

Brady Township

Zoning Ordinance

**Brady Township
Saginaw County**

16020 W. Peet Rd
Oakley, MI 48649-8724
Township Hall Address
16020 W. Peet Rd.
Oakley
Phone: (989) 845-1230
Fax: (989) 845-7213
www.bradytownship.org

Final: February 2010

Board of Trustees

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Glenn Reeves

Frank Ward, Zoning Administrator

Crescent Consulting, Inc.

P.O. Box 1184
Midland, MI 28640-1184



Cindy Winland, AICP, PCP

crescentdr@chartermi.net
(989) 839-2031

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Zoning Ordinance Text Amendments

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August 4, 2010	30
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Permitted Uses	Special Uses Subject to Review and Approval as Specified in Chapter 7 (Special Use Category)
Accessory uses and structures.	Aircraft landing strips (g)
Cemeteries.	Bed and Breakfasts (j)
Conservation areas.	Child care centers (j)
Family child care.	Golf Courses, driving ranges, mini golf (j)
Farming	Grain & seed elevators (d)
Forestry.	Institutions: human care, substance abuse treatment (b)
Parks & recreation areas.	Kennels (j)
Plant nurseries & greenhouses.	Livestock auction yards (f)
Raising & keeping small animals and livestock.	Mobile Home Park (i)
Roadside stands	Off-road vehicles facilities (m)
Single family dwellings.	Outdoor Commercial recreation uses (j)
State licenses residential facilities for <7 people	Production of fur-bearing animals (f)
Temporary outdoor uses.	Public buildings and service installations (b)
Two-family homes (a)	Religious, social, and educational institutions (b)
Veterinary clinics (a)	Riding stables (d)
Multiple Family Housing with 3 acres and 50' yards on all sides. Must have 1 additional acre per unit.	RV Parks and Campgrounds (k)
	Shooting Range (e)
	Wholesale agricultural product storage (d)
	Wind Energy Systems (c)
	Wireless Communication towers (p)



Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
<p>Category L:</p> <ul style="list-style-type: none"> Natural Resource Extraction 	<p>Must be within 1/4 mile of an all-season road as designated by SCRC</p>	<p>Ten (10) acres in area</p>	<p>500 feet</p>	<p>neighboring property line.</p> <p>All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line.</p> <p>No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line.</p>	<p>Same as zoning district</p>	<p>access point to each abutting road. Access points and roads within the park shall be designed to facilitate the safe movement of vehicles and trailers, including adequate clear vision areas.</p> <p>Park or campground shall included restroom and bathing facilities in an all weather structure.</p> <p>Owner or agent must obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347).</p> <p>Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other disturbing activities, and the restoration of the site to a usable condition for agriculture or development.</p> <p>Excavated areas shall be restored so that no finished grade is greater than one foot of vertical rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act.</p> <p>As part of the Site Plan Review, Planning Commission may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards.</p> <p>Applicant shall provide a date for completing the mining operation, based on the volume of material to be extracted and the average annual extraction rates. Any extension of operations</p>

Chapter 1 ■ Miscellaneous Provisions

SECTION 1.1 SHORT TITLE

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

SECTION 1.2 LEGAL BASIS

This Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

SECTION 1.3 PURPOSE

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. Also, this Ordinance is based on the Brady Township Master Plan, and is intended to carry out the objectives of that Plan.

SECTION 1.4 INTERPRETATION

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

SECTION 1.5 REPEAL

This Ordinance repeals and replaces the previous Brady Township Zoning Ordinance in its entirety.

SECTION 1.6 VALIDITY

This Ordinance and the various sections, subsections, clauses, sentences, and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

SECTION 1.7 EFFECTIVE DATE

This Ordinance shall become effective upon publication of a notice of adoption as provided by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).



Chapter 2 ■ Definitions

SECTION 2.1 RULES OF USE AND CONSTRUCTION

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

- a. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.
- b. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- c. The particular shall control the general.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.
- f. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
- g. The word "lot" includes the word "parcel".
- h. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or", then the conduction shall be interpreted as follows:
 - 1) "And" means that all the connected conditions, provisions or items shall apply.
 - 2) "Or" means that the connected conditions, provisions or items may apply singly or in combination.

SECTION 2.2 DEFINITIONS

Abutting (lot or parcel). A lot or parcel that shares a common border with the subject lot or parcel.

Access management (access control). A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable. A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

Accessory Building or Accessory Structure: Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located

on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

Accessory Use: Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.

Adjacent (lot or parcel). A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

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

Adult Media Store: An establishment that rents and/or sells media, and that meets any of the following three tests:

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

Adult Motion Picture Theater: An establishment emphasizing or predominately showing sexually oriented movies.

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

Agricultural Storage, Terminals and Processing Facilities: A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto.

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

Aircraft Landing Strip. An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land.

Alteration. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal (Small): Any animal, including rabbits, weighing 20 pounds or less, except pet animals, unusual animals, or fowl.

Animal (Large): Cattle, horses, mules, sheep, goats, beasts of burden, or any other domesticated or wild animal weighing more than 20 pounds except pet animals, unusual animals, or fowl.

Animal Feedlots: See the Michigan Generally Accepted Agricultural Management Practices. GAAMPS

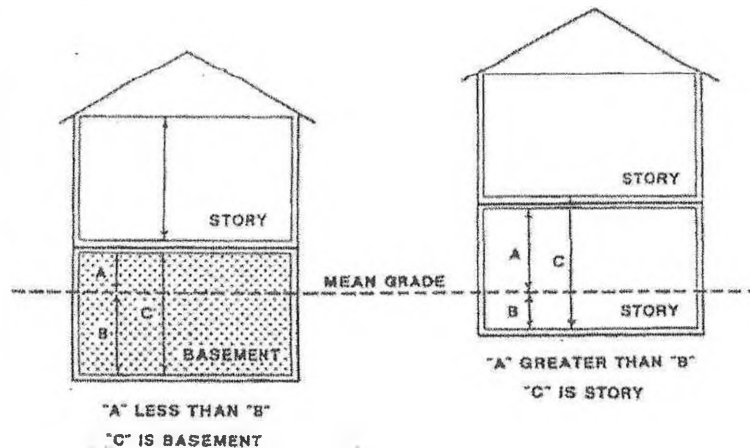
Animal Units: See the Michigan Generally Accepted Agricultural Management Practices.

Animal (Wild or Exotic): Animals which are wild by nature and not customarily domesticated. This definition does not include birds, small rodents, or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets.

Auto Service Station, Commercial: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and food sales.

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

Basement. That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling.



Bed And Breakfast. A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

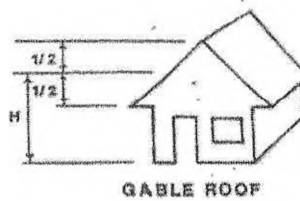
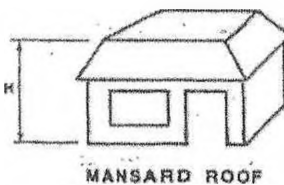
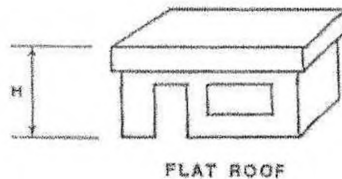
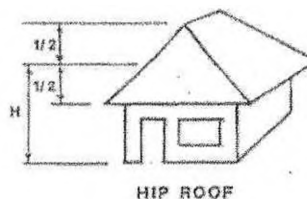
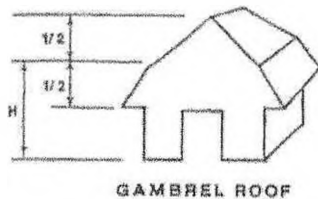
Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Board of Appeals. The Brady Township Zoning Board of Appeals.

Buffer Zone. A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Building. Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

Building height. The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof.



Building line. A horizontal line generally parallel to a front, rear or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main. (also Building, Principal) A building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line. A line indicating the minimum distance required to be maintained between the lot line and the nearest supporting member of any structure on the lot.

Bulk Fuel Station. A place where petroleum (including liquefied petroleum gas), gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, and where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

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

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

Certificate of Occupancy. A document issued by the Building Inspector certifying that the described property has complied with the provisions of the Building Code and may be legally occupied.

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

- a. CHILD CARE CENTER or DAY CARE CENTER means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. CHILD CARE CENTER or DAY CARE CENTER does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. FOSTER FAMILY HOME is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. FOSTER FAMILY GROUP HOME means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. FAMILY DAY CARE HOME means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. GROUP DAY CARE HOME means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Church. See Institution, Religious.

Clinic. An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Club. A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial School. A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

Common land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

Common open space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners' association.

Condominium Act. Michigan Public Act 59 of 1978, as amended.

Condominium project. Equivalent to "Subdivision" as used in this Ordinance.

Condominium subdivision plan. The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium unit. That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site. The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractors. General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Construction. The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Conservation Area. Any parcel or area of undeveloped land through deeds or other legal means.

- Convenience store with gasoline sales.** An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.
- Cottage Industry.** An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of Cottage Industries include: mail order businesses, custom manufacturing, or light automotive and equipment repair.
- Country Club.** A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.
- Deceleration lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
- Density.** The number of dwelling units situated on or to be developed per net or gross acre of land.
- Detention facility, storm water.** A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.
- Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- Division.** See "Land Division"
- Drainage ways and streams.** Existing permanent or intermittent water courses.
- Drive through/Drive-in business.** A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.
- Driving Range.** See Golf Course.
- Driveway.** An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.
- Dwelling, multiple family.** A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.
- Dwelling, single family.** A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.
- Dwelling, two family.** A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.
- Dwelling:** Any building or portion thereof usable exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking and/or eating. A dwelling is classified as one of the following:

- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
- b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
- c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
- d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

Dwelling unit, attached. A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached. A dwelling unit which is not attached to any other dwelling unit by any means.

Easement. A grant of one or more of the property rights by a property owner to the public, or another person or entity.

Elevator, Grain and Seed. See Wholesale Agricultural Product Storage.

Endangered species habitat. An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

Erected. Means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

Essential public services. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonable necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

Essential public service building. A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential public service building storage yard. An outdoor storage area principal or accessory to an essential public service.

Excavation. Any breaking of ground, except common household gardening and ground care.

Family: A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

Family Day Care Home, See Child Care. A private home in which not more than six (6) minor children are received for care and supervision for periods of less than 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 home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm. The land, plants, animals, buildings, structures; including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products on a parcel of land.

Farming The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See Generally Accepted Agricultural Management Practices (GAAMPs).

Fence. An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

Filling. The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial services. Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Flood or flooding. A temporary increase in the stage of a river or stream resulting in the inundation of lands not normally covered by water.

Flood hazard area. Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM.) An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary-Floodway Map.

Floodplain. The area of land area adjoining a river or stream that will be inundated by a 100-year flood.

Floodway. The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood.

Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls,

and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Floor area, gross. The sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerlines of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

Floor area, residential. The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Forestry – See Agriculture or Forestry.

Foster care home, family, See Child Care. A single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Foster care home, group, See Child Care. A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Freeway Interchange. An area designed to provide for the ingress and egress of vehicular traffic to and from a freeway or other limited access highway.

Frontage. The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Garage. The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

Garage Sale – See Home Sales.

Garbage. See Junk.

Garden center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

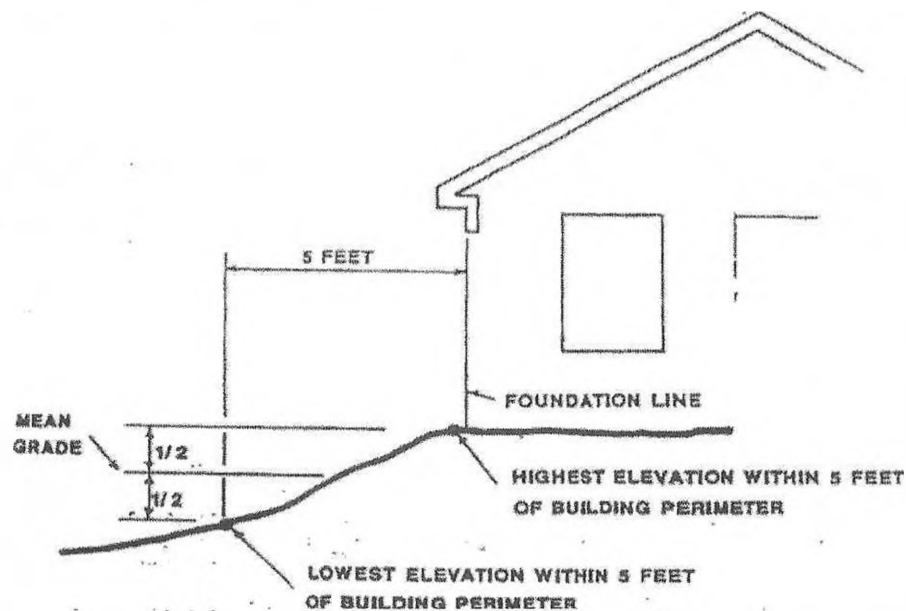
Glare. The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

- a. **PITCH AND PUTT COURSE:** A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.

- b. **9-HOLE COURSE:** A facility of 9 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.
- c. **18-HOLE COURSE:** A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.
- d. **MINIATURE GOLF COURSE:** A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

Grade, average (mean). The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.



Grade, finished. The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, natural. The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

Greenhouse. See Nursery, Plant

Group day care home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. "Group day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Home occupation. An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes.

Home Sales. A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

Hospital. See Institution, Health Care

Hotel or Motel. Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

Improved Area. A road surface that is part of a private road and that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

Indoor recreation establishment. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

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

Institution, Human Care. A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include state licensed residential facilities for 6 or fewer people in one facility or home, or substance abuse rehabilitation facilities.

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

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

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

Intensive Livestock Operations. See the Michigan Generally Accepted Agricultural Management Practices. [GAAMPS](#)

Junk. Any scrap, waste, worn out, discarded material or debris collected or stored for destruction or disposal.

Junkyard or recycling yard. Any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or

discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Kenel. Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age housed, bred or sold as a source of income.

Laboratory.

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

Land Division (also "Division"). Land Division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, PA 288 of 1967, as amended.

Livestock: Domesticated animals intentionally reared in an agricultural setting to make produce such as food or fiber, or for its labor. Livestock does not include poultry or farmed fish.

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

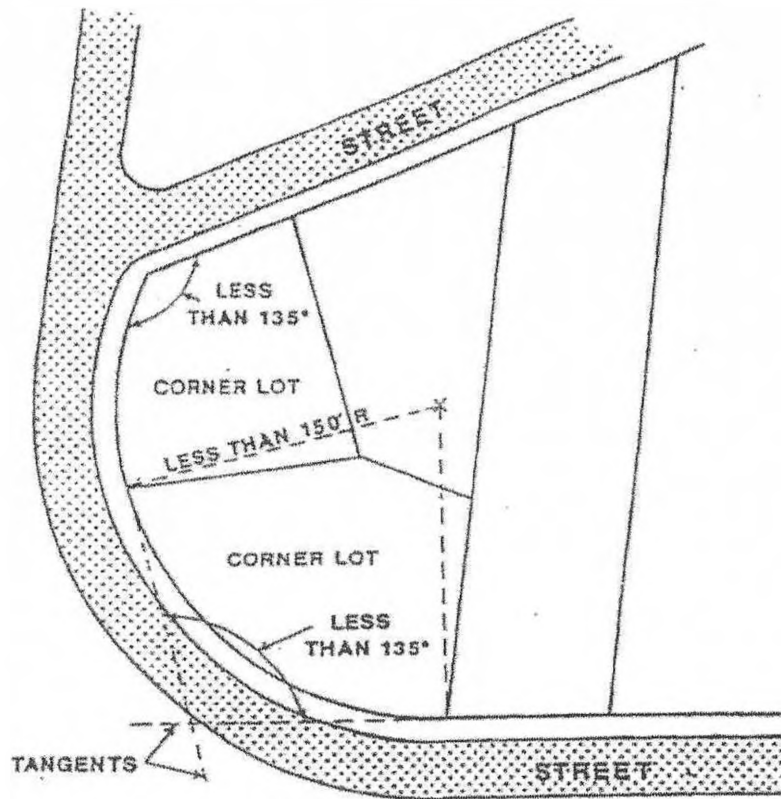
Lot. A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for; minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

Lot area. The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot area, net buildable. The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, State regulated wetlands and non-State regulated wetlands may be included -see definition for density.

Lot, corner. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty-five (135) degrees.

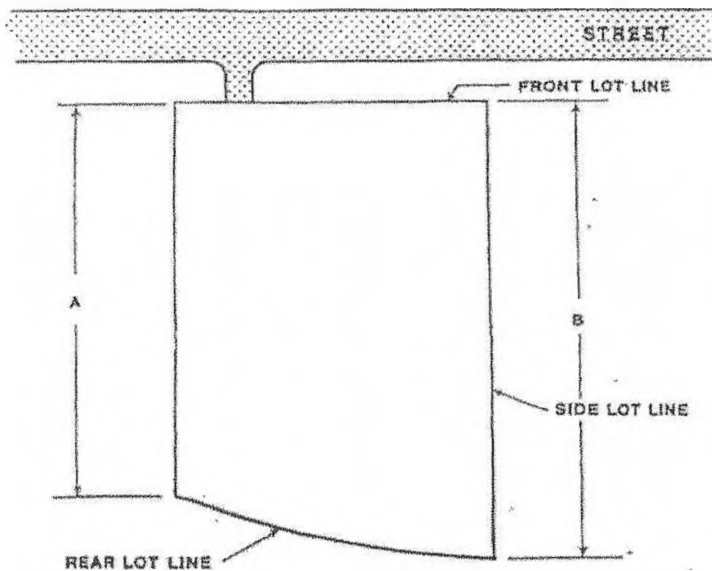


Lot coverage. A part or percentage of a lot occupied by buildings or structures.

Lot depth. The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line.

Lot frontage. The length of the front lot line.

Lot, interior. A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

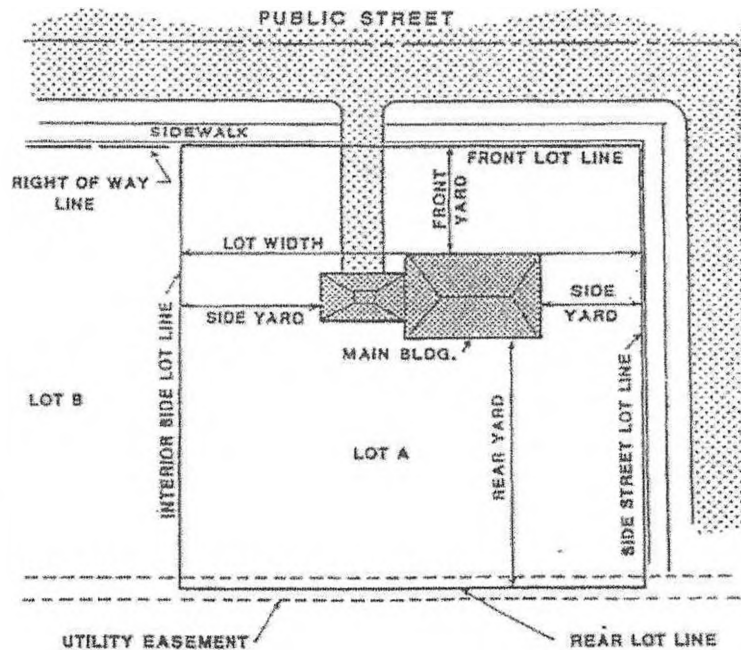


$$\text{LOT DEPTH} = \text{DISTANCE A} + \text{DISTANCE B}$$

Lot line. The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot lines:

- a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or Private street, the front lot line shall mean the line separating such lot from such Right-of-way.
- b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.
- c. **Side lot line:** Any lot line not a front 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 or lots is an interior side lot line.
- d. **Through lot:** In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:
 - 1) location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
 - 2) location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.



Lot, nonconforming. A lot of record which does not meet the dimensional requirements of this Ordinance.

Lot of record. A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through (also "double frontage lot"). An interior lot having frontage on two (2) more or less parallel streets.

Lot width. The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line.

Manufactured home. A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

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

Medical clinic. See Institutions, Human Care.

Miniature Golf. See Golf Course.

Mining. See Natural Resource Extraction.

Mini-warehouse (also "self-storage warehouse"). A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

Mobile home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. "Mobile home" does not include a recreational vehicle or motor home.

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

Mobile home site or space. A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Motel. See Hotel.

Motor home. A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Natural Resource Extraction. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

Non-Conforming use. The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

Non-Conforming lot of record ("Substandard lot"). A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming structure. A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Nuisance. Any unneeded source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm to the owner or resident of that property.

Nursery, plant. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of the Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscuring screen. A visual barrier between adjacent areas or uses. The screen may consist of structures such as a wall, fence, or earthen berm, as specified in this Ordinance.

Off Road Vehicle Facility. A track or area to accommodate any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, swampland, or other natural terrain, except that such terms exclude (a) registered motorboats, (b) military, fire, emergency, and law enforcement vehicles when used for emergency purposes.

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

Offset. The distance between the centerlines of driveways or streets across the street from one another.

Off-street parking. An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open air business. A retail sales establishment operated substantially in the open air and outside of any enclosed building.

Open Space, Public. Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Outdoor recreation establishment. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Parapet wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel. A lot described by metes and bounds or described in a recorded plat.

Park, Public. Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of governmental agency.

Parking space (stall). A designated area of definite length and width for parking of motor vehicles.

Personal Service Establishment. Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

Planned unit development. A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

Planning Commission. The Brady Township Planning Commission as duly created under Act 33 of the Public Acts of 2008, as amended.

Plat . A map of a subdivision of land.

Ponds and lakes. Natural or artificial impoundments that retain water year round.

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

Principal use. The main use to which the premises are devoted and the principal purpose for which the premises exist.

Principal use, permitted. A use permitted in each zoning district by right.

Private club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private Road. Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels, principal buildings, dwelling units, structures, or combination thereof.

Production of Fur Bearing Animals. See Farming.

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

Public and semi-public institutional buildings, structures and uses. Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

Public utility. Any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Radioactive materials. Materials defined as radioactive under Michigan Department of Environmental Quality regulations for transportation of radioactive materials or under Saginaw County Health Department regulations, whichever is determined to be applicable.

Recreation Area. See Campground.

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

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

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

Recreational vehicle. A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Restaurant. A structure in which the principal use is the preparation and sale of food and beverages.

Retail business Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Road Side Stand. A structure erected for the display and sale of agricultural products and may or may not be located where the principal use is agricultural.

Rubbish. See Junk.

Salvage. Material to be used for further use, recycling, or sale.

Salvage yard. Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any outdoor area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable materials.

Screen. A structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Setback, required. The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

Setback, parking lot. The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Sewage Treatment and Disposal. A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

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

Shooting Range. An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

Shopping center. A commercial enterprise that is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

Sight distance. The length of roadway that is visible to the driver. Sight distance is generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Sign. A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business. Various types of signs and their components are further defined as follows:

- a. A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.
- b. For the purpose of this Ordinance, the following sign or sign-related terms are here defined:
 - 1) AREA, OR SURFACE AREA, OF SIGN: Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign

tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

- 2) **ABANDONED SIGN:** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.
- 3) **BANNER:** Either a Temporary Sign or Portable Sign, depending on how it is used.
- 4) **CONSTRUCTION SIGNS:** A temporary signs in place on a construction site indicating a building and/or leasing activity.
- 5) **DIRECTIONAL SIGNS:** Signs posted to show direction of traffic flow through the property.
- 6) **ELECTRIC SIGN:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- 7) **ELECTRONIC MESSAGE BOARD:** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.
- 8) **FREESTANDING SIGNS:** Signs that are supported from the ground by a structure and are not attached to a building. Types:
- 9) **ELEVATED SIGN:** A sign elevated high above ground level, typically on a pole or other structure.
- 10) **GROUND SIGN:** A sign low to the ground and typically used to identify large buildings, institutions and real estate developments.
- 11) **ILLUMINATED SIGN:** A sign that provides artificial light directly or through any transparent or translucent material.
- 12) **INTEGRAL SIGN:** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- 13) **JOINT SIGN:** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.
- 14) **LOCATION:** A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- 15) **MARQUEE:** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

- 16) **MERCHANDISING SIGNS:** Signs identifying products or services available at the establishment and their prices. This is a descriptive term. Regulation depends on whether the sign is permanent, portable, temporary, a sign cover or a safety concern.
- 17) **MONUMENT or GROUND MOUNTED:** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.
- 18) **MULTI-TENANT SIGNS:** Wall, ground or freestanding signs for unified developments, such as shopping centers and office parks, shall identify only the development, individual tenants or establishments.
- 19) **NONDWELLING USE SIGN:** A sign located on a parcel that does not have a dwelling as its principal structure and is located in a residential district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, historic structures, public buildings, cemeteries, agricultural operations and agricultural retail facilities.
- 20) **POLITICAL SIGNS/POSTERS:** Signs intended for use in promoting either a candidate for public office or proposal or similar issue that will be placed before the public to vote.
- 21) **PORTABLE SIGNS:** Portable Signs are those signs that are designed to be transported. Examples of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed to be transported by means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable Signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a Temporary Sign, it shall not be considered portable for the purposes of this Sign Ordinance.
- 22) **REAL ESTATE SIGNS:** Signs intended for temporary use in promoting the sale of real estate, with or without structures.
- 23) **ROOF LINE:** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels; this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- 24) **ROOF SIGNS:** Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall be considered a Wall Sign and not a Roof Sign in this Ordinance.
- 25) **SETBACK:** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right-of-way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

- 26) **SIGN COVER:** Signs are defined as "Sign Cover" ONLY when they are located on permitted signs and cover up the content of the permitted sign. This includes a display sign, banner or other advertising device, with or without a structural frame, constructed of nondurable materials and intended for a limited period of use.
- 27) **STREET BANNERS.** Fabric signs suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the County of Tuscola.
- 28) **SUBDIVISION SIGN:** A sign intended as identification for a Residential subdivision.
- 29) **TEMPORARY SIGN:** A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a Portable Sign, it shall not be considered temporary for the purposes of this Sign Ordinance.
- 30) **WALL SIGNS:** Signs permanently attached to the exterior wall of a building and projecting out from such walls no more than fourteen (14) inches. The area of the Wall Sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.
- 31) **WINDOW SIGNS:** Signs hung outside of a window and within the framework of any window of a business or residence.

Site Plan. A scaled drawing or set of drawings that illustrate existing conditions and that contain the elements required by this Ordinance as applicable to a proposed development to ensure compliance with zoning provisions.

Special land use. A use of land that is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

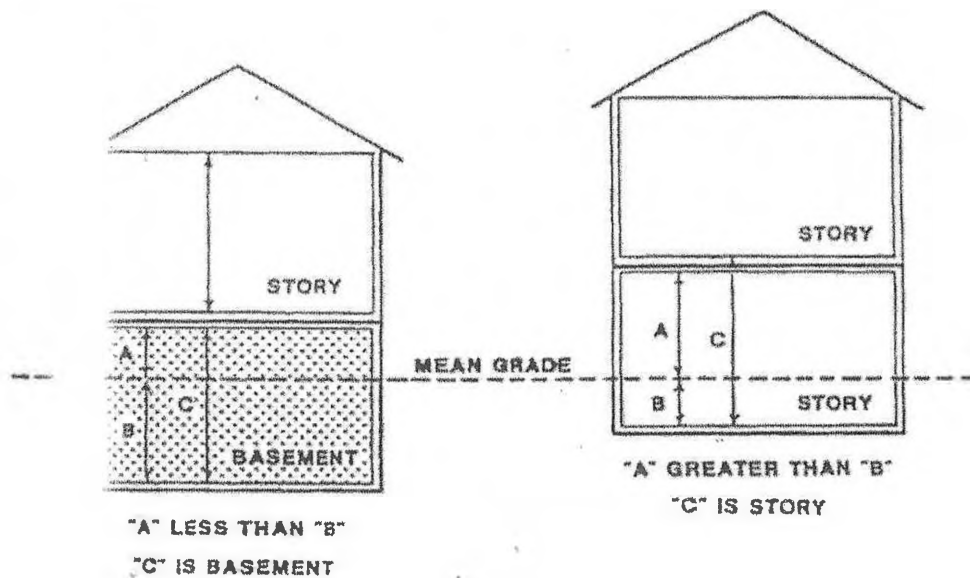
Specified Anatomical Areas. See "Everything You always wanted to know about Regulating the Sex Business" by Eric Damian Kelly and Connie Cooper, APA PAS Report 495/496. [American Planning Association](#)

Specified Sexual Activities. See "Everything You always wanted to know about Regulating the Sex Business" by Eric Damian Kelly and Connie Cooper, APA PAS Report 495/496. [American Planning Association](#)

Stable, private. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Stable, Riding (also "commercial stable"). An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

Story. That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.



Street, Public. A public thoroughfare which affords the principal means of access to abutting property.

Structure. Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

Structural Alterations. Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

- a. before the improvement or repair is started, or
- b. if the structure has been damaged and is being restored, before the damage occurred.

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 affects the external dimensions of the structure. The term does not, however, include either

- a. 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

- b. any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Tavern. See Bar.

Temporary Indoor or Outdoor Use. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

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

Truck Terminal. A place where transfer between modes of transportation takes place or a terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Use. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance. A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and PA 110 of 2006, as amended.

Vehicle. Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Dealer. Someone who engages in buying and selling five (5) or more vehicles within a 12-month period. This also includes dealing in salvageable parts from five or more vehicles, or processing five or more vehicles into scrap. Dealers must be licensed by the state.

Veterinary Clinic. A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals.

Wetland, regulated. Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended.

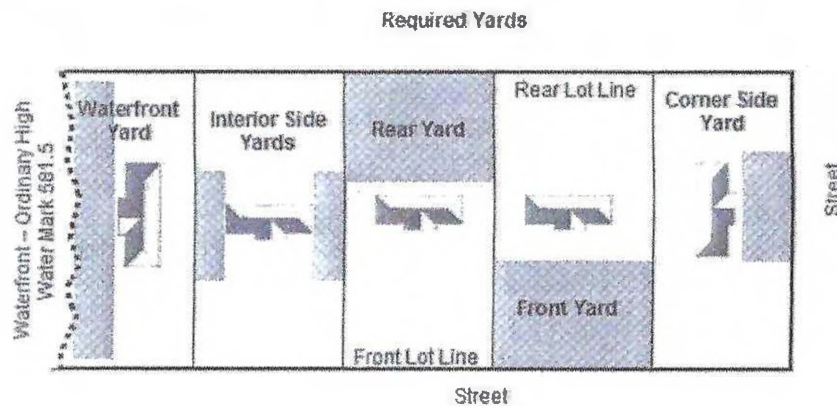
Wholesale. Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Communication Facility. Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.

Wind Power Generating Facilities. Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

Yard.

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.
- b. **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the water side shall be the front yard.
- c. **Rear yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building.
- d. **Side yard:** A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard



Zoning Act. The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Zoning Administrator. An individual appointed by the Brady Township Board delegated to administer the Brady Township Zoning Ordinance.

Zoning Board of Appeals. The Brady Township Zoning Board of Appeals created under PA 110 of 2006, as amended.

Zoning District. A portion of the incorporated area of the township within which certain regulations and requirements, or various combinations thereof apply under the provisions of the Zoning Ordinance.

Chapter 3 ■ Zoning Districts

SECTION 3.1 DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, Brady Township, Saginaw County, Michigan, is divided into the following zoning districts:

- A-1 Agricultural/Residential
- B-1 Commercial
- M-1 Industrial

SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of these zoning districts are hereby defined and established on a map entitled, "Zoning District Map of Brady Township," which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by Brady Township and the Saginaw County GIS Authority.

SECTION 3.3 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

- a. Boundaries that appear to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries that appear to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries that appear to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries that appear to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries that appear to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.
- f. Boundaries that appear to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards to be inadequate for the purpose of interpreting the location of a zoning district boundary in any case, or if a property owner wishes to dispute the Zoning Administrator's interpretation of the location of a district boundary, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Chapter 9.

SECTION 3.4 A-1 GENERAL AGRICULTURE/RESIDENTIAL DISTRICT

Intent and Purpose: To preserve and promote the use of land for food and fiber production, and for related uses.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in <u>Chapter 7</u> (Special Use Category)
Accessory uses and structures.	Aircraft landing strips (g)
Cemeteries.	Bed and Breakfasts (j)
Conservation areas.	Child care centers (j)
Family child care.	Golf Courses, driving ranges, mini golf (j)
Farming	Grain & seed elevators (d)
Forestry.	Institutions: human care, substance abuse treatment (b)
Parks & recreation areas.	Kennels (j)
Plant nurseries & greenhouses.	Livestock auction yards (f)
Raising & keeping small animals and livestock.	Mobile Home Park (i)
Roadside stands	Off-road vehicles facilities (m)
Single family dwellings.	Outdoor Commercial recreation uses (j)
State licenses residential facilities for <7 people	Production of fur-bearing animals (f)
Temporary outdoor uses.	Public buildings and service installations (b)
Two-family homes (a)	Religious, social, and educational institutions (b)
Veterinary clinics (a)	Riding stables (d)
Multiple Family Housing with 3 acres and 50' yards on all sides. Must have 1 additional acre per unit.	RV Parks and Campgrounds (k)
	Shooting Range (e)
	Wholesale agricultural product storage (d)
	Wind Energy Systems (c)
	Wireless Communication towers (p)

<p>Minimum Lot Size: Area: 43,560 square feet (one acre) Width: 150 feet continuous frontage at the front lot line or 66 feet continuous frontage that provides sole Access to a lot with minimum dimensions of 150 feet by 290.4 feet.</p>	<p>Minimum Setbacks Front: 40 feet Side: 15 feet each side Rear: 40 feet for principal building, 5 feet for accessory building(s)</p>
<p>Maximum Parcel Coverage: 30% of yard area for accessory structures.</p>	<p>Maximum building height (see note below) Principal building: 2.5 stories, 35 feet Accessory building: 25 feet Agricultural operations: 150 feet</p>
<p>Minimum Floor Area: 850 square feet (main floor area) for main buildings</p>	<p><i>Note: Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</i></p>

SECTION 3.5 B-1 COMMERCIAL: RETAIL AND SERVICE DISTRICT

Intent and Purpose:

- a. To provide for commercial activities to meet the day-to-day convenience shopping and service needs of township residents.
- b. To provide for business areas to serve the needs of highway travelers.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in <u>Chapter 7</u> (Special Use Category)
General retail businesses, including retail food.	Auto service stations (b)
Offices and professional services.	Car washes (b)
Personal service establishments.	Temporary outdoor uses (j)
Restaurants, including clubs & drinking establishments, but excluding drive-in and drive-thru Restaurants.	Hotels & motels (j)
Institutions for human care.	Wind Energy Conversion Systems (c)
Commercial schools.	Warehouses & storage buildings (n)
Accessory uses and structures.	
Child care centers, Group Child Care Homes (a)	Religious, social & educational institutions (b)
Multiple Family Housing with 3 acres and 50' yards on all sides. Must have 1 additional acre per unit.	Bulk fuel station (b)
Veterinary Clinics	Drive-in & drive-thru businesses (j)
	Bed and Breakfast (j)
Minimum Lot Size Area: 43,560 square feet (one acre) Width: 150 feet	Minimum Setbacks Front: 25 feet Side: 10 feet each side (only if abutting a residential district). Rear: 20 feet for both principal building and any accessory building(s).
Maximum Parcel Coverage: 30% of yard area for accessory structures.	
Minimum Floor Area: No minimum	Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building: 25 feet Agricultural operations: 150 feet
Screening/Buffering Requirement: See <u>Chapter 4</u>	
	<i>Note: Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</i>



SECTION 3.6 M-1 INDUSTRIAL: LIMITED MANUFACTURING DISTRICT

Intent and Purpose:

- a. To provide areas in the Township for light industrial uses with few nuisance characteristics.
- b. To permit manufacturing, production, processing, assembly, packaging, and treatment of products from previously prepared materials.

Permitted Uses	Special Uses Subject to Review and Approval as Specified in <u>Chapter 7</u> (Special Use Category)
Manufacturing, production, processing, assembly, packaging of products.	Junkyards (f)
Warehouses & storage buildings.	Natural resources extraction: sand, gravel, clay and topsoil removal (l)
Truck terminals.	Sewage treatment & disposal facilities (f)
Contractors' establishments.	Sexually Oriented Business (o)
Restaurants, taverns, and other eating & drinking establishments, including drive-in & drive-thru establishments	Wind Generation Facilities (c)
Public utility installations & buildings	
Laboratories	
Commercial schools	
Veterinary Clinics	
Forestry	
Farming	
Retail & wholesale businesses	
Plant nurseries & greenhouses.	
Raising & keeping small animals and livestock.	

<p>Minimum Lot Size Area: 43,560 square feet (one acre) Width: 150 feet</p>	<p>Minimum Setbacks Front: 40 feet Side: 10% of lot frontage on each side Rear: 50 feet if the use is adjacent to an A-1 or A-2 parcel; 20 feet if adjacent to B-1 or M-1 parcel.</p>
<p>Maximum Parcel Coverage: no maximum.</p>	<p>Maximum building height (see note below) Principal building: 3.5 stories, 45 feet Agricultural operations: 150 feet</p>
<p>Minimum Floor Area: no minimum.</p>	<p><i>Note: Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</i></p>
	<p>Other District Requirements: Industrial uses may not be within 100 feet of a residential district.</p>

Chapter 4 ■ General Requirements

SECTION 4.1 SCOPE OF REGULATIONS

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

SECTION 4.2 SUPPLEMENTARY USE REGULATIONS

- a. **Building Permits Required.** Any construction related to any type of zoning approval shall be commenced only after a building permit has been issued.
- b. **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- c. **Buildings to be Moved.** 1% building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- d. **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for the same period.
- e. **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- f. **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - 1) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - 2) Gardens, garden ornaments, and usual landscape features within a required yard space.
 - 3) Retaining walls.
 - 4) Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one (1) ton rated capacity.
 - 5) Parking of licenses recreational equipment, including travel trailers, campers, snowmobiles, boats, and similar items in any Agricultural or Agricultural/Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage.
 - 6) Use of premises as a voting place.

- 7) Fences
- 8) Structures that do not require a building permit. (See adopted State building code.)
- g. Inoperative or Dismantled Vehicles. The storage of more than one dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, in any Zoning District is expressly prohibited *unless*:
 - 1) The vehicles are contained within a licensed junkyard or an enclosed structure; or
 - 2) The storage period does not exceed forty-eight (48) hours. The storage period may be extended with written permission of the Zoning Administrator.
- h. Garbage, Rubbish and Junk. All parcels must be kept free of all garbage, rubbish and junk/salvage, as defined in Chapter 2 of this Ordinance. Garbage, rubbish and junk/salvage in containers specifically designed for storage of these materials until a specified collection date may be stored on a parcel until the next trash collection date.
- i. Farm Animals. On parcels less than five (5) acres in size or less no more than one farm animal per acre is permitted.

SECTION 4.3 SUPPLEMENTARY DWELLING REGULATIONS

- a. Must Comply With Code Requirements. Every dwelling must comply with all pertinent housing, fire, and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the U.S. Department of Housing and Urban Development.
- b. Mobile Home Installation. In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.
- c. One Single Family Dwelling Per Parcel. No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members.
- d. Structures to be of Uniform Quality. Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- e. Roof Overhang and Steps. All dwelling, must have a roof overhang of not less than six (6) inches on all sides. All dwellings must contain steps or handicapped ramps that are connected to exterior door areas where a difference in elevation requires them.
- f. Temporary Dwellings. The temporary placement and occupancy of structures is permitted in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling

unfit for occupancy. Structures may be placed and occupied as temporary living quarter, subject to the following conditions.

- 1) No structure shall be placed or occupied under the provisions of this section unless the Zoning Administrator issues a Temporary Dwelling Permit with the approval of the Planning Commission.
 - 2) Temporary permits as required by this section shall not be issued unless and until a land use permit authorizing construction of the permanent dwelling, or repair or reconstruction of a damaged, dangerous, and unsafe existing dwelling has been secured by the lot owner or his/her authorized representative.
 - 3) Temporary permits issued under the provisions of this section shall be valid for a period of twelve (12) months from the date of issue by the Zoning Administrator.
 - 4) Temporary permits issued under the provisions of this section may be renewed once by the Zoning Administrator for a six (6) month period with the approval of the Planning Commission, if substantial progress is being made on the permanent dwelling.
 - 5) The requirements of Section 4.3 (h) concerning a permanent foundation shall not apply to a structure to be used as a temporary living quarters. However, the temporary living quarters must be placed in a safe and proper manner as specified by the Building Inspector.
- g. **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Township Building Code.
- h. **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks or permitted as temporary dwellings, must be firmly attached to a permanent foundation that meets the Township Building Code requirements of the Township Building Code.
- i. **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of fourteen (14) feet and must comply in all respects with the Township Building Code, including minimum heights for habitable rooms.
- j. **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps porches connected to the doors where required due to a difference in elevation.
- k. **Garage and Home Yard Sales.** Sales of used material from a single family dwelling may occur twice a year for a period not to exceed one week for each occurrence.
- l. **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- m. **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1500) feet of another State Licensed Residential Facility.

- n. Home Occupations. Home occupations are permitted, subject to the following standards:
- 1) The home occupation must be conducted within the principal dwelling or within a normally associated accessory building.
 - 2) The home occupation must be clearly incidental and subordinate to the use of the dwelling for the dwelling purposes.
 - 3) The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
 - 4) Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
 - 5) There may not be more than one (1) employee who does not reside at the dwelling.

SECTION 4.4 SUPPLEMENTARY PARCEL REGULATIONS

- a. Minimum Lot Frontage. The front lot lines of all parcels, shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required lot width. (See [Land Division Act](#))
- b. Access to a Street. Any parcel created after the effective date of this ordinance shall have access to a public street.
- c. Space Used Once. Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- d. Additional Front Setback. Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the Saginaw County Road Commission, an additional front yard setback from the street is required. The front yard setback for properties fronting on such a street shall be measured from a line that lies a distance of one-half of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.
- e. Approval of Land Divisions. All land divisions created after the effective date of this Ordinance shall comply with all requirements of the [Michigan Land Division Act](#). All land divisions created after the effective date of this ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located. Land divisions are subject to the review and approval of the Township Board. Requirements for driveway permits must be approved by the Road Commission or MDOT, prior to split approval.

SECTION 4.5 NUISANCES

No noise, animal, noxious weeds, situations attracting rodents or any other activity displaying nuisance characteristics as defined by this ordinance shall be permitted.

SECTION 4.6 SUPPLEMENTARY STRUCTURE REGULATIONS

Permitted Yard Encroachments. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in Chapter 3, District Regulations, must be adhered to, as well as any requirements listed in this section.

- a. Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - 1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - 2) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.
 - 3) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
- b. Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
- c. Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.

SECTION 4.7 SECOND LIVING QUARTERS FOR FAMILY MEMBER

- a. A mobile home to be used as a second living quarters for a member or members of the property owner's family may be placed on the same lot as a principal dwelling in the A-1 and A-2 Zoning Districts when the intended occupant of the second living quarters required frequent care of living assistance due to a medical condition or disability. A medical professional or other qualified caregiver shall verify the condition and type of care required in writing. A "family member" who may provide the second living quarters for the purposes of this section is defined as the parents, grandparents, children, grandchildren, great grandchildren, foster children, niece or nephew of the intended occupant(s) of the second living quarters. This definition shall include stepparents, stepchildren, and in-laws.
- b. The second living quarters shall not be located in the front yard of the principal dwelling, and it must meet all side yard setback requirements for the district in which it is located. The second living quarters shall not be located closer than ten (10) feet from the principal dwelling.
- c. The second living quarters shall not exceed the ground floor area of the main dwelling.
- d. A Land Use permit, valid for one (1) year, must be obtained from the Township to establish a second living quarters. The permit shall be issued by the Zoning Administrator with the approval of the Planning Commission. The permit may be renewed for successive one-year periods if compliance with these provisions is maintained, as verified by the Zoning Administrator and the Planning Commission.
- e. If the living quarters cease to be occupied by the family member for which the unit was established, it shall be removed from the lot within 6 months of the time it is vacated.

SECTION 4.8 OPEN SPACE PRESERVATION PROVISION

a. Purpose. The purpose of these provisions is as follows:

- 1) To provide optional open space preservation provisions for residential development, as required by PA 110 of 2006.
- 2) To encourage greater flexibility and efficiency in the design of single-family residential developments.
- 3) To conserve open space and other important elements of the Township's rural character. Examples of these elements include important farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.

b. Applicability. These provisions shall apply to the following situations:

All lots created after the effective date of this ordinance in the following zoning districts where residences are permitted by right at a density of two (2) dwelling units per acre or less: A-1 General Agriculture and A-2 Agricultural/Residential.

c. Submission Requirements. An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 9, Section 9.7, and the following additional requirements:

- 1) Density Concept. One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
- 2) Open Space Concept. The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan. "Undeveloped state" shall have the same meaning as specified in PA 110 of 2006; that is, a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
- 3) Project Narrative. The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan. The narrative shall clearly indicate the proposed project densities and how they were calculated.

d. Approval Standards. Prior to approving an Open Space Development, the Zoning Administrator must find, with the concurrence of a majority of the Planning Commission, that the proposed development complies with the following requirements:

- 1) The proposed development will comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.
- 2) The proposed development will comply with all requirements of the Land Division Act.
- 3) At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and that is acceptable to the Township.



Chapter 5 ■ Non-Conforming Uses

SECTION 5.1 ELIMINATION OF NONCONFORMING USES

- a. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **HISTORIC PROPERTIES.** Any nonconforming property in Brady Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- c. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
 - 1) **ILLEGAL nonconformities** are those that have been developed in conflict with zoning regulations.
 - 2) **LEGAL nonconformities** are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
 - a) The nonconformity existed legally before the effective date of this Ordinance.
 - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
 - c) **Nonconforming Setback or Lot Size only:** The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
 - d) **Nonconforming Buildings or Structures only:** The building or structure does not extend into a public right-of-way, or over a neighboring property line.
- d. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- e. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the business and manufacturing districts.

- f. RECONSTRUCTION AND RESTORATION. Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure. All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the business district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.
- g. REPAIR. Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed the original footprint, unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.
- h. CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- i. NONCONFORMING LOTS. In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.

Chapter 6 ■ Off-Street Parking and Loading Space

SECTION 6.1 PURPOSE

Before any building or use is occupied, or is enlarged or increased in capacity, off-street parking spaces for motor vehicles must be provided and maintained as described in this Chapter.

SECTION 6.2 GENERAL REQUIREMENTS

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In the Agricultural/Residential Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles) or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

SECTION 6.3 PARKING SURFACE REQUIREMENTS

Hard Surface. Where Table 1 allows parking areas to be gravel-surfaced, they should be surfaced with a material that provides a durable, smooth and dustless surface that shall be graded to drain and dispose of all collected surface water within a reasonable time.

SECTION 6.4 PARKING FOR USES NOT SPECIFICALLY MENTIONED

In the case of uses that are not specifically mentioned in this Chapter, the requirements for a use that is mentioned and to which the proposed use is similar in character in terms of parking demand shall apply. The Planning Commission is to determine the parking requirements for a use that is not specifically mentioned.

SECTION 6.5 REDUCTION IN REQUIRED PARKING

a. Joint Provision of Parking

Where two or more abutting parcels or there are mixed uses in the same building, in the B-1 and M-1 Zoning Districts provide vehicular access between parking areas in a manner which allows travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by thirty percent (30%) in addition to reductions allowed by other provisions of this Chapter.

b. Further Reductions for Public Benefits

In the B-1 or M-1 Zoning Districts, uses on parcels fronting on county primary roads or state highways, except limited access freeways, may reduce the required number of off-street parking spaces by twenty percent 20% if at least three (3) of the following conditions are met. This shall be in addition to reductions allowed by other provisions of this Chapter.

- 1) The parcel has no driveway openings onto the major road.
- 2) No freestanding signs are located in the required front yard setback area for the building.

- 3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
- 4) A portion of the parcel equal to at least thirty-five (35) percent of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
- 5) Sidewalks are provided along the full length of the parcel's frontage on the major road, with curb cuts to provide barrier-free non-motorized travel.

SECTION 6.6 ADDITIONS OR EXPANSIONS TO BUILDINGS AND USES

Additional parking shall be provided in proportion to any increase in floor area, change in use, or expansion of a building's use capacity.

SECTION 6.7 DRIVEWAY SPACING REQUIREMENTS

Each parcel in the B-1 and M-1 Zoning Districts shall have no more than one driveway entrance and exit opening to a public road for each three hundred (300) feet of frontage or fraction thereof. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within fifty (50) feet of a street intersection.

SECTION 6.8 PARKING SPACE DIMENSIONS

Each parking space (also known as a "parking stall") shall be a minimum of ten (10) feet wide and twenty (20) feet long. Barrier free spaces shall also comply with all requirements of the State of Michigan Barrier Free Code.

SECTION 6.9 DRIVEWAY AND AISLE CONFIGURATIONS

Driveways and aisles for any off-street parking area built to accommodate more than twenty (20) vehicles shall comply with the following requirements:

- a. Aisle Width. Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. Driveway Configuration. Each driveway shall be a minimum of fifteen (15) and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area equivalent to five (5) percent of the total number of spaces in the parking area. The stacking area shall not function as an access aisle for parking spaces. The driveway shall intersect the abutting street at a ninety (90) degree angle.

SECTION 6.10 SETBACKS REQUIRED

Parking and loading areas shall conform to a twenty (20) foot front yard setback from any street right-of-way line and to the side yard setback requirements for accessory buildings. Off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.

SECTION 6.11 PERMIT REQUIRED.

No parking area shall be constructed unless and until a Building Permit has been issued.

SECTION 6.12 TABLE OF OFF-STREET PARKING

The number of off-street parking spaces for specific uses is shown in Table 1, "Table of Off-Street Parking Recommendations" which appears at the end of this Chapter. Each use must also provide one space for each employee on the largest shift.

SECTION 6.13 OTHER LOADING SPACE REQUIREMENTS

- a. Hard Surface Required Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
- b. Dimensions of Loading Spaces. Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, a loading space must have at least fifteen (15) feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis or requires that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.
- c. Location of Loading Spaces. Loading spaces must be located within or immediately adjacent to the building to be served, and they must be arranged so that maneuvering of trucks using the space does not take place on a public street.

TABLE 1 OFF-STREET PARKING RECOMMENDATIONS

Land Use	Hard Surfacing	Number of Parking Spaces
Automobile sales facilities	Yes	One (1) customer parking space for each 500 square feet of floor area.
Automobile & other vehicle service facilities.	Yes	Two (2) spaces for each service stall
Personal Services	No	Two (2) spaces for each chair or booth.
Bowling Alleys	No	Six (6) spaces for each lane.
Religious Institutions	No	One (1) space for each three (3) seats in the main area of worship.
Commercial outdoor recreation	No	Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.
Assembly hall, dance hall, or exhibition hall without fixed seats.	No	One (1) space for each 100 square feet of floor area.
Drive-in & drive-thru facilities (in addition to required parking for indoor facilities	Yes	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.
Dwellings	No	Two (2) spaces per dwelling unit.
Funeral homes & mortuaries	Yes	One (1) space for each 25 square feet of floor area in service parlors and chapels, plus 1 space for each funeral vehicle maintained on the premises.

Land Use	Hard Surfacing	Number of Parking Spaces
Hospitals, nursing homes, & related health care facilities.	Yes	One (1) space for each two (2) beds
Hotels & Motels	Yes	One (1) space for each lodging room
Libraries, museums & government administration buildings.	Yes	One (1) space for each one hundred (100) square feet of floor area.
Medical offices & clinics, including veterinary clinics.	Yes	Six (6) spaces for each doctor
Office buildings, banks, and financial institutions.	Yes	One space for each two hundred (200) square feet of floor area.
Retail sales & personal services	Yes	One (1) space for each one hundred (100) square feet of floor area.
Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities).	No	One (1) space for each three (3) seats provided for patrons plus one (1) space for each employee.
Educational Institutions	Yes	One (1) space for each two (2) students, plus parking as required for gymnasiums and sports facilities.
Stadiums, gymnasiums and sports facilities.	Yes	One (1) space for each three (3) seats or six (6) feet of bench seating.
Theaters and auditoriums (not incidental to schools).	Yes	One (1) space for each four (4) seats
Warehouses, storage buildings, lumber & building supply facilities, and wholesale outlets.	Yes	One (1) space for each five hundred (500) square feet of gross floor area

Chapter 7 ■ Special Uses

SECTION 7.1 PURPOSE

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Chapter. An application for a special use permit may be filed by any person who owns or has a legal interest in the property subject to the application.

SECTION 7.2 APPLICATION PROCEDURES

An application for a special use permit shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than twenty-one (21) days prior to such meetings will be delayed until the next scheduled meeting.

Applications must be accompanied by the materials and information described below:

- a. A completed Special Use Permit application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in Chapter 9.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 7.7.

When a complete application is submitted, the Zoning Administrator shall confer with the Planning Commission to schedule a public hearing on the application.

SECTION 7.3 NOTICE OF PUBLIC HEARING

Notice of the public hearing on the special use application must be published in a newspaper at least fifteen (15) days before the date of the meeting at which the public hearing will be held.

Notice of the hearing must also be delivered, either by mail or by personal delivery, to the applicant and all owners and occupants of property located within three hundred (300) feet of the property subject to the application for the special use permit. These notices must describe:

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);
- c. The date, time, and place of the public hearing;
- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.

SECTION 7.4 PUBLIC HEARING AND REVIEW PROCEDURES

- a. The Planning Commission shall hold the public hearing on the proposed special use, and shall review the site plan and other materials submitted with the application.
- b. Following the public hearing, the Planning Commission shall make a decision based on whether or not the proposed special use is consistent with the specific standards applicable to the special use described in Section 7.11, as well as the general standard described in Section 7.6. If it is found that the proposed special use is consistent with these standards, the Planning Commission must approve the proposed special use.
- c. If the Planning Commission finds that the proposed special use is not consistent with the standards in Sections 7.7 and 7.11 then it may approve the use with conditions, or it may deny the proposed use altogether. In any event, the decision to approve, approve with conditions, or deny the application must be made within sixty (60) days of the date of the public hearing.
- d. At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan to meet a specified standard of the special use, or present additional information deemed necessary before making a decision on the proposed special use. In such cases, the Planning Commission shall table consideration of the application until the applicant provides the amended site plan or additional information.
- e. In rendering its decision on a proposed special use, the Planning Commission shall make specific reference to the standards in Section 7.6, Section 7.11, and the basis in fact for any conditions attached to the approval of a special use. The Planning Commission shall present a "Statement of Findings and Conclusions" relative to the special use which specifies the basis for the decision and any conditions imposed.

SECTION 7.5 APPEAL OF DECISION

The Township Planning Commission's decision on applications for proposed special uses may be appealed to the State Court System, beginning with Circuit Court.

SECTION 7.6 GENERAL STANDARDS FOR APPROVAL OF SPECIAL USES

Prior to approving, approving with conditions, or denying an application under the provisions of this Chapter, the Planning Commission must find that a proposed special use complies with the standards listed in this section:

- a. The property subject to the application is located in a zoning district in which the proposed special use may be established.
- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
- c. The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.
- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.

- f. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

SECTION 7.7 PERFORMANCE GUARANTEE

The Planning Commission may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with an approved special use to assure that the use complies with approval as granted. If required as a condition of approval, a performance guarantee is a cash deposit; it shall be rebated periodically by the Township on application by the depositor in reasonable proportion to amount of work completed on the required improvements. The Zoning Administrator shall certify in writing to the Township Treasurer that the required conditions have been met prior to such disbursements.

SECTION 7.8 COMPLIANCE WITH CONDITIONS OF SPECIAL USE PERMIT

An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Planning Commission.

SECTION 7.9 TERMS OF PERMIT

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township. In all other cases the special use permit runs with the land, not ownership of the land.

SECTION 7.10 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR SPECIAL LAND USE PERMITS

The following charts specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

- a. The granting of a Special Use Permit requires Site Plan Review and a public hearing.
- b. A Special Use Permit is a privilege granted by the Township when the specified conditions are met.
- c. The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.
- d. Each special use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.
- e. This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards take precedence over the District Regulations.
- f. The Planning Commission may, at its discretion, attach additional conditions to the approval of a special use. These conditions shall be reasonably related to the general standards specified in Section 7.6.

TABLE 2 SPECIAL LAND USE PERMIT REQUIREMENTS

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
Category B <ul style="list-style-type: none"> • Auto Service Stations • Bulk Fuel Station • Car Washes • Public Buildings • Religious, social, educational institutions 	County road or State Highway	One (1) acre in area	200 feet	50 feet from street right-of-way 30 feet from adjacent property lines	25%	Four (4) foot high visual screen required on any side abutting residential property.
Category C <ul style="list-style-type: none"> • Wind Energy Conversion System 	None	1 acre	150'	Height of structure	NA	
Category D <ul style="list-style-type: none"> • Driving Ranges • Grain and seed elevators • Riding stables • Wholesale AG storage 	County road or State Highway	Ten (10) acres in area	500 feet	100 feet from street right-of-way 100 feet from adjacent property lines	10%	Six (6) foot high visual screen required on any side abutting residential property.

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
Category E <ul style="list-style-type: none"> • Shooting range 	Paved Road	Fifty (50) acres in area	1000 feet	200 feet from street right-of-way and adjacent property lines	5%	Six (6) foot high visual screen required on any side abutting residential property.
Category F <ul style="list-style-type: none"> • Junkyards • Livestock auction yard • Production of fur bearing animals • Sewage treatment and disposal 	County road or State Highway	Twenty (20) acres in area	750 feet	200 feet from street right-of-way 200 feet from adjacent property lines	Same as zoning district	<p>Site shall not be located within one (1) mile of a residential subdivision with officially filed plats.</p> <p>Tree buffer consisting of natural vegetation or planted evergreens shall be provided on the periphery of the property. Buffer shall be at least one hundred (100) feet wide.</p> <p>Solid fence or wall at least eight (8) feet high shall be provided around the active area of a junk yard or resource recovery operation.</p> <p>A wire link fence at least six (6) feet high shall be provided around a sewage treatment or disposal facility.</p>
Category G: <ul style="list-style-type: none"> • Airstrip 	No special restrictions	Thirty (30) acres in area	500 feet	500 feet from end of runway	Same as zoning district	Must obtain all necessary state and federal permits.
Category I: <ul style="list-style-type: none"> • Mobile Home Park 	County road or State Highway	Twenty (20) acres in area	750 feet	60 feet from street right-of-way and adjacent property lines.	30%	Mobile home part must be licensed by the State of Michigan. Must comply with all requirements of The Michigan Mobile Home Commission and its Administrative Rules.

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
<p>Category J:</p> <ul style="list-style-type: none"> • Bed and Breakfasts • Child Care Centers • Commercial Recreation • Country Clubs • Drive in uses • Golf Courses • Hotels/Motels • Kennels • Mini golf • Temporary Outdoor Uses 	<p>No special restrictions</p>	<p>Two (2) acres in area</p>	<p>Same as Zoning District</p>	<p>100 feet from any residence or residential zoning district</p>	<p>25%</p>	<p>Planning Commission may determine the need for a fence or berm. Planning Commission may limit hours of operation and impose other conditions as necessary to control noise and other off-site impacts.</p>
<p>Category K:</p> <ul style="list-style-type: none"> • RV Park or Campground 	<p>County road or State Highway</p>	<p>Twenty (20) acres in area Each site shall in clued designated parking area of at least 400 sq. ft.</p>	<p>750 feet</p>	<p>60 feet from street right-of-way 60 feet from adjacent property lines Individual camp sites shall be at least 75 feet from street right-of-way or</p>	<p>30%</p>	<p>Spaces may be used only for temporary occupancy. Facility shall be supervised by a resident manager who shall be accessible to park tenants at all times when spaces are rented. Manager's residence may include business office for the park and living space for the manager's family. Must maintain compliance with all regulations of the Saginaw County Health Department and the State of Michigan that apply to such facilities. Perimeter shall be enclosed by fence at least four (4) feet high. Park shall be served by not more than one</p>

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
				neighboring property line.		access point to each abutting road. Access points and roads within the park shall be designed to facilitate the safe movement of vehicles and trailers, including adequate clear vision areas. Park or campground shall included restroom and bathing facilities in an all weather structure.
<p>Category L:</p> <ul style="list-style-type: none"> Natural Resource Extraction 	Must be within ½ mile of an all-season road as designated by SCRC	Ten (10) acres in area	500 feet	<p>All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line.</p> <p>No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line.</p>	Same as zoning district	<p>Owner or agent must obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347).</p> <p>Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other disturbing activities, and the restoration of the site to a usable condition for agriculture or development.</p> <p>Excavated areas shall be restored so that no finished grade is greater than one foot of vertical rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act.</p> <p>As part of the Site Plan Review, Planning Commission may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards.</p> <p>Applicant shall provide a date for completing the mining operation, based on the volume of material to be extracted and the average annual extraction rates. Any extension of operations</p>

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
						beyond that date shall require the issuance of a new Special Use Permit.
Category M: <ul style="list-style-type: none"> Off Road Vehicle (ORV) Establishment 	No special restrictions	Forty (40) acres in area	1000 feet	200 feet from street right-of-way and 100 feet from adjacent property lines.	5%	Visual screen at least six (6) feet high shall be provided on all sides adjacent to or across the road from residential uses. Planning Commission may establish reasonable hours of operation to minimize negative impacts of operation. Restroom facilities shall be provided on the premises.
Category N: <ul style="list-style-type: none"> Warehousing & Storage 	No special restrictions	A proposed Special Use in this category must meet the minimum lot area, width, and setback requirements for the district in which it is located.				All warehousing & storage must be entirely contained within the building. No manufacturing operations of any kind may be conducted inside or outside of the building. No hazardous, toxic, or refrigerated products may be warehoused or stored inside or outside the building.
Category O: <ul style="list-style-type: none"> Sexually Oriented Businesses 	Paved road	A proposed Special Use in this category must meet the minimum lot area, width, and setback requirements for the district in which it is located.				No sexually oriented business may be established on a parcel that is within 1,000 feet of any parcel zoned A-l. No sexually oriented business may be established on a parcel that is within 1,000 feet of any parcel containing a church, school, or public park. No sexually oriented business may be established on a parcel that is within 1,000 feet of any parcel that contains another adult entertainment business. Window displays, signs, decorative or structural element shall not include or convey any specific examples of adult entertainment uses.

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
<p>Category P:</p> <ul style="list-style-type: none"> • Wireless Communication Facilities 	<p>Same as Zoning District</p>	<p>A minimum lot area of three (3) acres is required. Any tower structure must be located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</p>	<p>Same as zoning district</p>	<p>No portion or any tower, including any guy wires and support structures shall be located closer than the height of the tower from any property line. All structures shall be located at least two hundred (200) feet from any dwelling.</p>	<p>Same as zoning district. Accessory structures associated with a tower shall not exceed six hundred (600) square feet in area.</p>	<p>If a permit for a new tower is granted, the applicant shall submit a notarized statement that the proposed tower is specifically designed to accommodate additional antennas, and that the applicant shall permit co-location under reasonable conditions. Failure to permit reasonable co-location shall be grounds for revocation of the special use permit and removal of the tower at the owner's expense.</p> <p>All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.</p> <p>Tower height must comply with any Airport Zoning Regulations that are in effect.</p> <p>All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer.</p> <p>Towers shall not be artificially lighted unless required by the Federal Aviation Administration.</p> <p>Towers shall not display advertising or identification of any kind, except as required for emergency purposes.</p> <p>The Township may require a performance bond to ensure the proper construction and maintenance of a tower.</p> <p>The applicant or owner must provide written statements that certify the following to the</p>

Special Land Use Category	Site Access Requirements	Minimum Parcel Size	Minimum Parcel Width	Minimum Structure Setbacks	Maximum Lot Coverage	Other Requirements
						<p>Township:</p> <ul style="list-style-type: none"> a. That the owner will notify the Township of any change in ownership or control of the tower. b. That the owner will notify the Township of any change in operation of the tower, including the cessation of operations. c. That if the tower is not operated for a continuous period of 12 months, it shall be considered abandoned, and the owner shall remove the tower within 90 days of notification of such abandonment by the Township. If the owner fails to remove the tower within 90 days, the Township may remove the tower at the owner's expense. d. Construction of a tower that is authorized under a Special Use Permit shall be completed within one year of the date of the permit, or the permit shall become void

Chapter 8 ■ Sign Regulations

SECTION 8.1 SCOPE

These standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Enhance pedestrian and traffic safety.
- c. Preserve public health, safety, and welfare.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage appropriate plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j. Promote the use of aesthetically pleasing sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Enhance the effectiveness of necessary directional and warning signs.
- n. Preserve property values.
- o. Provide for the effectiveness of permitted signs.
- p. Avoid adverse lighting or reflection.
- q. Require structurally safe signs.

SECTION 8.2 MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided

by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line.

SECTION 8.3 SIGNS PERMITTED

TABLE 3 TABLE OF SIGNS PERMITTED

District	Type	# per Parcel	Maximum square footage per sign	Placement	Height
A-1	•Non dwelling use sign	1	32 sq. ft.	<i>Within required yard</i>	5 ft.
	•Freestanding	1	32 sq. ft.	<i>Within required yard</i>	12 ft.
	•Wall sign	1	no limit	Anywhere on bldg.	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
B-1	•Wall	Total wall signage may not exceed 32 sq. ft.		Any where on bldg.	Height of wall
	•Monument/freestanding	1	32 sq. ft.	Within required yard	12 ft.
	•Marquee •Portable	1 1	32 sq. ft. 32 sq. ft.	On structure Within required yard	Height of highest eave 8 ft.
	•Window	Counts toward wall signage total. If flashing may not be greater than 5 sq. ft.		In window	Height of wall
M-1	•Wall	1	32 sq. ft.	Anywhere on wall	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Within required yard	12 ft. at grade of lot line
	•Portable	1	32 sq. ft.	Within required yard	5 ft.

NOTES TO TABLE

- 1) In the case of through lots, excluding through lots on a corner, (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
- 2) In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
- 3) Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1) foot by four (4) feet for each business within the business center. The entire sign shall not exceed twenty-five (25) feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1) foot by four (4) foot signs. One (1) wall is allowed per individual business of sixty-four (64) square feet in a strip mall or mini mall.
- 4) The height of wall signs may be up to the height of the wall.



- 5) Each business occupant other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
- 6) One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
- 7) Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.
- 8) NON DWELLING USE SIGNS. In the A-1 and R-1 districts, only nondwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.

SECTION 8.4 PROHIBITED SIGNS

Signs are prohibited that:

- a. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
- b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- c. Are not properly anchored or secured to a building or the ground.
- d. Are determined to be obscene by the Zoning Administrator.

SECTION 8.5 ILLUMINATION

There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the A-1 districts, only nondwelling use signs may be illuminated.

SECTION 8.6 NONCONFORMING SIGNS

Note that portable signs are not considered to be acceptable nonconforming structures.

Nonconforming signs:

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

SECTION 8.7 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the Building and Zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Township Building Inspector.

SECTION 8.8 VIOLATIONS AND REMOVAL

- a. Any sign erected, altered, or converted subsequent to the passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- b. Upon discovery of a violation of this Chapter the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Chapter or removed.
- c. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- f. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- g. Nothing in this Section shall prevent the Zoning Administrator or Township Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

SECTION 8.9 ABANDONED SIGNS

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

Chapter 9 ■ Administration and Enforcement

SECTION 9.1 RESPONSIBILITIES IN THE ZONING PROCESS

The provisions of this ordinance shall be carried out by the Brady Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Michigan Zoning Enabling Act, P.A. 110 of 2006.

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

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

- 1) **Applications and permits.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits.
- 2) **Written Denial.** When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **Notice of Hearings.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notice as required by this Ordinance.
- 4) **Inspections.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce this Ordinance.
- 5) **Record Non-Conforming Uses.** The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance.
- 6) **Record Special Uses.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 7) **Record Variances, Administrative Reviews, and Interpretations.** The Zoning Administrator shall maintain a concise record of all variances, administrative reviews, and interpretations of this Ordinance rendered by the Zoning Board of Appeals. This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
- 8) **Public Information.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.

- 9) Respond to Complaints. The Zoning Administrator shall respond within five (5) business days, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
 - 10) May Not Change Ordinance. Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
 - 11) Publicize Amendments. The Zoning Administrator shall file copies of all amendments to this Ordinance with the Township Clerk and publish notices of all amendments as required by Section 9.6.
- b. PLANNING COMMISSION. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.
- 1) Site Plan Approval. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Section 9.6.
 - 2) Special Use Permits. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.
 - 3) Rezoning or Amendment. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 9.5. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning subject to the requirement for notice, hearing and Township Board approval.
 - 4) Plat Review. The Planning Commission shall review proposed plats and land divisions as provided by Section 9.7.
- c. ZONING BOARD OF APPEALS.
- 1) Membership.
 - a) REGULAR MEMBERS. The Brady Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be the chairperson of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the ZBA shall be removable by the Township Board for malfeasance, nonfeasance or misfeasance of duty or misconduct in office upon written charges and after public hearing.
 - b) ALTERNATE MEMBERS. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or is absent from or will

be unable to attend meetings for a periods of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- 2) Terms of Office. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the periods stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- 3) Per Diem or Expenses. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township board.
- 4) Rules of Procedure. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.
- 5) Meetings. Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership, as opposed to those members who are present, of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- 6) Records. Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- 7) Majority Vote Required. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- 8) Decisions. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of a request or appeal, unless a further time is agreed upon by the applicant. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of three (3) working days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
- 9) Conflict of Interest. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

- 10) Duties. The Brady Township Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance & defined herein. The ZBA shall *not* have the power to alter or change the Zoning District classification of any property, or to change the terms or intent of this Ordinance.
- a) Variances. The Zoning Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance.
 - b) Administrative Review. The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error i.e. any order, requirement, permit, decision, or denial made by the Zoning Administrator.
 - c) Interpretation. Upon request, the ZBA shall have the power to interpret the provisions of this Ordinance so as to carry out its intent and purpose.
- d. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may take other actions related to this Ordinance, as follows:
- 1) Amend. The Township Board, upon the advice of the Planning Commission, may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
 - 2) Set Fees. The Township Board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Zoning Permit applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, and any other actions the Township Board see fit to add.
 - 3) Waive Fees. By resolution, the Township Board may waive the fee for any application requesting one or more of the actions listed above.

SECTION 9.2 ADMINISTRATIVE PROCESSES

- a. ZONING PERMIT REQUIRED. The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place:
 - 1) Occupancy and use of vacant land (including parking lot construction).
 - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit. A Zoning Permit must be obtained before a Building Permit may be issued. When erected at the same time as the principal building, accessory structures shall not require a separate Zoning Permit. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.
 - 3) Any use of a parcel or a building that is identified as a Special Use by the Table of District Regulations in Chapter 3 for the Zoning District in which the parcel is located.
 - 4) Any change of a nonconforming use or building.
- b. APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made at least ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. The application package may be submitted by the property owner, by

any other person with the owner's signed permission. A permit fee in the amount established by the Township Board shall accompany the application package. The application shall consist of the following material:

- 1) Application Form. Applicants for Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
 - 2) Submission with Building Permit Application. When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Township Building Inspector also acts as the Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplication on the Zoning Permit application form.
 - 3) Property Information. The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records that are sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence of a change in ownership must also be submitted.
 - 4) Site Plan. The Zoning Application Form must also be accompanied by a site plan drawn at a size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.
- c. APPLICATION REVIEW PROCESS. On submission of an application for a Zoning Permit, the Zoning Administrator shall review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any requirement prohibits the issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
- 1) RECORD MAINTAINED. The Zoning Administrator shall keep a record of each application for a Zoning Permit that has been submitted, including the disposition of each one. This record shall be a public record and open for inspection upon request.
 - 2) VALIDITY OF ZONING PERMIT. A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended not more than once by the Zoning Administrator, for a period not to exceed one (1) additional year. An extension must be requested in writing by the permit holder before the expiration of the initial permit period.
 - 3) VOIDING OF ZONING PERMIT. If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.
 - 4) RE-ISSUANCE OF PERMIT. Re-issuance of a Zoning Permit that has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and fully processed.

d. PERFORMANCE GUARANTEE.

- 1) Authorization and Intent. The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money be deposited with the Township Treasurer, payable by check or money order, as a guarantee of performance for any conditions attached to approval of Zoning Permits that come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.
 - 2) Amount. The Planning Commission or Zoning Board of Appeals shall specify the amount of any required cash deposit and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified condition.
 - 3) Use of Escrowed Funds. If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commission's review. *ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE BRADY TOWNSHIP BOARD.* Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.
- e. RETURN OF CASH DEPOSIT. The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.

SECTION 9.3 AUTHORITY OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

- a. VARIANCE. Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.
- b. APPEALS OF ADMINISTRATIVE ACTIONS. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.

- 1) Requests for Administrative review. An Administrative Review by the Zoning Board of Appeals may be requested by any aggrieved person, or by any officer, department, or board of local, county, or state government. Any such request must be made in writing not more than ten (10) days after the date of the decision being appealed. The request shall be filed with the Zoning Administrator and shall identify the applicant, the proposed activity, the action being appealed, and the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
 - 2) Activity Classification. The ZBA may classify any activity which is not specifically mentioned in the Table of District Regulations in Chapter 3 for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - 3) Parking and Loading Spaces. The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
 - 4) Clarification. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- c. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.
- d. RULES FOR ZONING BOARD OF APPEALS ACTIONS.
- 1) Public hearing. The Zoning Board of Appeals must hold a public hearing before making a decision on a variance, appeal, or interpretation. Mailed notice, as specified by Section 906, shall be given not less than fifteen (15) days before the date of the hearing. At the hearing, a party may appear in person or may be represented by an agent or attorney.
 - 2) Intent. Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - 3) Use Variance Prohibited. No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only classify a use which is not specifically mentioned along with a comparable permitted use the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must apply, and not vary, the terms of the Zoning Ordinance.
 - 4) Single Parcel. Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for ZBA action.
 - 5) Resubmission. Any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the ZBA may elect to rehear a case.

- 6) Practical Difficulty. A variance may only be granted upon a showing of practical difficulties by the applicant that prevent carrying out the strict letter of this Ordinance. These practical difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.
- 7) Issuance of Permit. A site plan approval granted under the provisions of this Section becomes a condition of the Zoning Permit granted pursuant to such action.
- 8) Required Records. The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision.
- 9) Recurrent Issues. If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the ZBA shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 9.4 ENFORCEMENT

- a. RESPONSIBILITY AND AUTHORITY. The Zoning Administrator shall enforce the provisions of this Ordinance. The Zoning Administrator is authorized to: investigate ordinance violations; issue and serve ordinance violation notices; issue and serve appearance tickets as authorized under 1968 Public Act 147, as amended (MCL 764.9c); issue and serve municipal civil infraction citations as authorized under 1994 Public Act 12, as it may from time to time be amended (MCL 600.8701 et seq.); and to appear in court or other judicial or quasi-judicial proceedings to assist in the enforcement of this Ordinance.
- b. VIOLATIONS AND PENALTIES. Violations of any provisions of this Ordinance are declared to be a nuisance *per se*. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.
 - 1) Inspection and order. The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of the Ordinance.
 - 2) Correction Period. Orders to correct violations shall allow a correction period of not less than thirty (30) days nor more than sixty (60) days, as the Zoning Administrator deems necessary.
 - 3) Penalties. Any person or other entity who violates any provision of this Ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan law and 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 been put in connection with the violation. In no case, however, shall costs of more than \$500.00 be ordered. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day that a violation shall continue is to constitute a separate offense.
 - 4) Cumulative Rights and Remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern *provided* also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 9.5 AMENDMENT

- a. **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.
- b. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- c. **AMENDMENT PROCEDURE.**
- 1) **Petition to Township Clerk and Payment of Fee.** Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - 2) **Public Hearing.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator as specified by Sections 9.5 and by the following paragraphs:
 - a) **Published notice.** Notice shall be given by publication in a newspaper of general circulation in the community, to be printed at least fifteen (15) days before the date of such hearing.
 - b) **Mailed notice.** In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Sections 9.5.
 - 3) **Recommendation.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 4) **Saginaw County Metropolitan Planning Commission.** Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless the Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

- 5) Township Board Action. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board may deny or adopt the amendment with or without changes by a majority vote of its membership, following its standard procedures for the adoption of ordinances. The Township Board may also refer the amendment back to the Township Planning Commission for further changes or clarification.
 - a) Additional Public Hearing. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.
 - b) Notice. Notice of the hearing, including all information required by Section 9.6, shall be published in a newspaper which circulates in the Township at least fifteen (15) days before the hearing. Mailed notice of the hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- 6) Amendment to conform with Court Decree. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- 7) Re-submittal. No application for a rezoning which has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 9.6 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- a. If the township is required to provide notice and hearing under the Michigan Zoning Enabling Act, the township shall publish notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - 1) Describe the nature of the request.

- 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner.
 - e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

SECTION 9.7 SITE PLAN REVIEW

The various provisions of this Ordinance require review of site plans before certain approvals may be granted. The Township Zoning Administrator conducts a review of site plans for each Zoning Permit issued. The Zoning Board of Appeals conducts such reviews before granting various types of requests. For certain activities, however, a more formal Site Plan Review before the Township Planning Commission is required to insure conformance with the intent and objectives of this Ordinance. This section defines the procedures and standards to be used for formal Site Plan Review.

- a. SITUATIONS THAT REQUIRE SITE PLAN REVIEW. Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements. Site plan review and approval is required:
 - 1) For all non-residential land uses permitted in all zoning districts.
 - 2) For all special uses. A site plan shall be submitted at the time application is made for a Special Use Permit. Review of the site plan shall be concurrent with deliberations on the application for a Special Use Permit.
 - 3) For all Planned Unit Developments (PUD's), if permitted elsewhere in this Ordinance. A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.
 - 4) All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).
- b. SITE PLAN REVIEW NOT REQUIRED FOR REZONING. Site Plan Review shall not be required as part of the decision process for a rezoning application. The decision to rezone property is based on consideration of its effect on the long-range development of the Township, especially in regard to all the potential uses that the rezoning would permit on the subject parcel. In contrast, the scope of site plan review is limited to the specific use that is proposed. Also, conditions may be attached to site plan approval. Conditions may *not* be attached to the rezoning of property.
- c. THE SITE PLAN REVIEW PROCESS.
 - 1) Application deadline. If a Zoning Permit application requires a Site Plan Review pursuant to Section 9.7 (a), the complete application package must be received at least fifteen (15) days

before the Planning Commission meeting at which the application is to be considered. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application deadline for the specific process will apply.

- 2) Application Material. The application package for a Site Plan Review must meet the requirements of Section 9.2 (b) and be accompanied by a Site Plan Review fee as established by the Township Board and at least four (4) copies of a site plan that meets the requirements of Section 9.7 (c) (3) as described below. The application will not be reviewed until all the listed items have been received.
- 3) Site Plan Requirements. Any details depicted in the site plan will be relied upon by the Planning Commission in its review. Therefore, these details become conditions for approval of the site plan. Failure to abide by such conditions is a violation of the terms of any Zoning Permit issued pursuant to site plan approval, and is subject to enforcement under Section 9.4 of this Ordinance. The site plan shall show the following information:
 - a) Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for parcels three (3) acres or more in size.
 - b) Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.
 - c) The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
 - d) Tax identification number of the property subject to the application.
 - e) Name and address (or approximate location) of the proposed land use or land development project.
 - f) Size of the property in acres and square feet.
 - g) Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.
 - h) A small-scale map (1"=200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
 - i) The exterior property lines (boundaries) of the property subject to the application.
 - j) The zoning classification of the property subject to review, as well as that of adjoining properties.
 - k) The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property.
 - l) The location, width, and purpose of other existing and proposed private roadways.
 - m) The location, width, and purpose of other existing and proposed easements or rights-of-way.
 - n) Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings and existing and proposed setbacks from property lines must be indicated in feet.

- o) Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively numbered.
 - p) The location of existing and proposed storm water management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.
 - q) The location and height of existing fences or walls, including the type of fencing proposed.
 - r) The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may require that applicants submit a separate landscaping plan.
 - s) The location and type of existing natural features on the site, including but not limited to, wetland, watercourses, floodplains, ponds, wooded areas, major topographic features, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
 - t) The location, height, and design of existing and proposed signs and exterior lighting fixtures.
- 4) Staff Review of Site Plan. Within two (2) working days of receipt of a site plan for review by the Planning Commission, the Zoning Administrator shall notify all Township departments that it has been received. Any interested department may comment on the site plan in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified in Section 9.7 (d) and any applicable Special Use Permit Standards listed in Chapter 7. After reviewing such comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- 5) Planning Commission Review of Site Plan. The Planning Commission shall conduct their Site Plan Review at a public meeting. A public hearing on the site plan will be held only if any party submits a written request for a hearing to the Township Clerk prior to the Planning Commission meeting. In such cases, the public will be heard before the Planning Commission acts on the site plan. However, a Site Plan Review conducted pursuant to Section 9.7 (a) does not require special notification of any party. The staff's review findings and any public comments shall be considered by the Planning Commission, but they are not binding on it in any way. The Planning Commission should take one of the following actions at the meeting that considers the Site Plan:
- a) Approval. An affirmative vote by a majority of the Planning Commission is necessary to approve a site plan. An approved site plan becomes a condition of any resulting Zoning Permit. Deviations from the site plan are permitted only as specified by Section 9.7 (c)(6)
 - b) Conditional Approval. The Planning Commission may attach conditions to approval of a site plan as justified by the requirements of this Ordinance, or other local, state, or federal laws. These conditions and their justification must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions then become part of the site plan, just as if they were part of the original submission, and they shall be reflected in any resulting Zoning Permit. Deviations from the conditions are permitted only as described by Section 9.7 (c)(6). Approval of any site plan that must also be approved of other public agencies shall be conditioned upon the granting of the other agency approvals, including variances from the Zoning Board of Appeals.

- c) Variance from Board of Appeals. Approval of a variance that specifies conditions different from those depicted on the site plan or identified in the conditional approval does not require an additional Site Plan Review.
 - d) Denial with Explanation. Failure to comply with one or more of the standards listed in Section 9.7 (d) is the only justification for denial of a site plan. A majority vote of the Planning Commission is required to deny a site plan. The motion to deny must state which Review Standards were not met by the site plan, and it failed to meet them. The applicant shall be notified in writing of the denial of the site plan, with the full text of the motion to deny reproduced in the communication.
 - e) Table to Specified Meeting. The Planning Commission may choose to delay its decision for any specified reason by tabling the action to another meeting. The date, time, and place of the meeting shall be identified in the motion to table and clearly stated for the benefit of any persons in attendance.
- 6) Acceptable Deviations from Approved Site Plan. Unforeseen circumstances can cause changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review standards have been met. These deviations shall be documented as described in Section 9.7(c)(8).
 - 7) Unacceptable deviations from Site Plan. If the Zoning Administrator finds that a deviation from an approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The notice to the permit holder shall be sent by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector with respect to that portion of the project that is not in compliance with the Site Plan Review Standards. Once site plan approval has been suspended, the permit holder may change the project plans to conform to the Review Standards, or restart the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice of this to the permit holder, the Township Building Inspector, and the Planning Commission.

This provision shall not prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and the approved site plan.
 - 8) Record to be maintained. The Zoning Administrator shall maintain the record relating to any approved site plan with the records pertaining to the Zoning Permit for the project. This record shall include an official copy of the site plan as approved by the Planning Commission. The official copy shall be signed and dated by the permit holder, the Planning Commission Chair, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence that these conditions have been satisfied, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, and "as built" versions of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Zoning Permit may be fully refunded.
- d. SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following Set of standards to determine whether a site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site

improvements will create conditions that are contrary to the intent and objectives of this Ordinance, this lack is sufficient justification for denial of the site plan.

- 1) There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
- 2) Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
- 3) All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
- 4) As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the soil and the discharge of water. Reasonable buffer and open space areas may be required.
- 5) The site shall be improved with a storm drainage system that maintains storm water runoff at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.
- 6) Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.
- 7) The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
- 8) All buildings, structures, parking areas, and storage areas will, be accessible to emergency vehicles at all times of the year. Particular attention shall be paid to site access in the event of fire or other emergency.
- 9) The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

SECTION 9.8 REVIEW OF SUBDIVISION PLATS AND LAND DIVISIONS

- a. ZONING. All plats and land divisions shall be subject to the provisions of the Zoning District in which they are located. Any Zoning District changes that may be necessary to accommodate a proposed plat or land division shall be made according to the amendment procedure specified in Section 9.5. After the effective date of this Ordinance, no proposed plat of a new or redesigned subdivision or any other land division shall be approved unless the proposed lots equal or exceed the minimum lot area and dimensional requirements' for the applicable Zoning District.
- b. PLAT APPROVAL PROCESS
 - 1) Submission of Plat. When a preliminary of final plat has been submitted to the Brady Township Board for approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the plat within ninety (90) days of submission, the Zoning Administrator and Planning Commission Chair shall convene a special meeting of the Planning Commission, if necessary, to provide a recommendation to the Township Board.

- 2) Planning Commission Review and Recommendation. The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance, and any other applicable Township ordinances, at an open public meeting. A public hearing is not required. However, a person who wishes to address the Planning Commission shall be permitted to do so. If all standards are met, the Planning Commission shall recommend approval of the plat to the Township Board. If all standards are not met, the Planning Commission shall recommend denial of the plat, noting which standards were not met.

SECTION 9.9 ACTIONS SUMMARY TABLE

The following table is a summary of the basic requirements for the various administrative actions to be carried out under this Zoning Ordinance. It supplements the preceding text, but it is not a substitute for it. Note that a fee, as established by the Township Board, is required for each of the actions listed. However, as previously described in Sec. 9.1(d)(3), the Township Board may waive any of these fees at its discretion.

TABLE 4 ZONING ORDINANCE ACTIONS TABLE

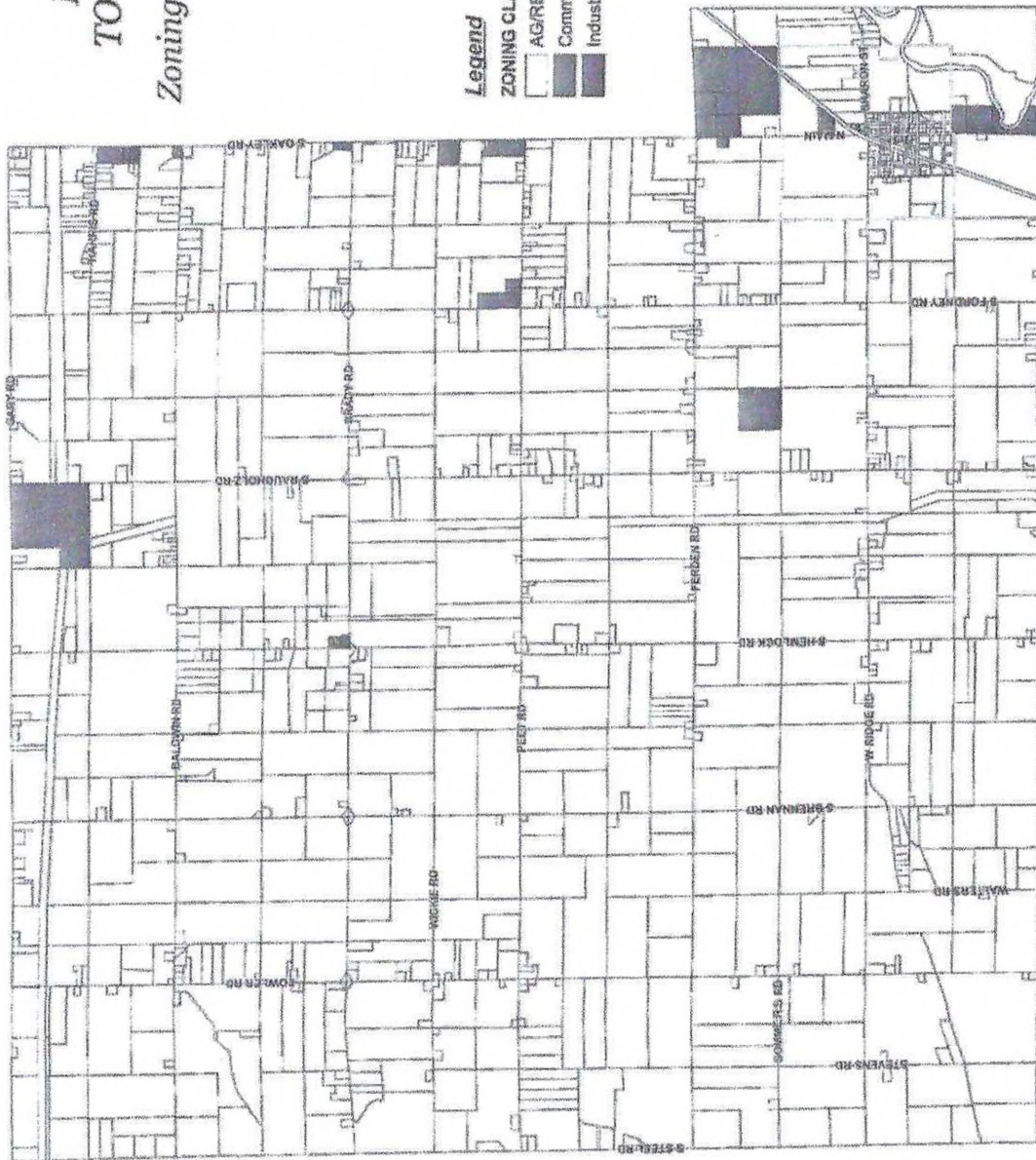
Summary of Procedural Requirements for Zoning Decisions

Type of Action	Who may initiate action?	What body makes the decision?	Is a Public hearing required?	Published notices – number of days before hearing.	Mailed notice to all owners and occupants within 300	Where can applicant appeal a decision?
Variance	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Administrative review, including appeal of Zoning Administrator's decision	Any aggrieved party ¹	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Site Plan Review (See Sec. 9.7 for when this is required.	Applicant or Zoning Admin.	Planning Commission	Not required	Not required	Not required	Circuit Court
Special use permit	Applicant or Zoning Admin.	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text or map amendment (rezoning)	Applicant, Zoning Admin, Planning Commission or Township Board	Step 1: Planning Commission recommends to Township Board Step 2: Township Board acts on amendment	Yes If requested by any property owner by certified mail to Clerk.	Not less than 15 days Not less than 15 days	Not less than 15 days (others as specified by ord.) Not less than 15 days	No appeal until after Township Board action Circuit Court or may resubmit to Township after one year
Fee waiver	Applicant	Township Board	No	Not required	Not required	None

MAP 1 ZONING DISTRICT MAP OF BRADY TOWNSHIP

**BRADY
TOWNSHIP**
Zoning Classification

Legend
ZONING CLASSIFICATION
AG/RES
Commercial
Industrial



2018-01
SOLAR PANEL FARM ORDINANCE
(Amendment to the Brady Township Zoning Ordinance)

Chapter 2, Section 2.2, Definitions

Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Solar Energy Systems Accessory: A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Special Use Accessory Use regulations in Chapter 3, Sections 3.4, 3.5 and Permitted Use in section 3.6.

Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of the wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principle use.

Chapter 3, Section 3.4, and 3.5 Table of Uses

Solar Farms: Permitted by Special Use Permit in A-1 Agricultural District and B-1 Commercial District and meet requirements of this ordinance amendment.

Intent and Purpose: To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.

Minimum Lot Size: There is no minimum lot size. Each solar farm is permitted as a special land use which review will consider its compatibility with the surrounding area.

Height Restrictions: All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.

Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty (40) feet from a side or rear property line and a minimum of forty (40) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner so as not to impede/obstruct access along the County drain.

Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Noise: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.

Glare: Solar farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

Landscaping: The special land use application for a solar farm shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of four (4) feet tall at time of planting and shall remain in good condition for the life of the solar farm.

Local, State and Federal Permits: Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Saginaw County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

Additional Special Use Criteria:

In addition to the special land use (and site plan) requirements contained in Chapter 6 and Chapter 7, the applicant shall address the following topics in the application for solar farm facilities:

1. **Project description and Rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. **Analysis of On-Site Traffic:** Estimated construction jobs and estimated permanent jobs associated with the development.
3. **Visual Impacts:** Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. **Environmental Analysis:** Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
5. **Waste:** Identify any solid or hazardous waste generated by the project.
6. **Lighting:** Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of this ordinance and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. **Transportation Plan:** Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.

8. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.

9. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.

10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.

11. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.

To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

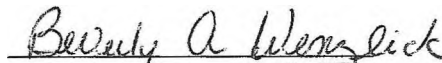
12. Township Review: Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Township Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.

This Ordinance shall take effect thirty (30) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

Adopted and passed by the Brady Township Board the ^{5th} day of October, 2018.

Signed this 3rd day of October, 2018


., Supervisor


., Clerk