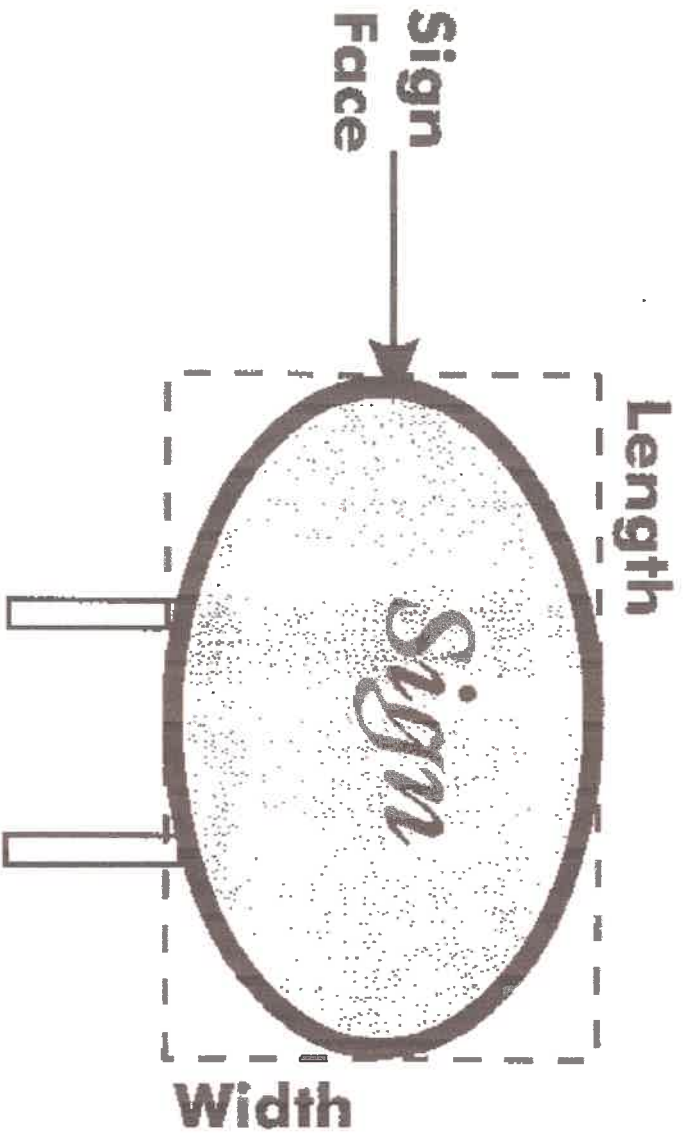
**SECTION 12.10 SIGNS - UNITS OF MEASUREMENT**

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of 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 only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. For buildings with multiple tenants, the sign areas for wall signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

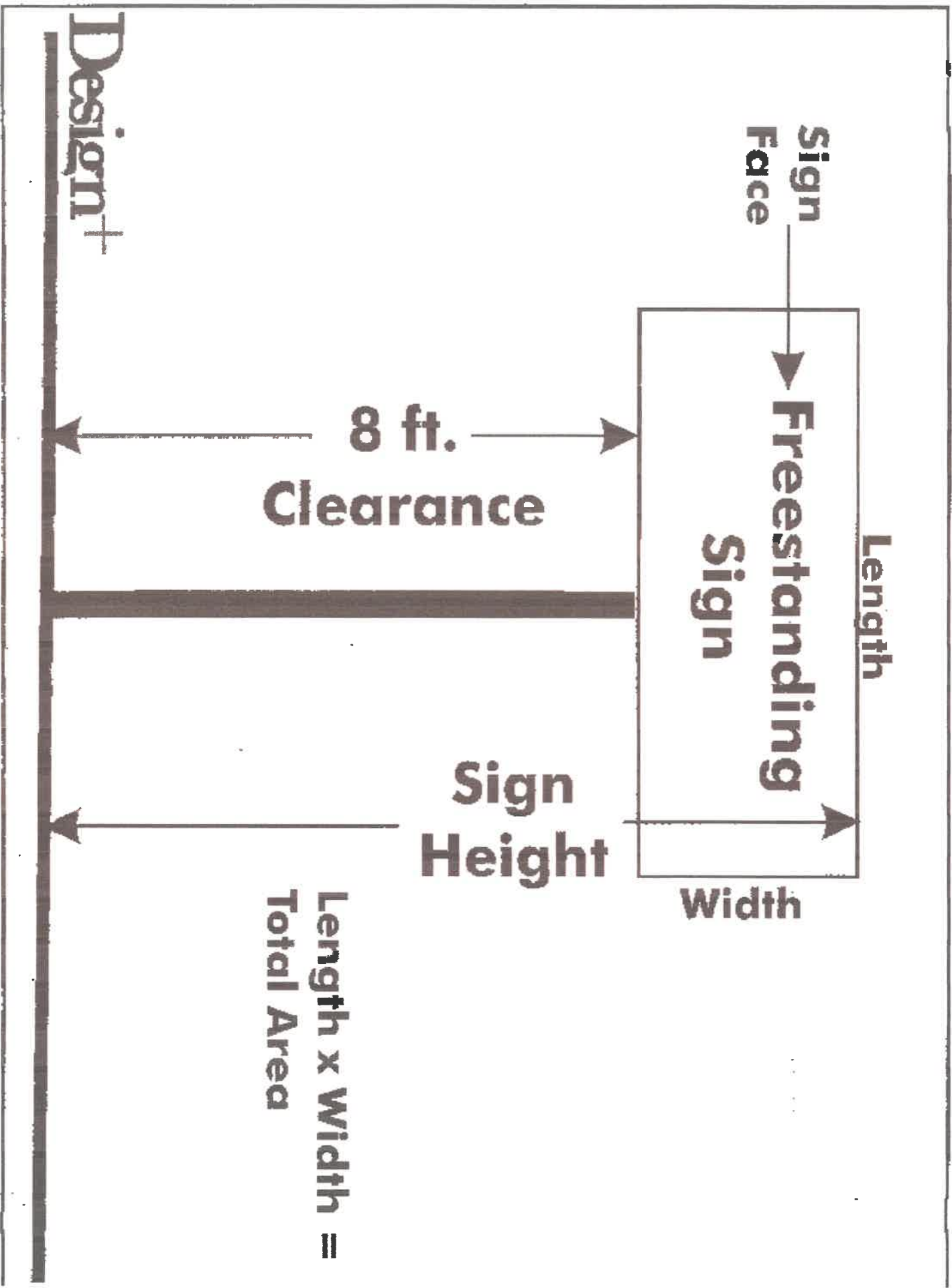
**SECTION 12.11 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

- A. The following sign regulations are applicable to all Districts:
  - 1. Billboards are not permitted.
  - 2. All ground, wall and freestanding signs may include reader boards.
  - 3. Any sign not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
  - 4. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.
  - 5. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
  - 6. Construction signs are permitted within any District, subject to the following restrictions:
    - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
    - b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
    - c. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

## Section 12.10 Measurement of Sign Area for Irregular Shaped Signs



$$\text{Length} \times \text{Width} = \text{Total Area}$$



**Length x Width =  
Total Area**

7. Special event signs, including banner signs, are permitted in any District. subject to the following restrictions:
  - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
  - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen ( 15) feet.
  - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
  
8. Directional signs are permitted subject to the following restrictions:
  - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
  - c. Directional signs shall be limited to traffic control functions only.
  
9. Garage, estate sale, and roadside stand signs are permitted subject to the following restrictions:
  - a. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five (5) feet from any side or rear property line.
  - b. Such sign shall not exceed six (6) square feet in area.
  - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

## **SECTION 12.12 DISTRICT SIGN REGULATIONS**

- A. Signs in each District shall be subject to the following regulations:

**A-R, R-1, R-2, AND MHP DISTRICTS – PERMITTED SIGNS**

Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District

<b>Number</b>	One (1) per major entrance
<b>Size</b>	No greater than thirty-two (32) square feet
<b>Location</b>	Minimum of fifteen (15) feet from any side or rear property line
<b>Height</b>	No higher than six (6) feet

Wall signs for home occupations

<b>Number</b>	One (1) per lot or parcel
<b>Size</b>	No greater than four (4) square feet
<b>Location</b>	On wall of house facing street, unilluminated

Wall signs for non-residential users

<b>Number</b>	One (1) street frontage
<b>Size</b>	No greater than five percent (5%) of the wall area to which the sign is affixed
<b>Location</b>	On wall of building facing street

Political signs

<b>Number</b>	One (1) per issue or candidate
<b>Size</b>	No greater than six (6) square feet
<b>Location</b>	Minimum of fifteen (15) feet from any side or rear property line
<b>Height</b>	No higher than six (6) feet

Real estate signs

<b>Number</b>	One (1) per lot or parcel
<b>Size</b>	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre in size.
<b>Location</b>	Minimum of fifteen (15) feet from any side or rear property line
<b>Height</b>	No higher than six (6) feet

## COMMERCIAL DISTRICTS – PERMITTED SIGNS

Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet for each sign allowed
Location	Minimum of five (5) feet from front property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than ten percent (10%) of wall area to which the sign is affixed
Location	On wall of house facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side of rear property line
Height	No higher than six (6) feet
Freestanding signs	
Number	One (1) per lot or parcel, except for parcels with two (2) or more public street frontages equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign.
Size	One and one-half (1 ½) square feet for each one (1) foot of lot frontage up to a maximum of fifty (50) square feet, for each sign allowed
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet

## LI – LIGHT INDUSTRIAL DISTRICT – PERMITTED SIGNS

Ground signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side of rear property line
Height	No higher than six (6) feet



## CHAPTER 13 ZONING BOARD OF APPEALS

### SECTION 13.01 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. The Zoning Board of Appeals shall consist of three (3) members as provided in the Zoning Act. The term of each member shall be three (3) years and until a successor has been appointed and qualified. Members of the Zoning Board of Appeals who are also members of the Township Board and from the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members.
- C. Alternate Members
  - 1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
  - 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
  - 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- D. A member shall be disqualified from a vote in which there is a conflict of interest.

### SECTION 13.02 JURISDICTION

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 13.04.
- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
- D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

- E. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implications cannot grant use variances at all or use its variance authority to accomplish what would, in effect, be a rezoning of land.

**SECTION 13.03 PROCEDURE ON APPEAL**

- A. Upon all appeals from any order, requirements, decision, or determination of any administrative official or body, such appeal shall be taken within thirty (30) days by the filing with the Township Clerk a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
- B. Upon such appeal, the Zoning Board of Appeals shall hold a public hearing on such matter. Notice of the public hearing shall be given in accordance with Section 17, Public Notice.
- C. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter appealed.

**SECTION 13.04 STANDARDS OF REVIEW**

- A. A variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same District;
  - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
  - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  - 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  - 5. The variance will not impair the intent and purpose of this Ordinance.
  - 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

## SECTION 13.05 DECISIONS OF THE ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon. Upon failure to do so, such appeal or application shall thereupon be deemed to be decided adversely to the appellant or applicant in the same manner as though the Zoning Board of Appeals had rendered its decision to that effect.
- B. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- C. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
1. Description of the applicant's request.
  2. The Zoning Board of Appeal's motion and vote.
  3. A summary or transcription of all competent material and evidence presented at hearing; and
  4. Any conditions attached to an affirmative decision.
- D. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.
- E. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- F. Period of Validity

No variance granted by the Zoning Board of Appeals shall be valid for a period longer than six (6) months, from the date of its issuance if not used. However the applicant may, upon request, request, at no cost, up to one (1) six (6) month extension of said variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.

## SECTION 13.06 RESUBMISSION

- A. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
  2. That new conditions or circumstances exist which change the nature of the original request.

### **SECTION 13.07 STAY OF PROCEEDINGS**

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order.
- B. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

## CHAPTER 14 ADMINISTRATION AND ENFORCEMENT

### SECTION 14.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

### SECTION 14.02 DUTIES OF THE ZONING ADMINISTRATOR

A. This Ordinance shall be enforced by the Zoning Administrator and Building Inspector who shall, in no case, issue any Building Permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.

B. Violations

The Zoning Administrator shall investigate any alleged violation of this Ordinance coming as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time required by the Zoning Administrator, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.

C. Inspections

The Building Inspector shall inspect all new construction or alterations at the time footings are placed when framing is underway, and at the completion of the construction or alterations authorized. The Building Inspector shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.

D. Records

The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, applications and permits issued, with a notation of all special conditions involved. They shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

### SECTION 14.03 ZONING COMPLIANCE AND BUILDING PERMITS

A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit. In the event a Building Permit is also required by the Building Code of the Township, then said fee shall be credited toward the Building Permit required by the Building Code of the Township.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance permits shall expire one year from their date of issuance.
- D. A copy of all approved Building Permits shall be sent to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance and/or State and Township Subdivision Regulations.
- F. The Zoning Administrator shall have a reasonable period of time, not to exceed thirty (30) days to review all plans and specifications prior to taking appropriate action thereon.
- G. The Zoning Compliance permit and Building Permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

**SECTION 14.04 CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, a fee as established by the Township Board from time to time shall be charged for each permit.

**SECTION 14.05 ZONING ORDINANCE AMENDMENTS**

**A Initiation**

- 1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
- 2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

**B. Procedure for Changes**

- 1. Applications for Zoning Ordinance Map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
  - a. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.

- b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within one-half ( ½ ) mile of the property affected by such amendment.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act.
  3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing to be the same as required by the Planning Commission public hearing for the same matter.
  4. Zoning ordinance Map or text amendment applications which are approved, approved with conditions or denied by the Planning Commission will be stated in writing. A copy of the written statement of findings will be sent to the applicant through certified mail within five (5) days of the final Planning Commission action.
  5. Before the Township Board adopts a proposed zoning ordinance Map or text amendment, it will allow a property owner a hearing if requested. The property owner's request must be by certified mail, addressed to the clerk. If a request is received, the township board will hold the requested public hearing at a board meeting, preceded by notice of a hearing as otherwise required by the Zoning Act.

C. Resubmission

Whenever a proposed Zoning Map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such Map or text change for at least one (1) year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

**SECTION 14.06 SCHEDULE OF FEES**

1. No action shall be taken on any application for any variance, ordinance amendment, Site Plan Review, Special Land Use, or any other review required by this Ordinance by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
2. Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this Ordinance.

**SECTION 14.07 PENALTIES**

A. Penalties

1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.

2. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any amendment thereof, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five-hundred dollars (\$500.00) or shall be imprisoned for not more than ninety (90) days, or both, such fine and imprisonment in the discretion of the Court.
3. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the Township is empowered to prosecute such violations.

B. Procedure

The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**SECTION 14.08 PERFORMANCE GUARANTEES**

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. Such performance guarantee shall be deposited with the Clerk of the Township 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 plan; if not, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.



## CHAPTER 15

### TITLE, PURPOSE, SCOPE AND LEGAL BASIS

#### SECTION 15.01 TITLE

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

#### SECTION 15.02 PURPOSE

- A. This Ordinance is based upon the Edwards Township Master Plan and is designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each District, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

#### SECTION 15.03 SCOPE

- A. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- B. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

#### SECTION 15.04 LEGAL BASIS

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the "Zoning Act."

#### SECTION 15.05 REPEAL

Any Ordinance or any provision of any Ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance replaces Ordinance No. 2 of the Ordinances of Edwards Township, adopted February 13, 1989, as amended.

#### SECTION 15.06 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which shall be in effect.

**SECTION 15.07 EFFECTIVE DATE**

This Ordinance shall be effective, November 1994.

## CHAPTER 16

# PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

### SECTION 16.01 DEFINITIONS

PONDS, LAKES, RIVERS, CREEKS, STREAMS, AND OTHER WATERBODIES are defined by Part 301: Inland Lakes and Streams of Michigan's Natural Resources and Environment Protection Act (NREPA), P.A. 451 of 1994, as amended.

SEASONAL STREAMS, SEEPS, SPRINGS, AND OTHER WATER FEATURES are defined as depicted within the Ogemaw County Soil Survey.

SLOPES are defined as topographic change in the landscape as measured by feet of rise in elevation over lineal distance or "run."

WETLANDS are defined by MDEQ criteria pursuant to Part 303: Wetland Protection of Michigan's Natural Resources and Environmental Protection Act (NREPA), P.A. 451 of 1994, as amended.

### SECTION 16.02 PURPOSE

The purpose of the planned unit development (PUD) overlay district is to allow for higher density and mixed use development and at the same time preserve the rural character of Edwards Township. Further the intent of the PUD overlay district is to provide for open space. While guiding future residential development and conserving important natural resources within the Township.

The PUD overlay zoning district is established to accomplish the following objectives:

- A. To encourage land use in ways consistent with the character and adaptability of Edwards Township.
- B. To guide landowners in the realization of their rightful equity in their landholdings by providing for the division, sale and orderly development of land.
- C. To provide for the preservation of farmland, orchards, forestland, open space, and community character and to protect and preserve natural and historical resources within the Township.
- D. To provide for the division of land under the provision of the Michigan Land Division Act (P.A. 591 of 1996, as amended) and the Michigan Condominium Act (P.A. 59 of 1978, as amended).
- E. To assure that land is suitable for the creation of building sites and to allow innovation and flexibility in the design, layout and the construction of residential and mixed-use developments.
- F. To provide for the construction and maintenance of roads, storm water management, public utilities in an economical and efficient manner.
- G. To provide for public services and the construction and maintenance of infrastructure and in a manner that does not overburden the Township's financial ability to provide such facilities, infrastructure and services.
- H. To provide environmental amenities and recreational opportunities to present and future residents of the community by providing for the development of land in a manner consistent with the Edwards Township Maser Plan.
- I. To comply with the purposes of the Michigan Rural Township Zoning Act (P.A. 184 of 1943, as amended), P.A. 110 of 2006, as amended and the Michigan Township Open Space Zoning Act, (P.A. 177 of 2001)

## SECTION 16.03 GENERAL REQUIREMENTS

Single and mixed-uses PUD shall be subject to the following general requirements:

A. Location

A PUD may be established in an Agricultural-Residential or Neighborhood Commercial District.

B. Minimum Land Area

The minimum land area required for a PUD shall be a minimum of ten (10) acres excluding wetlands and lands within 25 feet of wetlands, water features and lands within 100 feet of water features such as lakes, ponds, impoundments, rivers, streams, creeks, springs, etc.; lands within the 100-year flood plain, and public or private road right of ways.

The landowner/developer may select to implement the PUD overlay district to undertake development. These PUD requirements are to be read in conjunction with underlying zoning requirements.

C. Single Party Control Required

While the land comprising a proposed PUD may be owned by more than one party, the PUD project must be under the control of a single party or entity. This single controlling person or entity shall assume responsibility for completing a PUD subject to the provisions of this Article.

D. Project Phasing

To promote the likelihood of a proposed PUD project advancing Edwards Township's vision for future growth, as embodied in its Master Plan, all PUD's must be phased. The completion of Phase I must be certified by the Edwards Township Planning Commission before lots may be sold within Phase II. The requirement shall also apply to subsequent PUD project phases, if any.

E. Escrow Funds

Applicants shall be required to deposit escrow funds to cover costs associated with the Township's use of engineering, legal and planning consultants, if any, during the review of preliminary and final applications for PUD zoning.

F. Performance Guarantees

The Edwards Township Planning Commission may require a performance guarantee (cash, certified check, irrevocable bank letter of credit, or other surety acceptable to the Township) covering the estimated cost of completing the improvements within the PUD. For purposes of this subsection, the term "improvements" means features including roadways, lighting, utilities, sidewalks (if any), trails, storm drainage facilities, sewage disposal facilities, screening and buffering, and the like deemed by the Planning Commission to be reasonably necessary to protect the public health, safety and welfare and future users or inhabitants of the proposed PUD. Improvements do not include the entire PUD.

When required, performance guarantees shall be deposited with the Township Clerk before any land clearing, excavation, or other construction activities commences in an approved PUD zoning district.

In the event a performance guarantee is in the form of cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ration of the work completed on the required/approved improvements.

G. **Approved PUD Plan Functions as PUD District Regulations**

The final site plan, other plans and statements submitted by applicants and conditions associated with an approved PUD shall constitute the district regulations governing the alteration of land and natural resources and the layout, construction, use and occupancy of buildings, improvements, and structures within a PUD.

H. **Other Permits Required**

Proposed PUDs shall have all local, state and federal permits in place, or a letter of assurance from the regulating agency indicating that approval is expected or imminent, before final approval by Edwards Township.

**SECTION 16.04 PUD ZONING DISTRICTS ARE ESTABLISHED ON A CASE BY CASE BASIS**

A. **Single Use PUDs**

Single use PUDs are defined as being primarily residential in nature. Single use PUDs containing a use permitted as a matter of right in an underlying zoning district shall be established as a special use.

B. **Mixed Use PUDs**

Mixed use PUDs are defined as project designs that seek to appropriately mix residential and commercial uses as envisioned within the Edwards Township Master Plan. Applications for mixed use PUDs shall be processed in the same manner as any other application for the rezoning of property. Mixed use PUDs may be established provided underlying zoning district use regulations shall not be circumvented by the uses proposed.

The establishment of industrial uses through the application of this PUD overlay ordinance is not permitted under any circumstances.

**SECTION 16.05 PRE-APPLICATION CONFERENCE REQUIRED**

Applicants are required to meet and undertake a site visit with the Zoning Administrator to present PUD concepts for informal, non-binding informational purposes. Pre-application conferences are intended to allow applicants to present PUD concepts to the Zoning Administrator and to provide information to the applicant regarding Edwards Township's land use policies and any specific areas of concern.

**SECTION 16.06 APPLICATIONS**

All application shall be administratively complete prior to Planning Commission consideration, and consist of the following:

- A. A site analysis map showing all site features including:
1. Topography on a 5-foot contour interval;
  2. Location of water features including wetlands, ponds, lakes, impoundments, permanent and seasonal streams, seeps, springs or creeks, and rivers;
  3. Location of farmland (active or inactive), orchards, and forest lands;
  4. Soil map and soil association summaries from the Ogemaw County Soil Survey;

5. Historic structures or culturally significant features including but not limited to farmhouses, barns, stone walls, cellars, cemeteries, Indian trails, old country roads, and other features identified by the Michigan State Historic Preservation Office;
  6. Habitat that could support threatened or endangered species, if any, as defined by the Michigan State University Extension, Natural Features Inventory's Ogemaw County element's list;
  7. Prime and unique agricultural lands, as defined by the Natural Resource Conservation Service or Ogemaw County Soil Conservation Service;
  8. 100-year flood plains as defined by the Federal Emergency Management Agency; and
  9. Existing structures and other built infrastructure.
- B. An application fee (see Section 14.06 of the Edwards Township Zoning Ordinance).
- C. An escrow fee.
- D. A preliminary PUD site plan complying with the provisions of Section 10.0 Site Plan review. The location and timing of each phase of the proposed PUD must be indicated on the site plan.
- E. A type-written legal description and a recent survey by a licensed surveyor of the property.
- F. A type-written statement describing:
1. The number of acres of land subject to the application;
  2. The use or uses to be established in the proposed PUD, including the number and area of lots or building sites; number, type, and floor area of dwelling units; and the number, type and floor area of all other buildings; and
  3. A tentative, phased construction schedule.

#### **SECTION 16.07 PUD APPLICATION SUBMITTAL DEADLINE**

A. Single Use PUDs

Single Use PUDs containing a use permitted a matter of right in an underlying zoning district shall be established as a special use. Single use PUD applications shall be submitted to the Zoning Administrator following a pre-application conference not less than thirty (30) days before the date on which the Planning Commission will first consider the same.

B. Mixed Use PUDs

Applications for mixed use PUDs shall be processed in the same manner as any other application for rezoning property. Proposed mixed use PUDs shall not include any uses not allowed as permitted or special uses in an underlying zoning district.

#### **SECTION 16.08 PRIMARY USES (USES ALLOWED BY RIGHT)**

The use of all lands, premises and resources in the PUD overlay district shall be limited to the following primary uses:

A. Single-family dwelling

- B. Two-family dwellings

**SECTION 16.09 SECONDARY USES (SUBJECT TO SPECIAL LAND USES APPROVAL)**

See Edwards Township Zoning Ordinance Section 11.

- A. Commercial, professional, and service facilities may be allowed to the extent that they are a usual and necessary part of the PUD.
- B. Such secondary uses are limited to those services that provide for the residents of the PUD.

**SECTION 16.10 REQUIRED OPEN SPACE**

The required open space may include the following:

- A. Agricultural activities.
- B. Forest management and other silvacultural activities.
- C. Environmental protection.
- D. Natural resources conservation.
- D. Historical preservation.
- E. Recreational facilities.

**SECTION 16.11 PUD DESIGN AND REVIEW STANDARDS**

- A. Master Deed

A preliminary Master Deed of sufficient detail for the Edwards Township Planning Commission to determine and evaluate proposed plans for the maintenance of common areas, open spaces, roads and drainage ways internal to the project, trails, history building and other cultural features, and other features and/or elements to be held in common by PUD association members shall be submitted as a part of an administratively complete application prior to Planning Commission review of the PUD.

- B. Perimeter Setback Required

All PUD projects shall establish and maintain a perimeter setback along project boundaries of fifty (50) to one hundred (100) feet from the edge of the road right-of-way or property line (which ever is greater), except where special setback conditions are imposed due to the specific nature of the proposed use.

- C. The PUD perimeter setback area shall be maintained as open space as wooded, pasture, fallow land, shrub land, wetlands, stream corridor, or be landscaped, and shall exclude paved surfaces, parking areas, septic structures and drainfield reserve areas, or structures of any kind.
- D. Pathways and trails for non-motorized, pedestrian travel may occupy the perimeter setback area and/or other appropriate areas internal to the PUD project.
- E. The maximum effective residential density within a PUD site shall not exceed the equivalent of two (2) dwellings per acre, unless a higher density is allowed by the Edwards Township Planning Commission.

- F. The density calculation is intended to be calculated for the entire PUD project site, and shall not be construed as to prohibit the use of innovative siting techniques such as clustering, conservation design, conservation development, low impact development, and common wall structures for dwelling units to allow the required fifty percent (50%) common open space elsewhere on the project site. Individual and/or combined water and/or septic systems will be allowed within open space areas. Such open space may also be used for storm water management and snow storage.
- G. No dwelling unit shall be less than seven hundred and twenty (720) square feet or as required by the underlying zoning district.
- H. Setbacks from water features as defined within Section 16.06(a)(2) above, shall be a minimum of one-hundred (100) feet, and a vegetated buffer of no less than fifty (50) feet in width shall be maintained within water feature setbacks. Native vegetation must be retained and such areas fenced during construction to prevent vegetation removal or damage. Thirty percent (30%) or less of existing trees, if any, within the vegetated buffer strip may be removed at the landowner/developers' discretion after home construction to establish a filtered view. Dead diseased or dying trees may be removed at the discretion of the landowner.
- I. Setbacks from neighboring structures shall be a minimum of ten (10) feet or a distance equal to the height of the tallest building, which ever is greatest.
- J. Setback requirements may be increased or decreased at the discretion of the Planning Commission.
- K. To avoid long, unbroken building walls, a maximum of two (2) dwelling units may be contained within any one building.
- L. Uses shall be arranged within a PUD project to be harmonious with the surroundings and blend with specific community objectives as embodied with the Edwards Township Master Plan.
- M. PUDs shall comply with the Private Road Ordinance within Section 2.24 of the Edwards Township Zoning Ordinance.

**SECTION 16.12 ACTIONS FOLLOWING PUD APPROVAL**

Three (3) copies of the approved site plane (including site plan drawings, Master Deed, and supporting documents) shall be signed and dated by the Zoning Administrator and the applicant. A copy of the Planning Commission's approving report or recommendation shall be attached to each site plan. A mixed use PUD application shall require similar action by the Edwards Township Board.

One (1) signed, approved site plan shall be provided to the applicant. One (1) copy shall be provided to the Township Clerk for inclusion in the Edwards Township Zoning Ordinance. One (1) copy shall be provided to the Zoning Administrator for inclusion in his or her files as a record of Township approval of the PUD.

If a final application for a mixed use PUD is approved by the Township Board, a notice describing the nature and extent of the PUD district shall be published in a newspaper within fifteen days after approval by the Township Board. This requirement in no way eliminates or modifies other public notice and hearing requirements during the PUD review process.

**SECTION 16.13 STATEMENT OF COMPLIANCE REQUIRED**

All buildings, structures, and improvements with an approved PUD zoning district shall be established in strict compliance with the approved site plan and any conditions of approval. All building and improvements shall be constructed as illustrated on the approved site plan.



Following completion of buildings, structures and improvements, the applicant shall provide a statement prepared by an independent professional (professional engineer, licensed architect, licensed planner, or registered landscape architect) certifying that all buildings, structures, and improvements have been constructed in compliance with the approval granted.

#### **SECTION 16.14 RECORDED AFFIDAVIT REQUIRED**

An affidavit in a form acceptable to the Edwards Township Attorney containing the information outlined in this Article shall be recorded with the Ogemaw County Register of Deeds within a reasonable period of time following approval.

- A. Date of approval of the PUD by the Planning Commission (in the case of single use PUDS) or Township Board (in the case of mixed use PUDs).
- B. Legal description of property.
- C. A statement by the applicant(s) certifying that the property will be developed in accordance with:
  - 1. The site plan and other information approved by the Planning Commission or Township Board, or
  - 2. All conditions associated with an approval of the PUD.

This statement shall specifically indicate that no modification shall be made to the PUD as approved; to the site plan or other information provided by the applicant; or to any conditions associated with approval of the PUD, unless approved under the modification provisions of the Article.

Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One copy shall be attached to his or her copy of the signed plan. One copy shall be placed in the Planning Commission's record of proceedings on the PUD. One copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceeding on the PUD.

#### **SECTION 16.15 MODIFICATION OF AN APPROVED PUD**

- A. Minor modifications to a PUD may be approved by the Planning Commission by mutual agreement between the applicants or successors in interest as follows:
  - 1. Reorientation of buildings provided no such structure is moved more than twenty-five (25) feet from the original plan location, the move is determined to be necessary based on the site conditions not previously known, the intent, concept, and objectives of the PUD are not circumvented, and no greater impact is exerted on adjacent properties.
  - 2. Redistribution of the dwelling units among the proposed structures, provided building heights are not increased, and the density of the dwelling units is not increased.
  - 3. Minor realignment of roads, pedestrian ways, parking areas based on the need to respect site features (topography, soils, waterways and water bodies, historic features, vegetation, etc.)
- B. Major Modifications

Major modifications to an approved PUD shall be subject to review and approval under a new application for PUD zoning. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty (120) square feet; or increases in the number of building sites, lots or dwelling units.; increases in land area occupied by non-residential uses; or the addition of other buildings, structures, uses, and improvements not originally included in the final PUD plan as approved.

## SECTION 16.16 PUD PLAN EXPIRATION AND RENEWAL

The expiration, repeal and renewal of PUD sit plan, where preliminary or final, shall be in accordance with the following standards.

### A. Plan Expiration

PUD approval shall automatically expire after twenty-four (24) months, following the effective approval date, if one or more of the following apply:

1. In the case of a final site plan no earthwork or construction activities are in evidence and no valid construction permits are in effect;
2. The project is in effect abandoned, there is no apparent interest in continuing the PUD as established, and no application for renewal have been received;
3. No apparent effort is being made to market the PUD project or operate it as an active development; or
4. In the case of a preliminary site plan, the use proposals are different from the approved Preliminary Plan.

### B. Plan Renewal

To forestall automatic expiration, the PUD owner shall request renewal of the PUD prior to the expiration date. Renewal shall be by formal action of the Planning Commission. Renewal requests shall be filed at least seven (7) days prior to the scheduled meeting date of the Planning Commission, but no formal public hearing is required. Renewals shall be for periods not to exceed 12 months and only two such renewal shall be permitted.

## CHAPTER 17 PUBLIC NOTICE

### SECTION 17.01 PUBLIC NOTICE

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provision of this Section with regard to public notification.

- A. **Responsibility:** When the provisions of this Ordinance of the Michigan Zoning Enabling Act require that notice be published, the Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Edwards Township.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
1. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addressees within the subject 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 such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. **When and where the request will be considered:** Indicate the date, time and place of the public hearing(s).
  4. **Written comments:** Include a statement describing when and where written comments will be received concerning the request, include a statement that the public may appear at the public hearing in person or by counsel.
  5. **Handicap access:** information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. **Personal and Mailed Notice**
1. **General:** When the provisions of the Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
    - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of boundaries of Edwards Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads, and other persons which have requested to receive notice pursuant to Section 17.02, Registration to Receive Notice by Mail.
  - d. Other governmental units or infrastructure agencies bordering the property involved in the application.
- 2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
  - 1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
  - 2. For any other public hearing required by this Ordinance: Not less than five (5) days notice shall be given.

#### **SECTION 17.02 REGISTRATION TO RECEIVE NOTICE BY MAIL**

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Clerk to receive written notice of all applications for development approval pursuant of Section 17.01,C,1,c, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Edwards Township Board.
- B. Requirements: The requesting party must provide the Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to receive notification pursuant to this Section.

## CHAPTER 18 WATERFRONT OVERLAY DISTRICT

### SECTION 18.01 STATUTORY AUTHORITY

Michigan Zoning Enabling Act, P.A. 110, MCL 125.3101 *et sec.*

### SECTION 18.02 DESCRIPTION AND PURPOSE

This Chapter is enacted to protect water quality within Edwards Township, prevent soil erosion and sedimentation into waters, and to promote the scenic character and protect property values of waterfront parcels.

### SECTION 18.03 DEFINITIONS

**100-YEAR FLOOD PLAIN** - flood plain along waters within Edwards Township that are inundated during a 100 year flood event as mapped by the Federal Emergency Management Agency.

**EARTH CHANGE** - an artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Prior to engaging in any earth change activity within five-hundred (500) feet of a lake, river or stream, a valid soil erosion and sedimentation control permit is necessary from the Ogemaw County Soil Erosion and Sedimentation Control Officer.

**FILTERED VIEW OF WATERS** - the maintenance or establishment of woody vegetation of sufficient density to screen development from waters, to provide for river/stream bank and lakeshore stabilization, nutrient and erosion control, to serve as an aid to infiltration of surface water runoff, and to provide cover to shade the water in a manner while providing an adequate view to the water.

**LAKE** - as used in this ordinance refers to the definition of inland lake found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended. Lakes do not include constructed ponds, impoundments or other artificial waters.

**LOT** - a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet all minimum dimensional and use requirements and to provide such setback area and other open space as required by this ordinance. Such lot shall have frontage on a public road or street or an approved private street or drive, and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds; provided that in no case of lot division or combination shall the area of any lot or parcel created, including residuals be less than the minimum size required by this ordinance.

**ORDINARY HIGH WATER MARK** - the line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation; OR any legally established ordinary high water mark on waters.

**PRINCIPAL STRUCTURE** - structures primarily intended for or directly related to human occupation or use, including dwellings, parking areas, and water and septic structures and swimming pools, if any. Principal structures do not include decks, patios, gazebos, walkways, boardwalks, shore stations, docks or other accessory structures not primarily intended for dwelling.

RIVER - as used in this ordinance refers to the definition of rivers, streams, creeks, etc. found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended. Rivers do not include constructed waterways, canals, channels, or other artificial waters.

RIVERFRONT SETBACK LINE - the minimum required principal structure setback from the ordinary high water mark.

SETBACK - the minimum horizontal distance between a building setback line and a lot line or the ordinary high water mark, as determined by the lot or parcel.

SOIL EROSION AND SEDIMENTATION CONTROL ACT AGENCY - the Soil Erosion and Sedimentation Control Officer, Ogemaw County enforcing the provisions of Part 91: Soil Erosion and Sedimentation Control Act; Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994. as amended.

STEEP SLOPES - slopes on land of eighteen (18%) percent or greater.

WETLAND - as used in this ordinance refers to the definition of wetland found within the Michigan Wetland Protection Act, Part 303 of P.A. 451 of 1994, as amended.

#### **SECTION 18.04 WATERFRONT AREAS REGULATED**

- A. The requirements of this Chapter are supplemental to those imposed on waterfront lands by any underlying zoning provisions of this ordinance or other ordinances of Edwards Township. These regulations supersede all conflicting regulations of the underlying zoning district(s) to the extent of such conflict, and no more.
- B. Every lot and parcel of land physically abutting as along an inland lake or lying between the ordinary high water mark and a line one hundred (100) feet horizontal from and perpendicular to the ordinary high water mark as shown on the official Edwards Township Zoning Map, is subject to this overlay district. This line shall be known as the waterfront setback line.
- C. Every lot and parcel of land physically abutting as along a river or stream, lying between the ordinary high water mark and a line fifty (50) feet horizontal from and perpendicular to the ordinary high water mark or typical bank as shown on the official Edwards Township Zoning Map, is subject to this overlay district. This line shall be known as the waterfront setback line.

#### **SECTION 18.05 GENERAL PROVISIONS**

##### ***100-year Flood Plain***

No principal structure shall be constructed within the 100-year flood plain. Any non-principal structures within the 100-year flood plain shall be constructed in a manner that allows for the free flow through of water (i.e. structure foundations are not allowed), complies with all state and/or federal regulations, and compensates for flood plain losses, if any.

Accessory buildings/structures constructed in conformance with this section within any waterfront lot and the 100-year flood plain shall not exceed two-hundred (200) square feet in building/structure footprint.

#### **SECTION 18.06 WATERFRONT/FRONT YARD SETBACK**

- A. For the purposes of this Chapter, waterfront portions of a lot of record, site condominium or planned unit development lot, or other parcel are considered the lot or parcel's front yard.
- B. Any parcel which is within the Agricultural zoning district and is under active cultivation or other agricultural practice is exempt from this Chapter.

- C. No principal structure, including parking area(s), shall be erected closer than the waterfront setback line (40 feet), except on nonconforming lots of record.
- D. Waterfront setbacks on lots of record on or before the effective date of this Chapter within the Edwards Township Zoning Ordinance may be reduced by averaging the setback from the ordinary high water mark to primary structures on the two closest developed lots on either side of the subject parcel property lines. The minimum front yard setback shall be no less than twenty-five (25) feet.
- E. Compost piles, manures/fertilizers, livestock, small animal pens and other nutrient sources; sold waste, garbage, trash, discarded appliances, motor vehicles (not including motorized boats), and other unsightly or potentially polluting materials shall not be stored within the waterfront setback.
- F. Lots of record after the effective date of this Chapter shall conform to waterfront setbacks established in this Section.
- G. The waterfront portion of shoreline parcels within Edwards Township shall be considered the front yard pursuant to the Edwards Township Zoning Ordinance.
- H. Septic systems and any septic system component (e.g. septic tanks, drain fields, holding tanks, piping, etc.) shall be placed on the non-lakeward side (i.e. backyard) of any waterfront lot or parcel when possible. Septic systems, as defined above, shall be setback at least seventy-five (75) feet from any water body, waterway, ordinary high water mark, shoreline, wetland and/or 100-year floor plain.

**SECTION 18.07 NATURAL VEGETATION STRIP**

- A. To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, the maintenance of a natural vegetation strip is encourage on each parcel or lot between the ordinary high water mark and a buffer line, each point of which is twenty-five (25) feet horizontal from and perpendicular to the ordinary high water mark.
- B. Existing vegetation shading water surfaces is encouraged to be preserved to the maximum extent possible.
- C. Existing natural ground cover and native vegetation is encouraged to be preserved to the fullest extent feasible, and where removed is encouraged to be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and protecting community scenic values. Natural vegetation buffer is encouraged to be fenced with silt fence and construction barrier prior to grading or other on-site construction activities. This protective fencing, when installed, is encouraged to be maintained until the completion of construction.
- D. Within the natural vegetation strip, it is encouraged that no more than thirty (30%) percent of existing trees and shrubs be selectively pruned or removed to enhance a filtered view of the water from the principal structure and for reasonable private riparian access to the water. It is encouraged that a filtered view be established through selective cutting only after the principal structure has been sufficiently constructed to locate window, decks or other structure features intended to enjoy and utilize a water view. Such pruning and removal activities, if undertaken, are encourage to insure that a live root system stay intact to provide for waterfront bank stabilization and erosion control. Clear cutting within the natural vegetation buffer is strongly discourage.
- E. Planting of perennial native species (ground cover, shrubs and trees) in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist.

- F. Waterfront landowners that voluntarily establish a natural vegetative strip along 500 feet or more of waterfront as defined within this Chapter, may qualify for a conservation easement to be held in perpetuity by Edwards Township pursuant to Michigan Public Act 446 of 2006 and the Federal Pension Protection Act of 2006, and in accordance with site-specific conservation easement terms acceptable to the landowner and Edwards Township.



**Figure 1.** Example of a **Vegetated Buffer** zone along a Lakeshore (*Lakescaping for Wildlife and Water Quality*, Minnesota DNR, p. 50).



**Figure 2.** Example of a **Vegetated Buffer & Filtered View** on a steep slope along a lakeshore (*Lakescaping for Wildlife and Water Quality*, Minnesota DNR, p. 51).

#### **SECTION 18.08 MINIMUM LOT SIZES**

The minimum lot width and depth for all lots with any part within this overlay zone and created after the effective date of this Section shall be:

- A. The minimum lot width shall be one-hundred (100) feet.
- B. The minimum lot depth shall be sufficient to accommodate all setbacks and yard requirements of this overlay zone and the underlying district, and shall not have a width to depth ration of more than 1:4.
- C. Shall have lawful ingress and egress in accordance with state law and Edwards Township regulations.

#### **SECTION 18.09 RECONSTRUCTION OF NON-CONFORMING STRUCTURES**

In the event of natural disaster, fire or other act of God, landowners regulated by this Chapter shall be allowed to reconstruct principal structures of the same general dimensions upon or within the non-conforming building foundation or footprint.

#### **SECTION 18.10 APPEALS AND VARIANCES**

- A. Appeals.
  1. Any person aggrieved by any decision of the Edwards Township Planning Commission or Zoning Administrator pursuant to this Chapter may appeal to the Edwards Township Zoning Board of Appeals. Such appeal shall be taken within sixty (60) days after the challenged decision. Notice of Appeal setting forth the specific grounds for the appeal shall be filed with the Edwards Township Planning Commission and the Edwards Township Zoning Board of Appeals. The zoning administrator shall forthwith transmit to the Edwards Township Zoning Board of Appeals the record upon which the action appealed from was taken.



2. The Edwards Township Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish public notice, as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
3. The Edwards Township Zoning Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of a majority of the Edwards Township Zoning Board of Appeals shall be necessary to reverse the decision of the Edwards Township Planning Commission.

**B. Variances.**

1. An applicant may include in the application a request for a variance from the requirements of this Chapter. No variance shall be granted unless applicant demonstrates and the Edwards Township Planning Commission of Appeals finds that all of the following conditions are present:
  - a. Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
  - b. The hardship is due to exceptional physical conditions unique to the property;
  - c. Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance;
  - d. The project will have no impact upon any of the stated purposes of this ordinance as set forth in Section 18.02;
  - e. The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property;
  - f. The net cumulative effect of the variance will not impact downstream conditions; and
  - g. Existing regional facilities are shown to meet the performance standards of the ordinance.
2. If all of the conditions set forth in paragraph (1) above are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.
3. A variance from the provisions of Section 18.05 – 18.08 may be granted if:
  - a. The applicant has met the requirements of Section 18.10; and
  - b. The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.
4. A person aggrieved by a variance determination by the Edwards Township Planning Commission may appeal the decision to the Edwards Township Zoning Board of Appeals pursuant to Chapter 13.
5. A person aggrieved by a decision of the Edwards Township Zoning Board of Appeals regarding a variance may appeal that decision to the Ogemaw County Circuit Court.

**SECTION 18.11 SAVINGS CLAUSE**

If any provision of this Chapter is declared by a court to be invalid, the invalid provision shall not affect the remaining provisions of the part that can be given effect without the invalid provision. The validity of the Edwards Township Zoning Ordinance as a whole or in part shall not be affected, other than the provision invalidated.

EDWARDS TOWNSHIP

ZONING ORDINANCE AMENDMENT FOR SMALL AND LARGE SOLAR ENERGY SYSTEMS

ORDINANCE NO: \_\_\_\_\_

*An Ordinance to amend the Edwards Township Zoning Ordinance to authorize Small Solar Energy Systems as a permitted use in certain Zoning Districts, to authorize Large Solar Energy Systems as conditional land uses in the Agricultural District, and to establish standards for these uses.*

EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO ZONING ORDINANCE CHAPTER 1, SECTION 1.02:**  
Zoning Ordinance Chapter 1, Section 1.02, is amended to add a definition for "Abandoned Solar Energy System." and shall read as follows:

**SECTION 1.02 DEFINITIONS – A**

ABANDONED SOLAR ENERGY SYSTEM

Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of six months.

ACCESSORY BUILDING

A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

ACCESSORY USE, OR ACCESSORY

A use of a zoning lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE

An enclosed building used for the sale of motion picture films, video cassettes, magazines, poster, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

ADULT LIVE ENTERTAINMENT THEATER

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

#### PERSONAL SERVICES ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

#### PHOTOVOLTAIC DEVICE

A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

#### PLANNING COMMISSION, OR COMMISSION

The Edwards Township Planning Commission.

#### PRIMARY ROAD

A County Primary roadway as designated in the Edwards Township Master Plan or the Ogemaw County Road Commission. For purposes of this Ordinance only, a State Trunkline shall also be considered as a County Primary.

#### PRINCIPAL USE

The primary use to which the premises is devoted.

#### PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulation, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**SECTION 3. AMENDMENT TO ZONING ORDINANCE CHAPTER 1, SECTION 1.19:**  
Zoning Ordinance Chapter 1, Section 1.19, is amended to add a definition for "Solar Array," "Solar Energy System, Large," and "Solar Energy System, Small" and shall read as follows:

#### **SECTION 1.19 DEFINITIONS – S**

##### SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchange, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel material and equipment and automobile wrecking.

##### SETBACK

The distance required to obtain minimum front, side or rear yard open space provision of the Ordinance.

B. Acts of human masturbation, sexual intercourse or sodomy;

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### SPIRITS

A beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

#### STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

#### STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

#### STREET

A public, dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property, or a private easement which affords principal access to more than one (1) lot

#### STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

#### SUBSTANTIAL IMPROVEMENT

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places of the Michigan Register of Historic Places.

- G. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- H. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- I. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing consistent with Section 2.13, or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
- J. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground
- K. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times, and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- L. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

**SECTION 6. AMENDMENT TO ZONING ORDINANCE CHAPTER 4, SECTION 4.02:**  
 Zoning Ordinance Chapter 4, Section 4.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System" as a permitted use, and shall read as follows:

**SECTION 4.02 PERMITTED USES**

Land and/or buildings in the A-R District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands for produce grown on the premises.
- B. Single-family dwellings.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.

J Large Solar Energy Systems.

**SECTION 8. AMENDMENT TO ZONING ORDINANCE CHAPTER 5, SECTION 5.02:** Zoning Ordinance Chapter 5, Section 5.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System" as a permitted use, and shall read as follows:

**SECTION 5.02 USES PERMITTED BY RIGHT**

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings.
- B. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- C. Family day care homes.
- D. Home occupations in accordance with the requirements of Section 2.14.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Single family site condominium projects.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
- H. Small Solar Energy Systems.

**SECTION 9. AMENDMENT TO ZONING ORDINANCE CHAPTER 6, SECTION 6.02:** Zoning Ordinance Chapter 6, Section 6.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System" as a permitted use, and shall read as follows:

**SECTION 6.02 PERMITTED USES**

Land and/or buildings in the NC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10:

- A. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.

- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities, excluding bowling alleys.
- J. Veterinary hospitals and animal clinics.
- K. Commercial child care centers.
- L. Utility and public service buildings, including storage yards.
- M. Micro-distilleries and craft breweries, exclusive of on-site patron service and drive-through facilities.
- N. Accessory buildings, structures, and uses.
- O. Small Solar Energy Systems.

**SECTION 11. AMENDMENT TO ZONING ORDINANCE CHAPTER 8, SECTION 8.02:** Zoning Ordinance Chapter 8, Section 8.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System" as a permitted use, and shall read as follows:

**SECTION 8.02 PERMITTED USES**

Land and/or buildings in the LI District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10.

- A. Offices.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, or testing).
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Trade or industrial schools.

1. All requirements for a site plan contained in Chapter 10 of the Township Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Ogemaw County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or an Abandoned Solar Energy System.



An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.

D. Compliance with the State Building Code and the National Electric Safety Code

Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Land Use Permit under this section.

E. Certified Solar Array Components

Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.

F. Height

Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.

G. Lot Size

A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.

3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

K. Signage

No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Land Use Permit or other applicable law.

L. Noise

No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.

M. Lighting

All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.

N. Glare

All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.

O. Distribution, Transmission and Interconnection

All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.

P. Abandonment and Decommissioning

Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make

the Special Land Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

V. Roads

Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Ogemaw County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

W. Continuing Security and Escrow

If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:

1. Continuing Restoration Security: If a Special Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the

The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

AA. Transfer of Ownership/Operation

Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

**SECTION 14. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

**SECTION 15. EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

**SECTION 16. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by \_\_\_\_\_ and was supported by \_\_\_\_\_ at a regular meeting of the Edwards Township Board, held at the Edwards Township Hall, 3601 Wickes Road, West Branch, MI 48661, on the \_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ p.m., the vote being:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Ron Taylor Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ogemaw County Clerk on \_\_\_\_\_, 2018.

ATTESTED:

\_\_\_\_\_  
Brandy Curtis, Township Clerk

Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.

X. Conditions

In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Special Land Use.

Y. Completion of Construction

The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Land Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Special Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Special Land Use Permit being rendered null and void.

Z. Quarterly Reports

such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.

Q. General Standards

The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit unless it finds that all of the applicable standards for Special Land Uses contained in Chapter 11 of this Ordinance are met.

R. Safety

The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.

S. Conditions and Modifications

Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

T. Inspection

The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.

U. Maintenance and Repair

Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and

#### H. Setbacks

A minimum setback distance of forty (40) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

#### I. Lot Coverage

A Large Solar Energy System is exempt from maximum lot coverage limitations.

#### J. Screening/Security

A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Land Use Permit.
2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted.



13. A copy of the manufacturer's safety measures.
14. Planned lighting protection measures.
15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
  - a. Impact on area water resources
  - b. Impact on air quality
  - c. Noise impacts caused by the Solar Energy System
  - d. Impact on utilities and infrastructure
  - e. Protection of neighboring property owners and children
  - f. Impact on wildlife
  - g. Effects on floodplains and wetlands
  - h. Unique farmlands or soils
  - i. Areas of aesthetic or historical importance
  - j. Archeological or cultural concerns
  - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility
16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Ogemaw County Drain Commission.
17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
18. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

C Application Escrow Deposit

- I. Utility and public service buildings, including storage yards.
- J. Contractor's showrooms and storage yards.
- K. Accessory buildings, structures, and uses.
- L. Small Solar Energy Systems.

**SECTION 12. AMENDMENT TO ZONING ORDINANCE, ARTICLE 10, SECTION 10.02(A):** Zoning Ordinance Chapter 10, Section 10.02(A) is amended to require site plan review for any Small or Large Solar Energy Systems in any district:

**SECTION 10.02 SITE PLANS REVIEWED**

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Site Plan has been reviewed and approved by the Planning Commission under the following circumstances:
  - 1. Permitted Uses in Residential Districts, except farms, single family dwellings (unless part of a site condominium project), state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings and uses.
  - 2. Permitted Uses in the NC, HC, and LI Districts.
  - 3. Special Land Uses in any District.
  - 4. Planned Unit Developments per Chapter 16.
  - 5. Solar Energy System, Large

**SECTION 13. AMENDMENT TO ZONING ORDINANCE CHAPTER 11, SECTION 11.09:** Zoning Ordinance, Chapter 11, is amended to add the following new Subsection:

**SECTION 11.09 LARGE SOLAR ENERGY SYSTEMS**

- A. Purpose and Intent

The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Agricultural District as a Special Land Use.

- B. Site Plan Drawing and Supporting Materials

All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

- D. Retail stores, providing goods within a completely enclosed building, provided that no individual store shall exceed twenty thousand (20,000) square feet in gross floor area.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Commercial child care centers.
- J. Veterinary hospitals and animal clinics.
- K. Utility and public service buildings without storage yards.
- L. Accessory buildings, structures, and uses.
- M. Small Solar Energy Systems.

**SECTION 10. AMENDMENT TO ZONING ORDINANCE CHAPTER 7, SECTION 7.02:**  
 Zoning Ordinance Chapter 7, Section 7.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System" as a permitted use, and shall read as follows:

**SECTION 7.02 PERMITTED USES**

Land and/or buildings in the HC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 10:

- A. Offices.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.

- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 2.14.
- F. Radio and television transmitting buildings and towers.
- G. Schools, churches, libraries, parks, playgrounds and community center buildings.
- H. Single family site condominium projects.
- I. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.
- J. Small Solar Energy Systems.

**SECTION 7. AMENDMENT TO ZONING ORDINANCE CHAPTER 4, SECTION 4.03:** Zoning Ordinance Chapter 4, Section 4.03, entitled "Special Land Uses," is amended to add "Large Solar Energy System as a special land use, and shall read as follows:

**SECTION 4.03 SPECIAL LAND USES**

Land and/or buildings in the A-R District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 11:

- A. Country clubs, golf courses, riding stables, hunting clubs, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Animal hospitals.
- F. Bed and breakfast establishments.
- G. Junkyards.
- H. Forestry production (wood cutting and storage).
- I. Utility and public service buildings, without storage yards.

**SECTION 4. AMENDMENT TO ZONING ORDINANCE CHAPTER 1, SECTION 1.20.1:** Zoning Ordinance Chapter 1, Section 1.20.1, is amended to add Section 1.20.1, entitled "Definitions – U," and shall read as follows:

**SECTION 1.20.1 DEFINITIONS – U**

**UNREASONABLE SAFETY HAZARD**

Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**SECTION 5. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.30:** Zoning Ordinance, Chapter 2, is amended to add Section 2.30, entitled "Solar Energy Systems," providing as follows:

**SECTION 2.30 SOLAR ENERGY SYSTEMS**

- A. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under Section 2.11, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
- B. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- C. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
- D. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- E. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- F. No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.

## SHADOW FLICKER

The moving shadow created by the sun shining on the rotating blades of a WECS.

## SIGN

A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public.

## SIGNIFICANT NATURAL FEATURES

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

## SOLAR ARRAY

Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

## SOLAR ENERGY SYSTEM, LARGE

A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

## SOLAR ENERGY SYSTEM, SMALL

A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts.

## SPECIFIED ANATOMICAL AREAS

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

## SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

#### ADULT MOTION PICTURE THEATER

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in the Ordinance, for observation by patrons therein.

#### ADULT USES

Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

#### AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes, or for forestry processing and production. All reasonable dust, spray drift, water drift, noise, odor, and other conditions normally associated with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

#### ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

#### AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

**SECTION 2. AMENDMENT TO ZONING ORDINANCE CHAPTER 1, SECTION 1.17:** Zoning Ordinance Chapter 1, Section 1.17, is amended to add a definition for "Photovoltaic Device," and shall read as follows:

#### **SECTION 1.17 DEFINITIONS – P**

#### PARKING SPACE

EDWARDS TOWNSHIP  
OGEMAW COUNTY, MICHIGAN

ORDINANCE NO. O-2017-6

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

**Section 1:** Edwards Township hereby amends the Edwards Township Zoning Ordinance as follows:

Purpose. This Section is intended to allow for communication towers and ancillary facilities within Edwards Township in conformance with the Michigan Zoning Enabling Act, P.A. 143 of 2012, MCL 125.3514, as amended; the Federal Communications Act of 1996, Public Law No. 104-104, 110 Stat. 56 (1996); 47 U.S.C. 151, as amended; the federal Middle Class Tax Relief and Job Creation Act (i.e., the Spectrum Act) of 2102, Title VI, subtitle D, Section 6409; associated administrative rules<sup>1</sup> and state and federal court rulings. Any terms used in this Article but not specifically defined within this Ordinance shall be used as defined by state and federal statutes, rules and court findings.

The goals of this ordinance are to protect residential areas and land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township of Edwards shall give due consideration to the Edwards Township Zoning Ordinance, Zoning Map, and existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

1. Definitions. As used in this ordinance, the following terms shall have the meanings set forth herein:

- a. Alternative Tower Structure: Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
- b. Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

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<sup>1</sup> Federal Communications Commission rule, 47 C.F.R., Part 1 and Part 17, Federal Communications Commission Report and Order, October 17, 2014 (FCC14-153), Appendix B.



- c. Backhaul Network: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- d. Collocate means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
- e. Communication tower and facilities means wireless communication, broadband, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless broadband, and other communication services.
- f. Equipment Compound means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- g. FAA: Federal Aviation Administration.
- h. FCC: Federal Communications Commission.
- i. Height: When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
- j. Preexisting Towers/Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.
- k. Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
- l. Wireless Communications Equipment means the set of equipment and network components used in the provision of communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- m. Wireless Communications Support Structure means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole or building.

## 2. Applicability.

- a. New Towers and Antennas: All new towers or antennas in the Township of Edwards shall be subject to these regulations, except as provided in Sections 3(b) and 3(c) of this ordinance.
- b. Amateur Radio Station Operators/Receive Only Antennas: This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

- c. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance.
3. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Edwards Township Zoning Administrator. The following shall be required as part of the application:
- a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance;
  - b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and un-platted residentially zoned properties;
  - c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of Edwards Township, or within three miles of the border thereof, including specific information about the location, height, and design of each tower;
  - d. Landscape plan showing specific plant materials;
  - e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening;
  - f. Description of compliance with Section 5 of this ordinance.
4. Communication Towers. The following standards will be required for all Communication Tower Facilities:
- a. Communication towers shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line or leased area boundary. The setback standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties.
  - b. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
  - c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
  - d. The proposed height meets FCC and/or FAA regulations.
  - e. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
  - f. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.

- g. All new towers shall be constructed in such a manner so as to provide collocation of at least five (5) additional antennae. Depending on tower height, additional collocated antennae may be required by the Commission. These antennae sites shall be made available at a fair market value to third parties on a need for basis to anyone wanting to mount commercial communication equipment. No new construction will be approved, unless it can be demonstrated that space on existing towers is unavailable or unsuitable.
  - h. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  - i. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (i.e., no longer used).
  - j. The proposed height meets FCC and FAA regulations so that the tower does not have lights, or the Planning Commission makes a finding it is more desirable to have a single taller tower to avoid multiple unlit towers.
  - k. All towers lighted and unlighted shall not be located closer than two (2) miles from another tower.
5. Aesthetics: Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
6. Signs: No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
7. Lighting: Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.
8. Fencing: A tower shall be enclosed by security fencing not less than six (6) feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
9. Landscaping: A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five (5) feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as tower sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

10. Applicant will provide the Edwards Township Board with an annual report identifying owner and co-locators, due by January 1<sup>st</sup> of each calendar year.
11. Engineered for foundation to hold entire structure without guy wires.
12. Appurtenant Equipment and Buildings: Antennas mounted on structures or rooftops - The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.
13. Antennas mounted on utility poles, light poles or towers - The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.
14. Permitted Use. Wireless communications equipment is a permitted use in all districts except for the residential district if the following requirements are met:
  - a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
  - c) The proposed collocation will not do any of the following:
    - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
    - (ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

e) This Section shall not be interpreted in any way to regulate Michigan State Police radio or 911 communication towers and associated facilities.

#### 15. Special Use Type 1

If wireless communications equipment is collocated and the structure is in compliance with zoning, but a) increases the height of the structure more than 20 feet or 10% (whichever is greater); b) increases width more than necessary; c) increases the existing compound area over 2,500 square feet, and d) does not comply with previous approval, the application may be handled as a special use permit.

#### 16. Special Use Type 1 Requirements:

An application for a communication tower and/or associated facilities shall include:

- a) a site plan in accordance with Chapter 10: Site Plan Review of the Edwards Township Zoning Ordinance; and
- b) other information as required by the Planning Commission.

#### 17. Special Use Type 1 Review Process:

- a) The Zoning Administrator shall within fourteen (14) business days determine if a Type 1 Special Use Permit communication tower and/or associated facilities application is administratively complete pursuant to this Ordinance. The results of such assessment by the Zoning Administrator shall be communicated in writing to the applicant within said 14 business days. A Type 1 special use permit application not determined to be administratively complete or administratively incomplete within said 14 business days of the application being received shall automatically be deemed as administratively complete.
- b) Fee for Type 1 special use permit shall not be more than the actual cost to process the application, or \$1,000, whichever is less.
- c) Planning Commission action on a Type 1 special Use permit application for wireless communications (i.e., approve, deny, approve with conditions) shall be taken within sixty (60) days of a complete application and be supported by substantial evidence. If such action has not taken place within sixty (60) days, the Type 1 special use permit shall be considered approved as submitted. Any conditions of approval must directly relate to the existing zoning ordinance, other local ordinances, and applicable state and federal law.

18. Special Use Type 2

If wireless communications equipment is not being collocated on an existing structure, the communications tower and/or associated facilities application shall be handled as a Type 2 special use permit.

19. Special Use Type 2 Requirements:

An application for a communication tower and/or associated facilities shall include:

- a) a site plan in accordance with Chapter 10: Site Plan Review of the Edwards Township Zoning Ordinance; and
- b) other information as required by the Planning Commission.

20. Special Use Type 2 Review Process:

- a) The Zoning Administrator shall within fourteen (14) business days determine if a Type 2 Special Use Permit communication tower and/or associated facilities application is administratively complete pursuant to this Ordinance. The results of such assessment by the Zoning Administrator shall be communicated in writing to the applicant within said 14 business days. A Type 2 special use permit application not determined to be administratively complete or administratively incomplete within said 14 business days of the application being received shall automatically be deemed as administratively complete.
- b) Fee for Type 2 special use permit shall not be more than the actual cost to process the application, or \$1,000, whichever is less. This fee does not preclude any other required fees for Township review of this matter, e.g., meeting fees, etc.
- c) Planning Commission action on a Type 2 special Use permit application for wireless communications (i.e., approve, deny, approve with conditions) shall be taken within sixty (60) days of a complete application and be supported by substantial evidence. If such action has not taken place within sixty (60) days, the Type 2 special use permit shall be considered approved as submitted. Any conditions of approval must directly relate to the existing zoning ordinance, other local ordinances, and applicable state and federal law.

21. Removal of Abandoned Antennas and Towers: An antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from Edwards Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

22. Nonconforming Uses:

- a. Not Expansion of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

**Section 2: Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

**Section 3: Savings clause**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 4: Effective date**


The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in Edwards Township.


**Section 5: Adoption**

This Ordinance was duly adopted by the Edwards Township Board of Trustees at its regular meeting called and held on the 9th day of October, 2017.

**Section 6: Publication**

The Township Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Edwards Township within thirty (30) days after adoption.

  
Jeffrey D. Keister, Supervisor

  
Dennis Stephens, Edwards Township Clerk

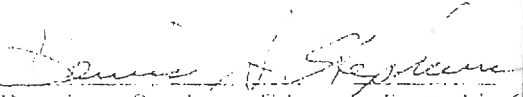
Ordinance No.: O-2017-6  
Adoption date: October 9, 2017  
Publication date: October 19, 2017  
Effective date: October 27, 2017

### CERTIFICATION

I, Dennis A. Stephens, the Clerk for Edwards Township, Ogemaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Edwards Township Board of Trustees at a regular meeting held on Monday, October 9, 2017. The following members of the Edwards Township Board of Trustees were present at the meeting: Supervisor Jeffrey D. Keister, Clerk Dennis A. Stephens, Treasurer Eileen S. Fournier, Trustee David K. Ross, Trustee Brent D. Illig.

The Ordinance was adopted by the Edwards Township Board of Trustees with ALL members of the Board voting in favor (Supervisor Jeffrey D. Keister, Clerk Dennis A. Stephens, Treasurer Eileen S. Fournier, Trustee David K. Ross, Trustee Brent D. Illig.) and NONE voting against.

A copy of the Ordinance or a summary thereof was published in the Ogemaw County Herald on October 19, 2017.

  
Dennis A. Stephens, Edwards Township Clerk





**A EDWARDS TOWNSHIP  
ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. O-2018-2

*An Ordinance to amend the Zoning Ordinance for Edwards Township to authorize Intensive Livestock Facilities as special land uses in the Agricultural – Residential District, and to establish standards by which these uses are to be managed.*

EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.02:** Township Zoning Ordinance, Chapter 1, Section 1.02, is amended to add the following new definition:

*Animal Unit.* An animal unit is defined per the type of animal as set forth in Table 1:

**Table 1. Animal Units**

<b>Animal Units</b>	50	250	500	750	1,000
<b>Animal Type<sup>1</sup></b>	<b>Number of Animals</b>				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine <sup>2</sup>	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

1 All animal types not in this table are to be calculated as one thousand pounds live weight equals one animal unit.

2 Weighing over 55 pounds.

**SECTION 2. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.07:** Township Zoning Ordinance, Chapter 1, Section 1.07, is amended to add the following new definition:

*Floodplain.* Any land area that is subject to a 1 percent or greater chance of flooding, or equivalent to a 100-year flood as mapped by the Federal Emergency Management Agency (FEMA).

**SECTION 3. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.10:** Township Zoning Ordinance, Chapter 1, Section 1.10, is amended to add the following new definition:

*Intensive Livestock Facility.* Any animal feeding facility that handles more than 1,000 “animal units” confined on the property, or any existing animal feeding facility that expands to handle more than 1,000 animal units.

**SECTION 4. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.14:** Township Zoning Ordinance, Chapter 1, Section 1.14, is amended to add the following new definitions:

*Manure.* The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter, excluding whole or partial carcasses.

*Manure Storage Facility.* A detached “structure” or other improvement built to store “manure” for future use, or awaiting disposal.

**SECTION 5. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.19:** Township Zoning Ordinance, Chapter 1, Section 1.19, is amended to add the following new definition:

*Surface Water.* A body of water that has its top surface exposed to the atmosphere and includes lakes, ponds, or water holes that cover an area greater than 0.25 acres, and streams, rivers, or waterways that maintain a flow year-round.

**SECTION 6. AMENDMENT TO TOWNSHIP ZONING ORDINANCE CHAPTER 11:** Township Zoning Ordinance, Chapter 11 is amended to add the use “Intensive Livestock Facility” to the list of uses provided in Section 11.07, entitled “Specific Special Land Use Standards,” which shall read as follows:

**SECTION 11.07 SPECIFIC SPECIAL LAND USE STANDARDS**

Z. Intensive Livestock Facility, except for those facilities operated in conformance with the Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices

**SECTION 7. AMENDMENT TO TOWNSHIP ZONING ORDINANCE CHAPTER 11:** Township Zoning Ordinance, Chapter 11 is amended to add new Subsection Z to Section 11.07, entitled “Specific Special Land Use Standards,” which shall read as follows:

**SECTION 11.07 SPECIFIC SPECIAL LAND USE STANDARDS**

Z. Intensive livestock facility

1. In addition to the information required for Special Land Use under this Chapter and Site Plan Review under Chapter 10, the applicant must include the following information with applicant's submission:
  - a. Location and dimensions of all proposed buildings, structures, fencing and improvements associated with the intensive livestock facility;
  - b. Proposed number of animal units and proposed livestock type;
  - c. Proposed activities on the property and projected duration of the activities;
  - d. Proposed hours of facility and the number of employees;
  - e. Existing and proposed roads and access ways within and adjacent to the facility;
  - f. Surrounding land uses and ownership;
  - g. Topographic relief of the site at a two (2) feet contour;
  - h. Soil types at the site in accordance with Natural Resources Conservation Service/ U.S. Department of Agriculture official soil descriptions;
  - i. Locations of existing on-site water wells, if any, and depth to groundwater;
  - j. Location of surface waters, including ponds, lakes, streams, drainage ditches, rivers and wetlands within 1,000 feet of the site perimeter;
  - k. Location and distance to any residences or parcels of record that allow residential land uses within 2,500 feet of the site perimeter;
  - l. A soil erosion and sedimentation control plan consistent with all applicable provisions of Part 91 SESC of Michigan's NREPA, PA 451 of 1994, as amended;
  - m. A hydrogeological study and monitoring plan addressing the protection of groundwater during operation of the facility. Such study shall consist of a minimum of five (5) on-site groundwater monitoring wells at perimeter of the site set at a depth encountering the first water bearing zone. Groundwater depth, gradient, and flow direction shall be determined with a minimum of three (3) groundwater monitoring wells, and a minimum of two (2) downgradient groundwater monitoring wells.
  - n. A water withdrawal plan designed to protect the level of water in lakes, ponds, wetlands, watersheds, groundwater and residential drinking wells located within the Township, including all materials submitted to the Michigan Department of Environmental Quality (MDEQ) as part of the Water Withdrawal Assessment Tool (WWAT) program. Such water withdrawal plan shall be based upon the results of the required hydrogeological study. Ground water pump test results shall be included in the required water withdrawal plan.

- o. Noise management plan detailing how noise from the equipment used for operation of the facility can be minimized to not create conditions that result in unreasonable interference with the comfortable use and enjoyment of neighboring property; provide documentation establishing the ambient noise level prior to construction; identify the activities on site that have the potential to cause noise impacts; specify how the impacts will be mitigated considering the following characteristics: (i) nature and proximity of adjacent development and land uses; (ii) seasonal and prevailing weather patterns, including wind directions; (iii) extent of vegetative screening on or adjacent to the site; and (iv) topography.
- p. A chemical storage plan containing a list and the location of all chemicals on-site and the material safety data sheets (MSDS) is required and shall be submitted to the Ogemaw Fire Department. If the list of chemicals is confidential and not subject to disclosure under the Freedom of Information Act (FOIA), the list shall be marked accordingly.
- q. A waste management plan describing all projected waste, including a list of all chemical constituents and total volumes intended for disposal, and the manner by which waste shall be lawfully disposed.
- r. The odor management plan shall detail how the facility will minimize odor impacts on adjacent property owners, including: identification of potential sources of significant odors; evaluation of the potential magnitude of each odor source; identification of current, planned, and potential odor control practices; a plan to monitor odor impacts and respond to odor complaints; and a strategy to develop and maintain good neighbor and community relations, and a process for reporting such complaints to the Township.
- s. A reclamation plan providing for the return of the ground to its original condition and the safe and timely removal of all manure, chemical waste or other hazardous materials within a time period not to exceed 60 days after nonuse, decommissioning, or abandonment.
- t. A copy of any permit application, Pollution Incident Protection Plan (PIPP)/Spill Prevention, Control & Countermeasure (SPCC) plans and all other materials submitted by the applicant to MDEQ, or any permit or approval obtained from MDEQ, if applicable; and
- u. A copy of any Generally Accepted Agricultural Management Practices (GAAMPs) plan(s), permit application and all other materials submitted by the applicant to the Michigan Department of Agriculture and Rural Development (MDARD), or any permit or approval obtained from MDARD, if applicable.
- v. A statement as to whether the applicant has operated or owned an intensive livestock facility where there was a violation of any provision of local, state or federal law, or where there was a finding that a nuisance existed; describe each release, violation, or nuisance, and specify the date, place, jurisdiction and any

emergency and/or remedial action taken.

- w. An environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on nearby streams, rivers, lakes and other water sources as well as wildlife), if requested by the Township. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the Special Land Use.
  - x. The applicant shall supplement the application in writing by certified mail, return receipt requested, to the Zoning Administrator within ten (10) business days of a change of circumstances which would render the information originally submitted false or incomplete.
  - y. Any other information reasonably requested by the Township Board, Planning Commission, or Zoning Administrator deemed to be relevant to the processing or consideration of the application.
2. The Township shall have the right to inspect the premises on which the intensive livestock facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
  3. No special land use approval for an intensive livestock facility may be assigned or transferred to any person unless the assignee or transferee has submitted in writing to the Township that the person will comply with terms and conditions of the special land use approval and this Section. The applicant of the facility shall notify the Township of the sale or transfer of ownership of that facility or change of control or management of the facility within 30 days that such event occurs. No special land use approved under this Section is transferrable to any other location except for the property described in the Township's approval.
  4. A manure storage required for the facility shall not be located:
    - a. Within 330 feet from any single-family residential water well;
    - b. Within 500 feet from surface water;
    - c. Within a 100-year floodplain; or
    - d. Within 2,000 feet of a public water supply well.
  5. The facility shall be operated consistent with the Township approved hydrogeological study and monitoring plan, water withdrawal plan, noise management plan, waste management plan, and odor management plan prepared by the applicant.
  6. All ingress and egress to the facility shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that

said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

7. Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of the facility shall be repaired at the applicant's expense as determined by the Township.
8. If the any of the operations of the facility cause any public or private ground water well to become contaminated or depleted, the well shall be replaced or repaired by the applicant's expense as determined by the Township.
9. If any change to an alternate or additional livestock type will occur, the Township shall receive notice of the change at least 120 days prior to the anticipated date of the change.
10. A facility shall be operated in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best management practices as defined by MDEQ. All activities, uses and equipment used shall be constructed and operated so that dust, noise vibrations, and odors or other adverse impacts will be minimized and retained on-site, thereby reducing the adverse impacts to adjacent properties and persons living or working in the surrounding area.
11. The applicant, at applicant's own cost, shall monitor the impact of its activities on the environment to ensure the activities are not adversely impacting nearby properties. In order to conduct the monitoring required by this Section, the applicant, using US EPA/SW-846 and MDEQ protocols, shall sample: (a) sample on-site groundwater monitoring wells quarterly for total phosphorous and nitrate, and (b) sample any river, streams, or lakes within 1,000 feet of the property quarterly for total phosphorous, total nitrogen, E. coli, total dissolved solids, total suspended solids, dissolved oxygen and temperature. The applicant shall report the sample results to the Township Zoning Administrator within ten (10) calendar days of receipt of sample laboratory test results.
12. Operations of the facility shall not result in impacting residential water supplies, including but not necessarily limited to: (a) the withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties, or (b) Contamination of soil, groundwater, and drinking water supplies.
13. Any intensive livestock facility that is not used for six (6) successive months or longer shall be deemed to be abandoned and all above and below ground materials must be removed and reclaimed according to the reclamation plan approved by the Township.
14. If any intensive livestock facility is approved pursuant to this Ordinance, the Township Board shall require security in the form of a cash deposit or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance

with this Ordinance and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after the special land use has been approved but before construction commences upon the premises. At a minimum, the financial security shall be in an amount determined by the Township Board to be sufficient to comply with the approved reclamation plans should the intensive livestock facility become abandoned, dangerous or obsolete, or not in compliance with this Ordinance. Such financial security shall be kept in full force and effect during the entire time while the intensive livestock facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the facility) for at least 30 years from the date of the license approval, or until every component of the intensive livestock facility has been completely removed as required by this Ordinance, whichever comes later. Failure to keep such financial security in full force and effect at all times required by the Ordinance shall constitute a violation of this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the license.

15. An escrow account shall be set up when the applicant applies for approval of an intensive livestock facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the license review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, Township Engineer, and environmental consultant, as well as any reports or studies which the Township anticipates it may have done related to license review process for the particular application. Such escrow amount shall be in addition to regularly established fees. At any point during the license review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit.
16. Each intensive livestock facility shall also comply with all applicable federal and county requirements, in addition to Township ordinances. The applicant shall notify the Township immediately of any suspension or revocation of any required state and/or federal permit.
17. The applicant shall notify the Township of any incident report or written complaint submitted to the MDEQ, MDARD, US EPA or other regulating agency within seventy-two (72 hours) after the applicant has notice of the existence of such report or complaint.
18. Applicant shall copy the Township on all data required to be delivered to MDEQ, MDARD and/or the US EPA for the facility.
19. In addition to the other requirements and standards contained in this section, the Township Board shall not approve any intensive livestock facility unless it finds that the intensive livestock facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

**SECTION 8. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 14, SECTION 14.07:** Township Zoning Ordinance, Chapter 14, Section 14.07, entitled "Penalties," is amended to add civil infractions citations, which shall read as follows:

A. Penalties

1. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*.
2. Violation of a provision of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five-hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case.
3. Persons, firms, corporations or entities in violation of a provision of this Ordinance, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, may be subject to and found responsible for a municipal civil infraction. The schedule of forfeitures for any municipal civil infraction shall be established by resolution of the Township Board, not to exceed five-hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* A schedule of forfeitures for violation of this Ordinance shall be available at the municipal civil infractions bureau.
4. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the Township is empowered to prosecute such violations.

B. Procedure

The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**SECTION 9. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

**SECTION 10. EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.



**SECTION 11. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by \_\_\_\_\_ and was supported by \_\_\_\_\_ at a regular meeting of the Edwards Township Board, held at the Edwards Township Hall on the \_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ p.m., the vote being:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

\_\_\_\_\_  
Supervisor  
Edwards Township

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance that was:

1. Introduced for publication and subsequent final adoption by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2018;
2. Published by a summary once before its final adoption in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2018;
3. Finally adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2018;
4. Published by summary again following its final adoption in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2018;
5. Recorded within one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted; and
6. Filed as an attested copy with the Ogemaw County Clerk on \_\_\_\_\_, 2018.

ATTESTED:

\_\_\_\_\_  
Dennis A. Stephens, Clerk  
Edwards Township

ATTACHMENT A

EDWARDS TOWNSHIP  
OGEMAW COUNTY, MICHIGAN  
ORDINANCE PROHIBITING COMMERCIAL MEDICAL MARIJUANA FACILITIES  
ORDINANCE NO. O-2017-7

At a regular meeting of the Township Board of Edwards Township, Ogemaw County, Michigan, held at Edwards Township Hall on October 9, 2017, at 7:00 p.m., Township Board Member/Treasurer Eileen Lounier moved to adopt the following Ordinance, which motion was seconded by Township Board Member/Trustee Dave Ross:

*In Ordinance to prohibit Commercial Medical Marijuana Facilities under the Michigan Marijuana Facilities Licensing Act, Public Act 281 of 2016, in order to protect the public health, safety and general welfare of Township residents and visitors; and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance*

THE TOWNSHIP OF EDWARDS ORDAINS:

**Section 1. Definitions.** The following words and phrases shall have the following definitions when used in this Ordinance, unless another meaning is obvious from the context in which the words are used:

1. "Commercial Medical Marijuana Facility" or "facility" means any one of the following:
  - a. "Provisioning Center," as that term is defined in the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016 (MMLFA);
  - b. "Processor," as that term is defined in the MMLFA;
  - c. "Secure Transporter," as that term in the MMLFA;
  - d. "Grower," as that term is defined in the MMLFA;
  - e. "Safety Compliance Facility," as that term is defined in the MMLFA.
2. "Marijuana" means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
3. "Medical Marijuana" means that term as defined in MCL 333.26423.
4. "Qualifying Patient" means a "registered qualifying patient" or a "visiting qualifying patient" as those terms are defined by MCL 333.26421, et seq.
5. "Person" means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
6. "Primary Caregiver" means a person qualified under MCL 333.26423(g) to assist with a patient's medical use of marijuana.

## Section 2. Prohibition of Commercial Medical Marijuana Facilities.

1. *Uses Prohibited.* Commercial Medical Marijuana Facilities defined in this Ordinance are prohibited from operating within the Township, and no property within the Township may be used for the operation of such Facilities. No person shall operate, cause to be operated, or permit to be operated a Commercial Medical Marijuana Facility in the Township.
2. *Qualifying patients and primary caregivers.* Nothing in this Ordinance shall be construed to prohibit, regulate or otherwise impair the use or cultivation of Medical Marijuana by Qualifying Patients and Primary Caregivers in strict compliance with the Michigan Medical Marijuana Act, codified at MCL 333.26421 *et seq.*, or any rules or regulations promulgated thereunder. The operation of a dispensary, provisioning center, Marijuana growing facility or similar business operation that allows or facilitates conduct not expressly permitted under the Michigan Medical Marijuana Act is prohibited, including but not limited to facilities allowing Patient-to-Patient transfers, multiple Primary Caregivers operating from a single facility, or a Primary Caregiver serving more than five (5) Qualifying Patients.

**Section 3. Penalties and Consequences for Violation.** In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day a violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance may be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.
3. The owner of record or tenant of any building, structure or premises, or part thereof and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 4. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 5. Repeal Any Ordinances in Conflict. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

ROLL CALL VOTE:

Supervisor	Jeffrey D. Keister	Yes
Clerk	Dennis A. Stephens	Yes
Treasurer	Robert S. Lounsbury	Yes
Trustee	David K. Ross	Yes
Trustee	Brent D. Hill	Yes

ORDINANCE DECLARED ADOPTED.


  
Jeffrey D. Keister, Township Supervisor

CERTIFICATION

I hereby certify that

1. The above is a true copy of an Ordinance adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on Monday, October 9, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Ogemaw Herald newspaper, a newspaper that circulates within Edwards Township, on October 9, 2017.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ogemaw County Clerk on October 19, 2017.

ATTESTED:

  
Dennis A. Stephens, Township Clerk



NOTICE OF ADOPTION OF ORDINANCE  
EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN

ORDINANCE PROHIBITING COMMERCIAL MEDICAL MARIJUANA FACILITIES

Please take notice that, on Monday, October 9, 2017, the Township Board of Edwards Township, Ogemaw County, Michigan ("Township") adopted Ordinance No. O-2017-6, to prohibit any Commercial Medical Marijuana Facilities ("CMMFs") under the provisions of the Michigan Marijuana Facilities Licensing Act, PA 281 of 2016, in order to protect the public health, safety and general welfare of township residents and visitors, and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance.

The Ordinance contains the following sections and catch lines: Section 1: Definitions; Section 2: Prohibition of Commercial Medical Marijuana Facilities; Section 3: Penalties and Consequences for Violation; Section 4: Severability; Section 5: Repeal Any Ordinance in Conflict; and Section 6: Effective Date. This Ordinance will become effective 30 days after this publication. Copies of the above ordinance may be obtained from Dennis Stephens, Edwards Township Clerk, at PO Box 563, West Branch, MI 48661, or by calling (989) 965-2548.

Published by Order of the Township Board  
Edwards Township, Ogemaw County, Michigan  
Dennis Stephens, Township Clerk  
(989) 965-2548

Publication Date: October 19, 2017

**EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN**

**PUBLIC NUISANCES ORDINANCE**

Ordinance No. O-2017-03

*An Ordinance to promote the health, safety, and welfare of the people of Edwards Township, Ogemaw County, Michigan, by defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this Ordinance, and recovery of costs incurred by Edwards Township; and repealing all Ordinances or parts of Ordinances in conflict with this Ordinance.*

THE TOWNSHIP OF EDWARDS, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE.** This Ordinance shall be known and cited as the Edwards Township Public Nuisances Ordinance.

**SECTION 2: PUBLIC NUISANCE DEFINED AND PROHIBITED.** The term “*Public Nuisance*” means whatever annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

**SECTION 3: PUBLIC NUISANCES *PER SE*.** The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se*:

1. No person shall maintain or permit to remain on premises owned or occupied by him or her; or throw, place, or leave; or permit the throwing, placing, or leaving on the premises of another any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
  - A. Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of the Township owned by the Township or other municipal corporation.



- B. Any river, lake, stream, or other body of water.
  - C. Any private place or premises where in the opinion of the Township Code Enforcement Officer or his/her agent the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare or offend aesthetic sensibilities or may cause sickness or attract flies, insects, rodents, or vermin.
2. The emission of noxious fumes or gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities.
  3. The keeping, placing, injecting, dumping, or discharging by any means of toxic or hazardous waste, explosives, inflammable liquids, or other dangerous substances into the air, water, or subsurface soil, or onto the surface of the ground, or stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the state.
  4. All dangerous, unguarded excavations or dangerous, unguarded machinery in any public place, or so situated, left or operated on private property as to attract the public.
  5. The owning, driving, or moving upon private property of a truck or other motor vehicle which is constructed or loaded so as to permit any part of its load or contents to be deposited upon any street, alley, sidewalk, or other public or private place or which deposits from its wheels, tires, or other parts unto the street, alley, sidewalk, or other public or private place dirt, grease, sticky substances, or foreign matter of any kind. Provided, however, that under circumstances determined by the Township Code Enforcement Officer to be in the public interest, he/she may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township Code Enforcement Officer and execution of an agreement by such person to reimburse the Township for any extraordinary maintenance expenses incurred by the Township in connection with such violation.
  6. The keeping of bees, when such keeping results in the disturbance of the safety, comfort, and repose of one or more persons or shall render one or more persons insecure in the use of his property.
  7. The keeping of horses or livestock unless expressly permitted by Township Ordinances or State Law or the failure to keep horses or livestock within sufficient fences, barricades, or restraints to keep such animals from entering the public way or the property of another.
  8. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.

9. Leaving, keeping, storing or maintaining a junk motor vehicle on any premises, unless such vehicle is completely enclosed within a lawful building. For purposes of this Ordinance, a junk motor vehicle is any vehicle that is self-propelled or intended to be self-propelled, or any portion of such a vehicle, that:
  - A. Is subject to registration under the Michigan Vehicle Code, MCL 257.1, et seq, and has not been registered or does not display an unexpired and valid license plate for the vehicle; or
  - B. Has remained on a premises for a period of thirty (30) days or more, and does not have an engine in running condition, four (4) inflated tires and a battery, or is incapable of safe operation on the streets and highways as required by the Michigan Vehicle Code; or
  - C. For any reason, including dismantling, disrepair or otherwise, is not operable, not repairable, cannot be started, or is unable to be propelled under its own power.

Junk motor vehicles, for purposes of this Ordinance, shall not include vehicles lawfully kept as stock in trade by a state-licensed dealer in motor vehicles.

10. Leaving, keeping, storing or maintaining an abandoned vehicle on any private or public property within the Township. For purposes of this Ordinance, an abandoned vehicle is either:
  - A. A vehicle that has remained on private property without the consent of the owner; or
  - B. A vehicle that has remained on public property for a period of not less than 48 hours.

In addition to the procedures allowed by this Ordinance for the abatement and removal of public nuisances, an abandoned vehicle may be disposed of as provided for in the Michigan Vehicle Code, MCL 257.252a, *et seq.*

11. Knowingly, and without the consent of the Township or the owner of private property in the Township, dumping, depositing, placing, throwing, or causing or permitting the dumping, depositing, placing, throwing, or leaving of litter on public or private property within the Township other than property designated and set aside for such purpose. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.
12. Discharging prohibited items into a public drain or storm sewer. It is unlawful to make illicit discharges, as defined in subsection (A) below, either directly or indirectly to a public drain or storm sewer.
  - A. Except as provided in subsection (B) below, all discharges that are not entirely composed of storm water are prohibited. The following is a partial list, provided for informational purposes only, of common substances that are prohibited discharges

when allowed to enter a public drain or storm sewer: solid waste; human and animal waste; antifreeze, oil, gasoline, grease and all other automotive and petroleum products; flammable or explosive materials, metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water; domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel.

- B. Permissible Discharges: Discharges from the sources listed below shall only be illicit discharges if the Township Code Enforcement Officer determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a water quality problem, such as those that contain more contamination than typical discharges in the Township, or that contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the Township: potable water sources; washing of potable water storage reservoirs; flushing of potable water lines; natural uncontaminated surface water; natural uncontaminated groundwater; air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn watering; irrigation runoff; runoff from residential car washing by individuals; flows from riparian habitats and wetlands; heat; discharges in compliance with an NPDES permit; and discharges from approved footing drains and other subsurface drains or, where approval is not required, installed in compliance with applicable rules, laws and Ordinances.
- C. Exemption: Discharges resulting from public firefighting activities are exempt from regulation under this section.
- D. Testing for Prohibited Discharges: When the Township Code Enforcement Officer has reason to believe that any prohibited discharge may be occurring, the Township Code Enforcement Officer may sample and analyze the discharge and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain prohibited discharges on a recurring basis, the Township Code Enforcement Officer may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense.

13. Violating the following noise regulations:

- A. General Regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. Specific Violations. The following noise disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

- (i) The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of a person of reasonable sensitivities.
- (ii) Yelling, shouting, singing or other noise making between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of a person of reasonable sensitivities.
- (iii) The emission or creation of any excessive noise that unreasonably interferes with the operation of any school, church, hospital or court.
- (iv) The keeping of any animal, bird or fowl that emanates frequent or extended noise that unreasonably disturbs the quiet, comfort or repose of a person of reasonable sensitivities; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (v) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.
- (vi) The sounding of any horn or other device on any motor vehicle, or otherwise, unless necessary to operate said vehicle safely or as required by the Michigan Vehicle Code.
- (vii) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.
- (viii) The creation of a loud or excessive noise unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

- (ix) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose that, by the creation of such noise, shall be unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities.
- (x) The operation of any machinery, equipment or mechanical device, to include (but not limited to) air horn, so as to emit unreasonably loud noise that is unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities.
- (xi) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating there from would be unreasonably disturbing to the quiet, comfort or repose of a person of reasonable sensitivities. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11 p.m. on any evening.

C. Exceptions. None of the prohibitions enumerated above shall apply to the following:

- (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (ii) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Edwards Township, or the County of Clare, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (iii) Warning devices emitting sound for warning purposes as authorized by law.
- (iv) Animal and machine noises produced as a result of farming operations, including those operations protected by the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture.

**SECTION 4: ABATEMENT; NOTICE; CIVIL INFRACTIONS AND CIVIL PROCEEDINGS; AUTHORITY OF OFFICERS TO ABATE PUBLIC NUISANCES.**

1. **Public Nuisances on Township Property.** Whenever any public nuisance described in Sections 2 or 3 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, such public nuisance may be abated by the Township Code Enforcement Officer or his/her agent without notice and the cost of abatement charged as provided in Section 6.

2. **Public Nuisances on Private Property.** Whenever any public nuisance shall exist on private premises within the Township, the Township Code Enforcement Officer or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate, or otherwise remove the public nuisance within ten days of the receipt of the notice. Following the issuance of such notice, the Township Code Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance.
3. **Civil Infractions.** Any person or other entity who causes or permits to continue a public nuisance as prohibited by the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
4. **Abatement by Township Officials.** If the Township intends to abate the nuisance by entering the property and causing the work to be done to repair, tear down, abate, or otherwise remove the nuisance and charge the cost thereof to the property owner, such intent, and the advisement of the owner or occupant that a hearing may be requested within the ten-day period pursuant to Section 5 of this Ordinance, shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to Section 5, such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Code Enforcement Officer or his/her agent and the cost thereof charged as provided in Section 6. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of such notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of such notice by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records at least 10 days before further action by the Township Code Enforcement Officer.

**SECTION 5: HEARING.** If, after notice provided under Section 4(4), the recipient of the notice requests a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Township Supervisor to determine whether a violation of this Ordinance has or is occurring on the property in question. The Township Supervisor or his appointed hearing officer shall make a decision with written findings of fact based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Supervisor or his/her appointed hearing officer determines that the condition violates the provisions of this Ordinance, he/she shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate, or otherwise remove the nuisance in question within a reasonable time, but not less than five days. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Code

Enforcement Officer or his/her agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in Section 6.

**SECTION 6: ABATEMENT; COSTS.** All expenses incurred by the Township Code Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefor is mailed to him or her, the amount of expenses incurred by the Township in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

**SECTION 7: PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS.** The Township Code Enforcement Officer may act to abate a public nuisance without giving notice as specified in Section 4, if the public health, safety, or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 6.

**SECTION 8: SEVERABILITY.** The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

**SECTION 9: REPEAL.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

**SECTION 10: EFFECTIVE DATE.** This Ordinance shall take effect 30 days after publication as required by law.

Roll Call:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Jeff Keister, Supervisor  
Edwards Township

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2017.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ogemaw County Clerk on \_\_\_\_\_, 2017.

**ATTESTED:**

\_\_\_\_\_  
Dennis Stephens, Clerk  
Edwards Township



**EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN**

**DANGEROUS BUILDINGS ORDINANCE**

Ordinance No. O-2017-02

*An Ordinance to promote the health, safety, and welfare of the people of Edwards Township, Ogemaw County, Michigan, by regulating the maintenance and safety of certain buildings and structures; defining the classes of buildings and structures regulated by this Ordinance; describing and establishing procedures for the maintenance or demolition of certain buildings and structures; establishing remedies, providing for enforcement, and fixing penalties for the violation of this Ordinance; and repealing all ordinances or parts of ordinances in conflict with this Ordinance.*

EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE.** This Ordinance shall be known and cited as the Edwards Township Dangerous Buildings Ordinance.

**SECTION 2: DEFINITION OF TERMS.** As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

1. “*Dangerous building*” means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
  - A. A portion of the building or structure is damaged by fire, wind, flood, water or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage occurred and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, MCL 125.401 *et. seq.*, or the applicable Building Code for that building or structure, purpose, or location.
  - B. The building or structure is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful or immoral act.
  - C. The building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, damage, or faulty construction is unsanitary, unsafe or unfit for human habitation, is in a condition that the Township Code Enforcement Officer or County Public Health Officer determines is likely to cause sickness or disease, or is likely to harm the health, safety, or general welfare of the people living in the dwelling, including a building or structure with residual toxicity created by the production or use of illegal drugs.
  - D. The building or structure is Vacant, dilapidated, and the building is open and exposed to the elements or accessible to trespassers.
  - E. The building or structure is Vacant and has one of the following conditions:

- (i) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, or has already done so, and is in a condition that can injure persons or damage property.
  - (ii) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, which creates an unsafe condition for the purpose for which it is used or intended to be used or is likely to harm the health, safety or general welfare of people.
2. “*Enforcing agency*” means the Edwards Township, the Edwards Township Code Enforcement Officer and/or such other official(s) or agency as may be designated by the Edwards Township Board to enforce this Ordinance.
  3. “*Applicable Building Code*” means the building code administered and enforced in Edwards Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, MCL 125.1501, *et. seq.*, or adopted pursuant to any other state law.
  4. “*Party in interest*” means a person or entity, including an agent of the owner or lessee of the property, whose interest in the Dangerous Building will be affected by application of this Ordinance to a building or structure.
  5. “*Vacant*” means a building or structure that has no authorized human occupants.

**SECTION 3: PROHIBITION OF DANGEROUS BUILDINGS.** It is unlawful for any owner, or the owner’s agent, of a building or structure to own or maintain any building or structure or part thereof which is a Dangerous Building as defined in this Ordinance.

**SECTION 4: NOTICE OF DANGEROUS BUILDING; HEARING.**

1. Notice Requirements. Notwithstanding any other provision of this Ordinance, if a building or structure is found to be a Dangerous Building, the Enforcing Agency may issue a notice that the building or structure is a Dangerous Building.
2. Issuance of Notice. A notice that the building or structure is a Dangerous Building may not be issued by the Enforcing Agency without approval of the Edwards Township Board.
3. Parties Entitled to Notice. The notice shall be served on each owner of, or party in interest to, the building or structure as determined by the name(s) listed for the property on the last local tax assessment records of Edwards Township. A copy of the notice may also be provided to an agent of the owner and to any persons residing in the building or structure.
4. Contents of Notice. The notice shall specify the time and place of a hearing on whether the building or structure is a Dangerous Building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, or otherwise made safe, or properly maintained.

5. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner, agent or lessee at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing.

#### **SECTION 5: DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING; ORDER.**

1. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Edwards Township Board. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, attorney, building contractor, building inspector, or member of a community housing organization. An employee of the Enforcing Agency shall not be appointed as a Hearing Officer.
2. Filing Dangerous Building Notice with Hearing Officer. The Enforcing Agency shall file a copy of the notice of the dangerous condition of any building or structure with the Hearing Officer.
3. Hearing Testimony and Decision. At a hearing prescribed by this Ordinance, the Hearing Officer shall take testimony of the Enforcing Agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
4. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order no less than 45 days for the owner, agent, or lessee to comply with the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent, or lessee in the manner prescribed in Section 4(5) of this Ordinance and filed with the Edwards Township Board.
5. Noncompliance with Hearing Officer Order; Request to Enforce Order. If the owner, agent, or lessee fails to appear at the hearing, appears at the hearing and within 5 days of the hearing decision requests in writing his/her wish to appeal the hearing officer's order, or refuses to comply with the order within the timeframe issued by the Hearing Officer under this Ordinance, the Hearing Officer shall file a request with the Edwards Township Board not more than 5 days after noncompliance by the owner requesting that necessary action be taken to enforce the order. A copy of the request shall be served on the owner, agent, or lessee in the manner prescribed in Section 4(5) of this Ordinance.

#### **SECTION 6: ENFORCEMENT HEARING BEFORE THE EDWARDS TOWNSHIP BOARD.**

The Edwards Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 5(3) or after receipt of the written appeal on the hearing officer's order and report prescribed in Section 5(5) of this Ordinance for a hearing on the findings and order of the Hearing Officer. Notice shall be given to the owner, agent, or lessee in the manner prescribed in Section 4(5) of this Ordinance of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The Edwards Township Board shall

approve, disapprove, or modify the order. If the Edwards Township Board approves or modifies the order, the Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section.

## **SECTION 7: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES.**

1. Implementation of Order by Township. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Edwards Township Board, the Board may, in its discretion, contract for the demolition of the building or structure, making safe the building or structure, or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
2. Reimbursement of Costs. The costs of the demolition, of making the building or structure safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by Edwards Township to bring the property into compliance with this Ordinance shall be reimbursed to Edwards Township by the owner or party in interest in whose name the property appears on the last local tax assessment records.
3. Notice of Costs. The owner or party in interest in whose name the property appears on the last local tax assessment records shall be notified by the Enforcing Agency of the amount of the costs of the demolition, of making the building or structure safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by certified mail, return receipt requested.
4. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days after mailing by the Enforcing Agency of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, Edwards Township shall have a lien for the costs incurred by Edwards Township to bring the property into conformance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, MCL 211.1, *et. seq.*
5. Court Judgment for Unpaid Costs. In addition to other remedies under this Ordinance, Edwards Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building or structure safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure.
6. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7(5) of this Ordinance may be enforced against any assets of the owner including, but not limited to, the building or structure and the land on which it is located or other real or personal property of the owner.
7. Lien for Judgment Amount. In the case of a single-family dwelling or a two-family dwelling, Edwards Township shall have a lien for the amount of a judgment obtained pursuant to Section 7(5) of this Ordinance against the owner's interest in all real property located in the State of

Michigan that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

**SECTION 8: CIVIL INFRACTION AND REMEDIES FOR NONCONFORMANCE WITH ORDER.** Any person or other entity who fails or refuses to comply with an order approved or modified by the Edwards Township Board under Section 6 within the time prescribed by that section is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which Edwards Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**SECTION 9: APPEAL OF TOWNSHIP BOARD DECISION.** An owner aggrieved by any final decision or order of the Edwards Township Board under Section 6 of this Ordinance may appeal the decision or order to the circuit court within 20 days from the date of the decision or order of the Edwards Township Board.

**SECTION 10: SEVERABILITY.** The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

**SECTION 11: REPEAL.** All other ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the applicable Building Code (or maintenance, electric, plumbing, or similar code) or Zoning Ordinance.

**SECTION 12: EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

Roll Call:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Jeff Keister, Supervisor  
Edwards Township

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2017.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ogemaw County Clerk on \_\_\_\_\_, 2017.

**ATTESTED:**

\_\_\_\_\_  
Dennis Stephens, Clerk  
Edwards Township

**EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN**

**CIVIL INFRACTIONS ORDINANCE**

Ordinance No. O-2017-04

*An Ordinance to provide for the enforcement of Edwards Township Ordinance violations through the issuance of Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, establish the Edwards Township Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for Ordinance violations designated as municipal civil infractions for which municipal Ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein, to establish that the Township Code Enforcement Officer, Township Zoning Administrator, and members of the Ogemaw County Sheriff's Department who provide services to the Township may issue Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, and to repeal all conflicting Ordinances or parts of Ordinances.*

THE TOWNSHIP OF EDWARDS, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title:** This Ordinance shall be known and cited as the Edwards Township Civil Infractions Ordinance.

**Section 2: Definitions:** As used in this Ordinance:

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Code Enforcement Officer, the Township Zoning Administrator, a police officer or other personnel of the Township authorized by this Ordinance or any Ordinance to issue Municipal Civil Infraction Citations or Municipal Civil Infraction Violation Notices, including members of the Ogemaw County Sheriff's Department who provide services to the Township.
- C. "Bureau" means the Edwards Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. "District Court" means the appropriate District Court of Ogemaw County, Michigan.
- E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. "Municipal Civil Infraction Citation" or "Citation" means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

- G. “Municipal Civil Infraction Violation Notice” means a written notice prepared by an authorized township official, directing a person to appear at the Edwards Township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Sections 8396 and 8707(6) of the Act.
- H. “Township” means Edwards Township, Ogemaw County, Michigan.
- I. “Township Code Enforcement Officer” means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- J. “Township Zoning Administrator” means that person designated by the Township Board to enforce the Township Zoning Ordinance.

**Section 3: Municipal Civil Infraction Action; Commencement:** A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Township Official of:

- A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or
- B. A Municipal Civil Infraction Violation Notice providing the alleged violator with an option to appear at the Bureau.

**Section 4: Municipal Civil Infraction Citations; Issuance and Service:** Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

- A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.
- B. The place for appearance specified in a Citation shall be the District Court.
- C. Each Citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original Citation shall be filed with the District Court. Copies of the Citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
- D. A Citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.”



- E. An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- F. An Authorized Township Official may issue a Citation to a person if:
  - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or township attorney approves in writing the issuance of the Citation.
- G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:
  - (1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator.
  - (2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building, or other structure, a copy of the Citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building structure. In addition, a copy of the Citation shall be sent by first class mail to the owner of the land, building, or structure at the owners' last known address.

**Section 5: Municipal Civil Infraction Citations; Contents**

- A. A Municipal Civil Infraction Citation shall contain
  - (1) A description of the violation;
  - (2) The amount of the scheduled fines and/or costs for the violation;
  - (3) The name and address of the alleged violator; and
  - (4) The place where the alleged violator shall appear in court; and
  - (5) The telephone number of the court, and the time at or by which the appearance shall be made.
- B. The Citation shall inform the alleged violator that he or she may do one of the following:

- (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
- (2) Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance or, in person, or by representation.
- (3) Deny responsibility for the municipal civil infraction by doing either of the following:
  - (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before the judge is requested by the Township.
  - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

C. The Citation shall also inform the alleged violator of all of the following:

- (1) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
- (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the Citation.
- (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
- (4) That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The Citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the Citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the Municipal Civil Infraction Citation.

## **Section 6: Establishment, Location and Personnel of the Municipal Ordinance Violations Bureau**

- A. The Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized Township Officials, and to collect and retain civil fines and costs as prescribed by this Ordinance and any related Ordinance.
- B. The Bureau shall be located at the Edwards Township Hall, and shall be under the direct supervision and control of the Township clerk. The Township clerk, subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township treasurer or any other necessary qualified Township employees to administer the Bureau.
- C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to a Citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau, and instead may choose to have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the veracity of any fact or matter relating to an alleged violation.
- E. Municipal civil infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations as prescribed in this Ordinance. In addition to any other information required by this Code of Ordinances, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- F. An alleged violator receiving a Municipal Civil Infraction Violation Notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for

appearance in The Municipal Civil Infraction Violation Notice. An appearance may be made by mail, in person, or by representation.

- G. If an Authorized Township Official issues and serves a Municipal Ordinance Violation Notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the District Court and a copy of the Citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The Citation filed with the District Court does not need to comply in all particulars with the requirements for Citations as provided by this Ordinance, but shall consist of a sworn complaint containing the allegations stated in the municipal Ordinance violation notice and shall fairly inform the alleged violator how to respond to the Citation.

**Section 7: Schedule of Civil Fines/Costs:** Unless a different schedule of civil fines is provided for by an applicable Ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal Ordinance violation notices shall not exceed five-hundred (\$500.00) dollars per violation. In addition to the civil fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal Ordinance violation notice. Otherwise, costs of \$20.00 shall be assessed by the Bureau. On matters that proceed in District Court, attorney's fees may be assessed in an amount of up to five hundred (\$500.00) per violation.

**Section 8: Records and Accounting:** The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal Ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for Ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

**Section 9: Availability of Other Enforcement Options:** Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction Ordinance enforcement activity through the issuance of an Ordinance violation notice. As to each Ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law, including, without limitation, injunctive relief or criminal enforcement.

**Section 10: Severability:** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 11: Repeal:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 12: Effective Date:** This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Roll Call:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Jeff Keister, Supervisor  
Edwards Township

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2017.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ogemaw County Clerk on \_\_\_\_\_, 2017.

**ATTESTED:**

\_\_\_\_\_  
Dennis Stephens, Clerk  
Edwards Township

**A EDWARDS TOWNSHIP  
ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. O-2018-2

*An Ordinance to amend the Zoning Ordinance for Edwards Township to authorize Intensive Livestock Facilities as special land uses in the Agricultural – Residential District, and to establish standards by which these uses are to be managed.*

EDWARDS TOWNSHIP, OGEMAW COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.02:** Township Zoning Ordinance, Chapter 1, Section 1.02, is amended to add the following new definition:

*Animal Unit.* An animal unit is defined per the type of animal as set forth in Table 1:

**Table 1. Animal Units**

<b>Animal Units</b>	50	250	500	750	1,000
<b>Animal Type<sup>1</sup></b>	<b>Number of Animals</b>				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine <sup>2</sup>	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

1 All animal types not in this table are to be calculated as one thousand pounds live weight equals one animal unit.

2 Weighing over 55 pounds.

**SECTION 2. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.07:** Township Zoning Ordinance, Chapter 1, Section 1.07, is amended to add the following new definition:

*Floodplain.* Any land area that is subject to a 1 percent or greater chance of flooding, or equivalent to a 100-year flood as mapped by the Federal Emergency Management Agency (FEMA).

**SECTION 3. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.10:** Township Zoning Ordinance, Chapter 1, Section 1.10, is amended to add the following new definition:

*Intensive Livestock Facility.* Any animal feeding facility that handles more than 1,000 “animal units” confined on the property, or any existing animal feeding facility that expands to handle more than 1,000 animal units.

**SECTION 4. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.14:** Township Zoning Ordinance, Chapter 1, Section 1.14, is amended to add the following new definitions:

*Manure.* The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter, excluding whole or partial carcasses.

*Manure Storage Facility.* A detached “structure” or other improvement built to store “manure” for future use, or awaiting disposal.

**SECTION 5. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 1, SECTION 1.19:** Township Zoning Ordinance, Chapter 1, Section 1.19, is amended to add the following new definition:

*Surface Water.* A body of water that has its top surface exposed to the atmosphere and includes lakes, ponds, or water holes that cover an area greater than 0.25 acres, and streams, rivers, or waterways that maintain a flow year-round.

**SECTION 6. AMENDMENT TO TOWNSHIP ZONING ORDINANCE CHAPTER 11:** Township Zoning Ordinance, Chapter 11 is amended to add the use “Intensive Livestock Facility” to the list of uses provided in Section 11.07, entitled “Specific Special Land Use Standards,” which shall read as follows:

**SECTION 11.07 SPECIFIC SPECIAL LAND USE STANDARDS**

Z. Intensive Livestock Facility, except for those facilities operated in conformance with the Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices

**SECTION 7. AMENDMENT TO TOWNSHIP ZONING ORDINANCE CHAPTER 11:** Township Zoning Ordinance, Chapter 11 is amended to add new Subsection Z to Section 11.07, entitled “Specific Special Land Use Standards,” which shall read as follows:

**SECTION 11.07 SPECIFIC SPECIAL LAND USE STANDARDS**

Z. Intensive livestock facility

1. In addition to the information required for Special Land Use under this Chapter and Site Plan Review under Chapter 10, the applicant must include the following information with applicant's submission:
  - a. Location and dimensions of all proposed buildings, structures, fencing and improvements associated with the intensive livestock facility;
  - b. Proposed number of animal units and proposed livestock type;
  - c. Proposed activities on the property and projected duration of the activities;
  - d. Proposed hours of facility and the number of employees;
  - e. Existing and proposed roads and access ways within and adjacent to the facility;
  - f. Surrounding land uses and ownership;
  - g. Topographic relief of the site at a two (2) feet contour;
  - h. Soil types at the site in accordance with Natural Resources Conservation Service/ U.S. Department of Agriculture official soil descriptions;
  - i. Locations of existing on-site water wells, if any, and depth to groundwater;
  - j. Location of surface waters, including ponds, lakes, streams, drainage ditches, rivers and wetlands within 1,000 feet of the site perimeter;
  - k. Location and distance to any residences or parcels of record that allow residential land uses within 2,500 feet of the site perimeter;
  - l. A soil erosion and sedimentation control plan consistent with all applicable provisions of Part 91 SESC of Michigan's NREPA, PA 451 of 1994, as amended;
  - m. A hydrogeological study and monitoring plan addressing the protection of groundwater during operation of the facility. Such study shall consist of a minimum of five (5) on-site groundwater monitoring wells at perimeter of the site set at a depth encountering the first water bearing zone. Groundwater depth, gradient, and flow direction shall be determined with a minimum of three (3) groundwater monitoring wells, and a minimum of two (2) downgradient groundwater monitoring wells.
  - n. A water withdrawal plan designed to protect the level of water in lakes, ponds, wetlands, watersheds, groundwater and residential drinking wells located within the Township, including all materials submitted to the Michigan Department of Environmental Quality (MDEQ) as part of the Water Withdrawal Assessment Tool (WWAT) program. Such water withdrawal plan shall be based upon the results of the required hydrogeological study. Ground water pump test results shall be included in the required water withdrawal plan.



- o. Noise management plan detailing how noise from the equipment used for operation of the facility can be minimized to not create conditions that result in unreasonable interference with the comfortable use and enjoyment of neighboring property; provide documentation establishing the ambient noise level prior to construction; identify the activities on site that have the potential to cause noise impacts; specify how the impacts will be mitigated considering the following characteristics: (i) nature and proximity of adjacent development and land uses; (ii) seasonal and prevailing weather patterns, including wind directions; (iii) extent of vegetative screening on or adjacent to the site; and (iv) topography.
- p. A chemical storage plan containing a list and the location of all chemicals on-site and the material safety data sheets (MSDS) is required and shall be submitted to the Ogemaw Fire Department. If the list of chemicals is confidential and not subject to disclosure under the Freedom of Information Act (FOIA), the list shall be marked accordingly.
- q. A waste management plan describing all projected waste, including a list of all chemical constituents and total volumes intended for disposal, and the manner by which waste shall be lawfully disposed.
- r. The odor management plan shall detail how the facility will minimize odor impacts on adjacent property owners, including: identification of potential sources of significant odors; evaluation of the potential magnitude of each odor source; identification of current, planned, and potential odor control practices; a plan to monitor odor impacts and respond to odor complaints; and a strategy to develop and maintain good neighbor and community relations, and a process for reporting such complaints to the Township.
- s. A reclamation plan providing for the return of the ground to its original condition and the safe and timely removal of all manure, chemical waste or other hazardous materials within a time period not to exceed 60 days after nonuse, decommissioning, or abandonment.
- t. A copy of any permit application, Pollution Incident Protection Plan (PIPP)/Spill Prevention, Control & Countermeasure (SPCC) plans and all other materials submitted by the applicant to MDEQ, or any permit or approval obtained from MDEQ, if applicable; and
- u. A copy of any Generally Accepted Agricultural Management Practices (GAAMPs) plan(s), permit application and all other materials submitted by the applicant to the Michigan Department of Agriculture and Rural Development (MDARD), or any permit or approval obtained from MDARD, if applicable.
- v. A statement as to whether the applicant has operated or owned an intensive livestock facility where there was a violation of any provision of local, state or federal law, or where there was a finding that a nuisance existed; describe each release, violation, or nuisance, and specify the date, place, jurisdiction and any

emergency and/or remedial action taken.

- w. An environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on nearby streams, rivers, lakes and other water sources as well as wildlife), if requested by the Township. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the Special Land Use.
  - x. The applicant shall supplement the application in writing by certified mail, return receipt requested, to the Zoning Administrator within ten (10) business days of a change of circumstances which would render the information originally submitted false or incomplete.
  - y. Any other information reasonably requested by the Township Board, Planning Commission, or Zoning Administrator deemed to be relevant to the processing or consideration of the application.
2. The Township shall have the right to inspect the premises on which the intensive livestock facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
  3. No special land use approval for an intensive livestock facility may be assigned or transferred to any person unless the assignee or transferee has submitted in writing to the Township that the person will comply with terms and conditions of the special land use approval and this Section. The applicant of the facility shall notify the Township of the sale or transfer of ownership of that facility or change of control or management of the facility within 30 days that such event occurs. No special land use approved under this Section is transferrable to any other location except for the property described in the Township's approval.
  4. A manure storage required for the facility shall not be located:
    - a. Within 330 feet from any single-family residential water well;
    - b. Within 500 feet from surface water;
    - c. Within a 100-year floodplain; or
    - d. Within 2,000 feet of a public water supply well.
  5. The facility shall be operated consistent with the Township approved hydrogeological study and monitoring plan, water withdrawal plan, noise management plan, waste management plan, and odor management plan prepared by the applicant.
  6. All ingress and egress to the facility shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that

said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

7. Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of the facility shall be repaired at the applicant's expense as determined by the Township.
8. If the any of the operations of the facility cause any public or private ground water well to become contaminated or depleted, the well shall be replaced or repaired by the applicant's expense as determined by the Township.
9. If any change to an alternate or additional livestock type will occur, the Township shall receive notice of the change at least 120 days prior to the anticipated date of the change.
10. A facility shall be operated in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best management practices as defined by MDEQ. All activities, uses and equipment used shall be constructed and operated so that dust, noise vibrations, and odors or other adverse impacts will be minimized and retained on-site, thereby reducing the adverse impacts to adjacent properties and persons living or working in the surrounding area.
11. The applicant, at applicant's own cost, shall monitor the impact of its activities on the environment to ensure the activities are not adversely impacting nearby properties. In order to conduct the monitoring required by this Section, the applicant, using US EPA/SW-846 and MDEQ protocols, shall sample: (a) sample on-site groundwater monitoring wells quarterly for total phosphorous and nitrate, and (b) sample any river, streams, or lakes within 1,000 feet of the property quarterly for total phosphorous, total nitrogen, E. coli, total dissolved solids, total suspended solids, dissolved oxygen and temperature. The applicant shall report the sample results to the Township Zoning Administrator within ten (10) calendar days of receipt of sample laboratory test results.
12. Operations of the facility shall not result in impacting residential water supplies, including but not necessarily limited to: (a) the withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties, or (b) Contamination of soil, groundwater, and drinking water supplies.
13. Any intensive livestock facility that is not used for six (6) successive months or longer shall be deemed to be abandoned and all above and below ground materials must be removed and reclaimed according to the reclamation plan approved by the Township.
14. If any intensive livestock facility is approved pursuant to this Ordinance, the Township Board shall require security in the form of a cash deposit or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance

with this Ordinance and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after the special land use has been approved but before construction commences upon the premises. At a minimum, the financial security shall be in an amount determined by the Township Board to be sufficient to comply with the approved reclamation plans should the intensive livestock facility become abandoned, dangerous or obsolete, or not in compliance with this Ordinance. Such financial security shall be kept in full force and effect during the entire time while the intensive livestock facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the facility) for at least 30 years from the date of the license approval, or until every component of the intensive livestock facility has been completely removed as required by this Ordinance, whichever comes later. Failure to keep such financial security in full force and effect at all times required by the Ordinance shall constitute a violation of this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the license.

15. An escrow account shall be set up when the applicant applies for approval of an intensive livestock facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the license review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, Township Engineer, and environmental consultant, as well as any reports or studies which the Township anticipates it may have done related to license review process for the particular application. Such escrow amount shall be in addition to regularly established fees. At any point during the license review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit.
16. Each intensive livestock facility shall also comply with all applicable federal and county requirements, in addition to Township ordinances. The applicant shall notify the Township immediately of any suspension or revocation of any required state and/or federal permit.
17. The applicant shall notify the Township of any incident report or written complaint submitted to the MDEQ, MDARD, US EPA or other regulating agency within seventy-two (72 hours) after the applicant has notice of the existence of such report or complaint.
18. Applicant shall copy the Township on all data required to be delivered to MDEQ, MDARD and/or the US EPA for the facility.
19. In addition to the other requirements and standards contained in this section, the Township Board shall not approve any intensive livestock facility unless it finds that the intensive livestock facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

**SECTION 8. AMENDMENT TO TOWNSHIP ZONING ORDINANCE, CHAPTER 14, SECTION 14.07:** Township Zoning Ordinance, Chapter 14, Section 14.07, entitled “Penalties,” is amended to add civil infractions citations, which shall read as follows:

A. Penalties

1. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance *per se*.
2. Violation of a provision of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five-hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case.
3. Persons, firms, corporations or entities in violation of a provision of this Ordinance, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, may be subject to and found responsible for a municipal civil infraction. The schedule of forfeitures for any municipal civil infraction shall be established by resolution of the Township Board, not to exceed five-hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* A schedule of forfeitures for violation of this Ordinance shall be available at the municipal civil infractions bureau.
4. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the Township is empowered to prosecute such violations.

B. Procedure

The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**SECTION 9. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

**SECTION 10. EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

**SECTION 11. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by \_\_\_\_\_ and was supported by \_\_\_\_\_ at a regular meeting of the Edwards Township Board, held at the Edwards Township Hall on the \_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ p.m., the vote being:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

\_\_\_\_\_  
Supervisor  
Edwards Township

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance that was:

1. Introduced for publication and subsequent final adoption by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2018;
2. Published by a summary once before its final adoption in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2018;
3. Finally adopted by the Edwards Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2018;
4. Published by summary again following its final adoption in the \_\_\_\_\_ newspaper, a newspaper that circulates within Edwards Township, on \_\_\_\_\_, 2018;
5. Recorded within one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted; and
6. Filed as an attested copy with the Ogemaw County Clerk on \_\_\_\_\_, 2018.

ATTESTED:

\_\_\_\_\_  
Dennis A. Stephens, Clerk  
Edwards Township