

Chapter 66 ZONING¹

ARTICLE I. GENERAL PROVISIONS

Sec. 66-1. Preamble.

- (a) This chapter is enacted to provide for the establishment of zoning districts to encourage and regulate the proper location and use of land, buildings, and structures for residence, trade or other purposes; to regulate the height and bulk of buildings, the density of population, and the minimum dimensions of yards, courts, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said chapter.
- (b) Carrollton Township, pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), hereby enacts this chapter.

(Ord. of 5-30-2000, § 101)

Sec. 66-2. Short title.

This chapter shall be known as the Carrollton Township Zoning Ordinance.

(Ord. of 5-30-2000, § 102)

Sec. 66-3. Purpose and objectives.

It is the general purpose of this chapter to promote public health, safety, convenience, and general welfare. To accomplish said purpose, this chapter contains regulations, which address the following objectives:

- (1) Promote the proper use and development of land, buildings and natural resources, according to their ability to meet citizen's needs for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade service, and other uses of land.
- (2) Protect the community's quality of life, maintain a high aesthetic standard for the appearance of public and private property, and enhance the social and economic stability of the township.
- (3) Minimize congestion of public facilities and roadways, encourage safe and convenient access for buildings and activities, and prevent overcrowding of land.
- (4) Facilitate adequate and efficient provision of public services and facilities, such as water supply, sewers, drainage, waste disposal, transportation, communication, energy, education, recreation and public safety.
- (5) Establish standards to guide physical development of the township and of each zoning district, and provide for enforcement of said standards.

¹State law reference(s)—Michigan zoning enabling act, MCL 125.3101 et seq.; township planning, MCL 125.321 et seq.

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- (6) Inform citizens and public officials of their shared responsibilities for the wise use of community resources.
 - (7) Ensure that land uses shall be situated in appropriate locations and relationships, thereby balancing one person's right to the peaceful use and enjoyment of his property with the rights of others to the peaceful use and enjoyment of neighboring properties.

(Ord. of 5-30-2000, § 103)

Sec. 66-4. Interpretation.

- (a) The provisions of this chapter shall be held to be minimum requirements adopted to promote public health, safety, comfort, convenience and general welfare. This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing provision of law or chapter or any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings. Nor is this chapter intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.
- (b) Where this chapter imposes a greater restriction upon the use of land or buildings than is imposed by other laws or chapters, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this chapter shall control. Where provisions of any other chapter or regulation impose stricter requirements for the use of land or buildings, the provisions of the other chapter or regulation shall govern.

(Ord. of 5-30-2000, § 104)

Sec. 66-5. Penalties and enforcement.

Any violation of this chapter shall be considered a municipal civil infraction subject to fines and costs as determined by the county district court, or other appropriate state or local administrative body. The township may also seek equitable relief to enforce any provision of this chapter through the county circuit court, or other appropriate state or local administrative body.

(Ord. of 5-30-2000, § 107)

Sec. 66-6. Proof of ordinances; evidence in court.

MCL 600.2116 provides that:

- (1) All laws, bylaws, regulations, resolutions, and ordinances of the common council or of the board of trustees of an incorporated city or village or the township board of a township in this state may be read in evidence in all courts and in all proceedings before any officer, body, or board in which it is necessary to refer thereto:
 - a. From a record thereof, kept by the clerk or recorder of the city, village, or township; or
 - b. From a printed copy thereof, purporting to have been printed by authority of the common council or board of trustees of such city, village, or township; and
- (2) The record, certified copy, volume, codification, or compilation shall be prima facie evidence of the existence and validity of such laws, regulation, resolutions, and ordinances, without proof of the enactment, publishing, or any other thing concerning the same.

(Ord. of 5-30-2000, § 108)

Secs. 66-7—66-30. Reserved.

ARTICLE II. DEFINITIONS

Sec. 66-31. Rules applying to the text.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) The term "structure" includes the word "building."
- (2) The terms "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (3) The term "sales" includes the concepts of "rental," "leasing," or similar transactions.
- (4) Words, which are capitalized, when they are not the first word of a sentence, are used with the meaning given them by this chapter, but any word or term not herein defined shall be given a meaning of common standard use.
- (5) In case of any difference of meaning and implication between the text of this chapter and any caption, preamble or illustration, the text shall control.
- (6) The term "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (7) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (8) The term "lot" includes the word "plot," "tract," or "parcel."
- (9) A "building" or "structure" includes any part thereof.
- (10) The phrase "used for" may include "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (11) The term "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity.
- (12) Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - c. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (13) Any word or term not herein defined shall be used with a meaning of common standard use.

(Ord. of 5-30-2000, § 201)

Sec. 66-32. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building or structure, which is, clearly incidental to, customarily found in connection with, and located on a contiguous parcel as the principal use to which it is related. See also "principal building", "principal use".

Accessory use means any accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on contiguous parcel as the principal use to which it is related.

Activity. See the term "use."

Adult entertainment activity. See the term "Sexually Oriented Business."

Adult foster care. See "state licensed residential facility."

Alley means any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations means 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; or any change which may be referred to herein as "altered" or "reconstructed".

Animal means a nonhuman

- (1) *Type I animal.* A domesticated household pet.
- (2) *Type II animal.* An animal which is normally part of the livestock maintained on a farm, including:
 - a. Bovine and like animals, such as a cow.
 - b. Equine and like animals, such as horse.
 - c. Swine and like animals, such as the pig or hog.
 - d. Ovis (Ovine) and like animals such as the sheep and goat.
 - e. Other animals similar to those listed in subsections (2) a. to d. of this definition weighing in excess of 75 pounds, and not otherwise specifically classified herein.
- (3) *Type III animal.* Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as wild fowl.
- (4) *Type IV animal.* Any animal that is wild by nature and not customarily domesticated, or an animal so designated by Saginaw County or Carrollton Township.

Animal, wild and ferocious, means any animal that displays dangerous behavior, or is kept or provoked by his owner to behave in such a way. The determination of whether an animal or creature of any kind is wild or ferocious will be at the discretion of the county animal control department.

Animated sign means any sign which uses moving patterns of light or change in lighting to depict action or motion or to create a special effect or scene.

Antenna array means an antenna array is one or more rods, panels, discs or similar devices used for the transmission and reception of radio frequency signals, which may include omni-directed antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure defined below.

Apiary means a place where bees are kept for production of honey. Bee keeping is a form of specialized farming.

Appurtenances (structural) means the visible, functional, or ornamental objects accessory to and part of buildings.

Attached wireless communication facility (attached WCF) means an attached WCF is an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside the attachment structure.

Automobile/car wash, automatic means an establishment being housed in a building or portion hereof, together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Automobile/car wash, self-service means an establishment being housed in a building, or portion thereof, together with the necessary equipment used for the washing of a single vehicle per stall by a nonemployee individual. This use specifically prohibits establishments using production line methods including automatic brushes or cloths and drying blowers.

Automobile detailing and restoration means an establishment being housed in a building, or portion thereof, together with the necessary equipment used for the installation of nonessential accessories such as, but not limited to, detail striping, luggage racks, ladders and similar items, and cleaning of interior and/or exterior parts.

Automobile repair shop means an establishment being housed in a building or portion thereof together with the necessary equipment used for the general repair of automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

Automobile service station means an establishment being housed in a building or portion thereof, together with the necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil and lubricants or grease and including the sale of minor accessories, and the servicing of and minor repair of automobiles.

Bank. See the term "financial business."

Base area means the area, in square feet, of a nonconforming use as of the effective date of the ordinance from which this chapter is derived.

Base flood elevation means the expected elevation for the 100-year flood at a particular location, depicted on the Federal Emergency Management Agency's Flood Insurance Rate Map for Carrollton Township.

Basement means a story having part but not more than one-half of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet. If a basement is considered a story by Michigan Building Construction Code then it's considered a story for zoning code.

Berm means a manmade, formed earthen mound of definite height and width used for obscuring purposes.

Block means the property abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and physical barrier such as a railroad, right-of-way, park, river channel or unsubdivided acreage.

Boardinghouse. See the term "roominghouse."

Boat launch means a structure and parcel on which boats are put into or taken out of water.

Buffer-yard and/or buffer-zone means a strip of land, including any specific type and amount of planting or structures which may be required to minimize or eliminate conflicts between different types of land uses.

Building means any structure erected on site, a mobile home or modular structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. See also "front line of building," "height of building," "and principal building."

Building, front line of, means the line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

Building, height of, means the vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. See illustrations at the end of this article.

Building lines means a line defining the minimum front, side or rear yard requirements outside of which no building or structure may be located.

Building, principal, means a building in which is conducted the main or principal use of the lot on which it is located.

Building setback line means a line established herein from which required yards are measured.

Building supply yard means a business, which may sell any type of material for use in the construction, maintenance or repair of buildings. It is distinguished by the outdoor storage of products, which will not deteriorate as a result of exposure to the elements. A business selling lumber, which stores any material outdoors, is a building supply yard, not a lumber yard.

Bulk station means a place where crude petroleum, gasoline, naphtha, benzene, benzol, kerosene, or any other liquid, except such as will stand a test of 150 degrees Fahrenheit, closed cup tester, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than 6,000 gallons.

Business when used to determine the number of freestanding signs permitted on parcels, a business is any nonresidential occupant of separately secured space in a building, having been issued its own employer identification number by the state, which may reasonably be expected to open said space to the public during two or more days of a typical week.

Business services means an establishment which provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas), sign production and installation, equipment rental or repair, building maintenance, and self service storage.

Campground. See the term "recreational vehicle park".

Carwash, automatic, means an establishment being housed in a building or portion hereof, together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Carwash, self-service, means an establishment being housed in a building, or portion thereof, together with the necessary equipment used for the washing of a single vehicle per stall by a nonemployee individual. This use specifically prohibits establishments using production line methods including automatic brushes or cloths and drying blowers.

Clear vision area means an area unobstructed by accessory structures or plantings within 30 feet of any public street right-of-way for a sight distance of 100 feet along the near edge of the pavement in either direction.

Clinic means an establishment where human patients who are not lodged over night are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Club means an organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities; except as required incidentally for the membership and purpose of such club.

Collocation site/sharing means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

Commercial school means a private educational facility generally operated for profit and offering instruction in art, business, music, dance, trades, sports, continuing professional education or other subjects.

Commercial vehicle or trailer means any wheeled vehicle that is either available for hire or used as part of or in connection with a nonagricultural business or industry.

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

Communication tower means a facility for the provision of communication, as defined by the Telecommunications Act.

Condominium means a condominium is a system of separate ownership of individual units in multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of these zoning regulations, condominium terms shall be defined as follows:

- (1) *Condominium Act*: Shall mean Public Act 59 of 1978, as amended.

Convalescent or nursing home means a building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off site consumption.

Courts means open unoccupied spaces other than yards on the same lot with a building.

- (1) *Court, inner*, means an open, unoccupied space not extending to the street or front or rear yard.
- (2) *Court, outer*, means an open, unoccupied space opening upon a street, alley, yard or setback.

Coverage, lot, means that percent of the plot or lot covered by the building area.

Cul-de-sac means a street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

Day nursery means a facility wherein care is provided for children not related to the owner or resident during part of each day in exchange for compensation. Said facility may require a license under state law.

Degree of nonconformance means a measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies:

- (1) *Area* means the square footage by which a building varies from the maximum or minimum area or parcel coverage specified for its zoning district, or by which a parcel varies from the minimum area for its zoning district.
- (2) *Parking* means the number of parking spaces which a parcel lacks to conform with the requirements of article VI this chapter, general off-street parking regulations and the table of off-street parking requirements.

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- (3) *Setback* means the square footage of a building, which overlaps a required setback area.
 - (4) *Width or depth* means the distance, in feet, by which the width or depth of a parcel varies from the minimum or maximum dimension for its zoning district.

Development standards for wireless communication facilities, as used herein, means those standards set forth in section 66-203.

District means any section within the community for which the regulations contained within this chapter are the same.

District regulations means regulations for properties within each zoning district, found in article III of this chapter.

Domestic unit, as herein defined, means a domestic unit shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting this chapter. Domestic unit shall mean a collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

Drive-thru means a business establishment so developed that its retail or service character is dependent on providing pick-up, drive-up window, delivery to the vehicle or other service while receiving or delivering goods or services. Such uses may include, but are not limited to, the following: financial institutions, fast food establishments, dry cleaners and convenience stores. It does not include car washes.

Dwelling means a building or mobile home, or portion of a building, intended as living quarters for one family, including separate cooking and bathroom facilities. See also "dwelling unit" and "dwelling types."

Dwelling types, for the purpose of this chapter, means dwellings are separated into the following categories and herewith defined accordingly:

- (1) *Single-family, mobile, modular or premanufactured dwelling* means a detached, residential dwelling unit designed for and occupied by one family on a residential lot.
- (2) *Single-family, mobile home dwelling* means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at a licensed mobile home park as established by this chapter and state laws where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- (3) *Two-family dwelling* means a detached residential building containing two dwelling units, designed for occupancy by not more than two families. These may also be known as duplexes.
- (4) *Multiple-family dwelling structure* means a residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
- (5) *An apartment* means a suite of rooms or a room in a multifamily building or above a business arranged and intended for a place of residence for a single-family or group of individuals living together as a single housekeeping unit.

Dwelling unit means one or more rooms including a single kitchen in a dwelling designed for occupancy for one-family for living and sleeping purposes.

Electrical or plumbing supply means a business emphasizing the sale of items to be used for construction or repair of the plumbing, heating, air conditioning or electrical systems of buildings. Such businesses differ from "building supply yards" in that all material is stored or displayed inside the principal building or fully enclosed accessory structures.

Electronic message board means a video terminal or electronic changeable copy sign in which the copy consists of an array of lights activated and deactivated simultaneously. Electronic message boards do not include animated signs.

Equipment facility means an equipment facility is any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and expansion of an existing structure, pedestals, and other similar structures.

Essential services means the erection, construction, alteration or maintenance of underground, surface or overhead electrical, gas, water transmission and sewage and stormwater collection systems, including the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

Family.

- (1) The term "family" means:
 - a. One person, two unrelated persons;
 - b. Not more than six foster care adults living in a single dwelling unit. This provision is subject to Public Act 218 of 1979 as amended (MCL 400.701 to 400.737); or
 - c. Where there are more than two persons residing in a dwelling unit, persons classified constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together in a single dwelling unit.
 - d. A domestic unit as defined in this section.
- (2) Anyone seeking the rights and privileges afforded a member of a family by this Code shall have the burden of proof by clear and convincing evidence of their family relationship.
- (3) Any person seeking the rights and privileges afforded a member of a domestic unit by this chapter shall have the burden of proof by clear and convincing evidence of each of the elements of a domestic unit.
- (4) This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is not to function as a family, but merely for convenience and economics.

Family day care facilities 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 resident family by blood, marriage or adoption.

Farm means a tract of land which is directly devoted to agricultural purposes provided further farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, aviaries; but establishments keeping or operating fur-bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits shall not be considered farms hereunder unless combined with a bona fide farm operation on the same contiguous tract of land of not less than 20 acres.

Farm animal. See "Animals."

Farming, general, means the practice of agriculture on a farm as defined above.

Fast food restaurant means an establishment predominantly offering food prepared for and/or packaged as carry out items whether consumed on the premises, in the building, parking lot or elsewhere.

Fence, decorative means a decorative fence is intended to enclose a portion of a parcel in a decorative manner and is not necessarily intended to preclude or inhibit entry or vision into the property. Examples of decorative fences include split rail, wrought iron and similar fences that are visually "transparent" and/or readily breached.

Fence, functional means a functional fence is intended to enclose a parcel or portion of a parcel in order to prevent or make difficult entry by animals, persons or vehicles. Such a fence may also be a visual screen. Chain-link, masonry, stacked, and similar types of fences are examples of functional fences.

Financial business means any institution managing funds on deposit for its customers and/or lending funds to borrowers. These include, but are not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

Flag lot means a lot not fronting entirely on or abutting a public street and where access to the public street is by a narrow private right-of-way. See Michigan Land Division Act 1997 and amended.

Flood, 100-year, means a flood, which has a one percent chance of occurring in any given year.

Flood/flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or the unusual and rapid accumulation of run-off of surface waters from any source.

Flood hazard area, 100-Year, means land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.

Flood insurance rate map (FIRM) means an official map of Carrollton Township on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Carrollton Township.

Floodplain means the land area expected to be inundated by the floodwaters of a 100-year flood. It includes both the floodway and floodway fringe.

Floodway means the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without increasing the base flood elevation by one-tenth of a foot.

Floodway fringe means the area between the floodway and the boundary of the 100-year floodplain for any watercourse.

Freestanding sign means any sign, which is not completely supported by the walls or roof of a building. See also "monument sign," "pole sign."

Front line of building. See the term "building front line."

Front yard setback line means a straight line drawn across a parcel so that at no point is it any closer to the street right-of-way than the required front yard setback for the applicable zoning district as stated by the dimensions table in article III of this chapter.

Fuel dealer means a business, which stores any flammable liquid or gas on the premises for wholesale distribution or retail sale as fuel for various types of equipment, does not include "auto service."

Garage, community, means a garage in a building used for the storage of three or more automobiles of two or more owners and containing no public repair or service facilities.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings. It does not include interior parking or loading spaces or any space where the story height is less than six feet.

Ground level means the elevation to be used for computing the height of signs. It is defined as the elevation of the centerline of the public street, which the sign faces, at its intersection with a line drawn perpendicular to the centerline and running through the sign's location.

Half-story means a space under a sloping roof, the walls of which intersect the roof decking not more than three feet above the top floor level, having not more than two-thirds of its floor area finished for the principal use of the building. A half-story containing independent apartments or living quarters is counted as a full story.

Height for wireless communication facilities. When referring to a WCF, height shall mean the distance measured from ground level to the highest point on the WCF, including the antenna array.

Height of building. See the term "building, height, of."

Home occupation means an accessory use in an area zoned for residential use dwelling, consisting of any business carried on by one or more occupants of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes, and which meets the following criteria:

- (1) It does not alter the outside appearance of the dwelling or any accessory structure.
- (2) It occupies no more than 25 percent of the floor area of a dwelling or 50 percent of the floor area of an accessory structure. A bed and breakfast, or child or adult day care for up to six persons who do not reside in the home shall be presumed to meet this standard.
- (3) It requires no more than three off-street parking spaces, as determined by the table of off-street parking requirements in section 66-167, and provides them.
- (4) It does not require activity outside the dwelling and/or accessory structure, which would be contrary to the nature of the surrounding area or would cause a nuisance to neighbors or persons passing by the dwelling.
- (5) It does not produce discharges to the wastewater treatment system serving the dwelling, which are in excess of the system's ability to process. When the system's capacity is in question, it is to be determined by the county health department.
- (6) It does not cause any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference that is detectable at or beyond the property line.

Home, sectional or component, means several building components meeting the current building code in effect, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

Hospital means an institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" includes a sanatorium, rest home, nursing home or convalescent home, but does not include any institution for the care or treatment of alcoholics, drug addicts or persons with mental disorders. See the term "incarceration facility."

House travel trailer means a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses.

Identity sign means a sign which carries only the name of the firm, the major enterprise, logo, or the principal product offered for sale on the premises, or a combination of these.

Incarceration facility means an institution for the involuntary confinement of persons taken into custody by any law enforcement agency, also any institution for the inpatient care and treatment of persons suffering from mental disorders, alcoholism or drug addiction.

Institution, educational, means a school for kindergarten through 12th grade or any colleges or universities authorized by the state to award degrees.

Institution, human care, means a public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, mental, physical or substance abuse rehabilitation facilities and the like.

Institution, incarceration, means a public or private facility for detention. An incarceration institution may include a prison, jail, juvenile correctional facility, boot camp or any other facility meant that exists as a means of detention or restitution for crimes.

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

Institution, social, means 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.

Junkyard, means a place where junk, waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles shall be construed to be a junkyard.

Kennel (commercial) means any facility where more than six animals, which are more than four months old, are kept housed or boarded on a single parcel.

Kennel (private) means any facility used for the private maintenance of up to six dogs, cats or other domestic pets, four months or older, owned by the resident on the premises and not involving commercial activities. The keeping of more than six animals shall be considered a commercial kennel regardless of ownership or species of animals.

Landscape contractor. The term "landscaping" includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

Legislative body means the Carrollton Township Board of Trustees.

Livestock. See the term "Animal."

Loading space or berth means an off-street space at least ten feet wide, 25 feet long and 15 feet high clearance; either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

Lot, means a parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this chapter. Every lot shall abut upon and have permanent access to a public street or a road as certified by the Saginaw County Road Commission.

Lot area means the total horizontal area within the lot lines of the lot.

Lot; corner, interior and through:

- (1) *Corner lot* means a lot, which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than 135 degrees.
- (2) *Interior lot* means a lot other than a corner lot.

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- (3) *Through lot* means an interior lot having frontage on two streets, which do not intersect at a point contiguous to such lot.

Lot coverage means the percentage of the lot area covered by the ground floor of principal and accessory buildings or structures. See illustrations at the end of this article.

Lot depth means the average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lot line.

Lot lines means the lines abutting a lot as defined herein:

Lot line, front, means that line separating the lot from the street or place, in the case of a corner lot or through lot, the lines separating the lot from each street.

Lot line, rear, means the lot line, which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot.

Lot line, side, means any lot line not a front lot line or not a rear lot line.

Lot of record means a separately described piece of land, the dimensions of which are shown on any document or map recorded by the county register of deeds or in common use by community officials and which actually exists as shown, or any part of such piece of land held in a recordable ownership separate from that of the remainder thereof. Any such piece of land being sold under a land contract, which sale was commenced prior to the effective date of the ordinance from which this chapter is derived, and which piece conformed to the requirements of the township zoning chapter as of the commencement of said sale, shall be deemed to be a lot of record. Note that a parcel may consist of multiple, contiguous lots of record under common ownership.

Lot, width of, means the width measured along the front lot line or street line.

Lumber yard, means a business which emphasizes the sale of lumber and wood products, where all material available for sale is stored or displayed in the principal building or in accessory structures. See also "building supply yard."

Major message, in determining the number of words and the required size of letters for freestanding signs on parcels, is all words which contain any letters or numbers over three inches tall.

Marina means a facility for storing, servicing, fueling, berthing and securing boats and that may include eating, sleeping, and retail facilities for owners, crews and guests.

Marquee sign means a sign attached to or made a part of any marquee, canopy, or awning projecting from and supported by a building.

Master plan means the comprehensive future land use plan for the township, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the township, and including any unit or part of such plan and any amendment to such plan or parts thereof. Such plan may be adopted by the planning commission and the township board.

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

Mobile home park means a parcel upon which three or more mobile homes are located on a continual, non-recreational bases and which if offered to the public for that purposed regardless of whether a charge is made therefor, together with any building, structure, street, equipment, facility used or intended for used incident to occupancy of mobile homes. See Public Act 96 of 1987.

Mobile home space means a plot of land in a mobile home park designed to accommodate one mobile home, with a structure or equipment to support and anchor the mobile home and connections to water, sewer, electricity and other utilities.

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

Modular (premanufactured) housing unit means a dwelling unit constructed solely within a factory as a single unit or in various sized modules which are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional site-built construction. A mobile home is considered a type of modular housing unit with all of the following characteristics:

- (1) Designed for a long-term occupancy.
- (2) Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- (3) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
- (4) Arriving at site to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental location operations.

Monument sign means a freestanding sign, the face of which is mounted on, or less than one foot above, the ground.

Motel means a building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar arrangements, which are designed as integrated units of individual rooms under common ownership.

Municipal land means property owned and/or occupied by Carrollton Township or a Saginaw County Governmental Agency.

Nonconforming use means a building, structure, or use of land existing at the time of enactment of the ordinance from which this chapter is derived, and which does not conform to the regulations of the district or zone in which it is situated.

Nonfood retail means a retail business, which devotes less than five percent of its shelf or floor space to the display of edible products. Food products sold by a nonfood retail business should not require special storage conditions, such as refrigeration.

Nonprofit organization means an organization that meets the current tax code status of nonprofit and can show proof of this with at least one year's tax documentation.

Nuisance factors means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or which adversely affects a human being, or the generation of an excessive or concentrated movement of people or things such as but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, and passenger traffic.

Office means a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, the practice of law, medicine or dentistry, accounting or bookkeeping, tax preparation, insurance company functions or agency, securities or real estate brokerage, executive or managerial functions for any type of

enterprise, studios for artists, photographers or broadcast media, all aspects of a newspaper or publishing business except actual printing and binding or distribution centers, and a base of operation for traveling salespeople excluding storage or display of goods.

Off-street loading space means a paved area provided for the loading or unloading of items from trucks or other commercial vehicles, located either within a building or outside on the same lot, but situated so that vehicles using the space do not obstruct any public street, alley or driveway.

Off-street parking space. See the term "parking space."

Opaque means a surface that cannot be seen through and does not allow light to come through.

Open space means any unoccupied space open to the sky on the same lot with a building. See "courts."

Parcel means a continuous piece of land, including contiguous lots of record, under uniform ownership, abutting upon a public street and having permanent access thereto. Also "lot," "lot: corner, interior, through."

Parcel area means the total horizontal land area within the lot lines of a parcel.

Parcel coverage means that percentage of parcel area covered by the total ground floor area of all buildings on a parcel.

Parcel depth means the distance between the front lot line and rear lot line of a parcel.

Parcel width means for a rectangular interior lot, the length of the front lot line. For a corner lot, parcel width is the length of the shorter front lot line. For an irregularly shaped lot, parcel width is the length of the line, which defines the front yard setback.

Parking space means a portion of a parcel at least nine feet wide and 20 feet long, with access to a public street or alley via a driveway and/or aisles, and set aside for accommodation of one motor vehicle. Also see "off-street parking space."

Personal service means a service business catering to the needs of individuals. These include but are not limited to hair styling, manicure, cosmetics, formal wear rental, laundry or dry cleaning drop off and pick up, millinery or tailoring, and repair of small appliances, watches, jewelry or shoes. Personal service is not included in the definition of "office," nor does it include any "adults-only business."

Personal wireless communication facilities means transmitters, antenna structures or towers and other types of equipment necessary for providing personal wireless services to the general public. Common examples are personal communications systems (PCS) such as cellular radio telephone service and paging.

Pet means a domesticated animal kept for amusement and/or companionship rather than utilitarian or productive purposes. Animals shall be considered as pets only if they are commonly considered as such or that they can be demonstrated as having characteristics, temperament, and domestic qualities of animals commonly considered pets.

Planned unit development (PUD) means a concept for development of a large parcel by a single entity, typically involving more land uses than would ordinarily be permitted in a single zoning district. Any condominium project is also defined to be a planned unit development. Planned unit developments are permitted by this chapter as special uses in several zoning districts. See section 66-214 for the site condominium regulations.

Planning commission means the Carrollton Township Planning Commission. Any reference to "Zoning Commission" or "Commission" shall mean the planning commission. See "Michigan Zoning Enabling Act of 2006."

Plumbing supply. See the term "electrical or plumbing supply."

Pole sign means a freestanding sign, the face of which is supported above the ground by not more than two permanently mounted poles with concrete footings meeting the requirements of the Carrollton Township Building Code.

Pond, detention storage, means an artificially or naturally confined area whose purpose is to confine water after a storm event. A detention pond is dry during all other circumstances. The temporary detaining or storage of storm water in a storage basin, open space or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated to the allowable discharge by appropriately installed devices. These detention storage areas are not to be considered regulated wetlands as they are man-made structures and are designed specifically for storm water storage.

Pond, landscape, means an artificially or naturally confined body of still water, excluding pools, for purposes of decorative landscaping that is less than 200 square feet in size.

Pond, recreation, means an artificially or naturally confined body of still water, excluding pools, greater than 200 square feet in size, for recreational uses.

Pond, retention storage means the permanent retaining or storage of storm water in a storage basin, open space or other areas under predetermined and controlled conditions. The only discharge of storm water from a retention storage area is by ground infiltration, evaporation, etc. An emergency overflow must be provided in the event the capacity of the retention facility is exceeded. These retention storage areas shall not be considered regulated wetlands.

Portable storage containers means a container used as a transportable storage container that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis.

Principal building means a building in which is conducted the greatest portion of activity for the principal use of the parcel on which it is located.

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

Projecting sign means a sign, which is solely supported by the wall of a building and projects more than 18 inches therefrom. Includes "marquee signs."

Public area means, for calculating parking and loading requirements, public area the floor area of a business used for service to the public. It does not include floor area used solely for storage, processing or packaging.

Public street means a public thoroughfare owned and maintained by a public agency and providing motor vehicle access to abutting property. These include any existing state, county, or municipal roadways, except limited access highways. A public street includes all land within street right-of-way lines. Note that an unimproved public right-of-way does not constitute a public street.

Public utility means any business, municipal department or board fully authorized to furnish electricity, gas, steam, telephone, telegraph, cable television, pipeline, roadway, water, sewer or storm drainage service to the public.

Quarry, sand pit, gravel pit, top-soil stripping means a lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, excluding the process of grading a lot preparatory to the construction of a building [for which a] permit has been issued.

Recreational vehicles means all those small mobile units principally designed for recreational past time such as motor homes, camper trailers, pickup campers, pop-up tent trailers, snowmobiles, motorcycles, dune buggies, and similar camping type vehicles or trailer.

Recreational vehicle park (campground) means any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Restaurant is defined as follows:

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- (1) *Bar/lounge*: A building or part thereof designed, maintained and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.
 - (2) *Carry-out*: A building maintained, operated and/or advertised as a place where food, beverage and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.
 - (3) *Dining room*: A building maintained, operated and/or advertised as a place where food and beverage are served and consumed primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.
 - (4) *Drive-in/drive-through fast-food*: A building maintained, operated and/or advertised as a place where food, beverage and/or desserts are served to customers from a serving counter and/or while in a motor vehicle, in disposable (not reusable by the restaurant) containers or wrappers. Such food, beverage and/or desserts may be consumed inside the building or outside the building at facilities provided or carried out for consumption off the premises.

Retail business means a business offering products for sale to the public for use or consumption other than on the premises. Said products generally are not made or processed on the premises, but are stored and displayed there. Sales generally take place inside a building, but the business may include a fenced outdoor sales area of up to ten percent of the floor area of the principal building. A restaurant, bar or tavern is not considered to be a retail business. See also "nonfood retail."

Right-of-way means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Road. See the term "street."

Roadside stand means a structure erected on a farm adjacent to a public road for the sale of chiefly products produced on the farm, provided such use shall not constitute a commercial district, not be deemed a commercial activity.

Roof sign means any sign located on or over any part of the roof of a building, where no portion of said sign projects above the highest point of the roof.

Roofline 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. See "Basic structural terms and building heights photo."

Rooftop sign means any sign located on or over the roof of a building where any portion of said sign projects above the highest point of the roof.

Roominghouse means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services maybe offered as well.

Salvage yard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, 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 two or more inoperative, unlicensed vehicles located on a single lot shall be construed to be a salvage yard.

Sanitary landfill means an operation licensed by the state department of environmental quality for the disposal of solid waste in a manner consistent with the criteria established for solid waste management, Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) and its administrative rules. Sanitary landfills are classified as follows:

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- (1) *Type II landfill.* An on-land disposal facility designed and operated to accommodate general types of solid waste, including, but not limited to, garbage and rubbish, but excluding hazardous waste, which is managed under provisions of part 111 of Public Act No. 451 of 1994 (MCL 324.11101 et seq.) for hazardous waste management.
 - (2) *Type III landfill.* An on-land disposal facility designed and operated to accommodate large volumes of certain solid waste, which has minimal potential for groundwater contamination.

Seasonal use means a vehicle, unit or item is functionally operational and actively used during the intended season for that vehicle, unit or item.

Service business means a business dealing primarily in the performance of work for hire which is not incidental to sale of merchandise or contract construction. All work is performed within the principal building or away from the premises. The term "service business" includes the term "personal service," but not the terms "auto service" or "business services." See also the term "financial business" and "office."

Service, essential, means the construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substations.

Setback means the depth, expressed in feet, of any required yard between a building or structure and lot line. See also "yard: front, rear, side."

Setback for wireless communication facilities means the required distance from the property line of the parcel on which the WCF is located to the support structure.

Setback line means a line established herein from which required yards are measured.

S.E.V. means the state equalized valuation of a building or structure, as determined by the township assessor. This chapter uses S.E.V. to measure the extent of any damage to a nonconforming building or structure. Thus, S.E.V. does not include the value of underlying land, and is presumed to be 50 percent of the building's true cash value.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. The following definitions shall apply to sexually oriented businesses:

- (1) *Adult arcade.* Any place to which the public is permitted or invited wherein cash-operated, credit-operated, coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas".
- (2) *Adult bookstore or adult video store.* An establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
 - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation and/or items which depict or describe "sexually explicit activities" or "specified anatomical areas" or which are characterized by their emphasis upon exhibition or description of "sexually explicit activities" or "specified anatomical areas"; or

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- b. Instruments, devices or paraphernalia which are characterized by their emphasis upon "sexually explicit activities" or "specified anatomical areas" or designed for use in connection with "sexually explicit activities"; or
 - c. Items, materials or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or which depict or describe, or are characterized by their emphasis upon, the exhibition or description of "specified anatomical areas".
 - d. For purposes of this chapter, "principal business purpose" means:
 - 1. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning 30 percent or more of the interior floor area as defined by the applicable building code; or
 - 2. The receipt of 50 percent or more of its annual revenues from the sale of the items listed above. Revenue is a gross increase in assets or a gross decrease in liabilities recognized and measured in conformity with generally accepted accounting principles; or
 - 3. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, or paraphernalia which are characterized by the depiction, description, display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".
 - 4. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store, adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- (3) *Adult cabaret*. A nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, which regularly features:
- a. Persons who appear in a state of restricted nudity, and/or other material while opaque does not completely cover the entire buttocks (e.g., G-strings) or all portions of the breast below the topmost portion of the areola; or
 - b. Live performances of an erotic nature which are characterized by the partial exposure of "specified anatomical areas" or "sexually explicit activities" that occur away from the common area of the establishment, such as on a stage, on poles, in booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises wherein an entertainer or waitress provides adult entertainment to members of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a direct or indirect profit; or
 - c. Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- (4) *Adult massage parlor*. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified

anatomical areas. The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. An adult massage parlor is considered a sexually oriented business for purposes of this chapter.

- (5) *Adult motel.* A hotel, motel or similar establishment which:
- a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
 - b. Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
 - c. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - d. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- (6) *Adult motion picture theater.* An establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- (7) *Adult theater.* A theater, concert hall, auditorium or similar establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities". This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- (8) *Adult use business.* An adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the building official, township manager, and/or the chief of police, to be an adult use because of the similarities in the characteristics and activities of the business with regulated adult business uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- (9) *Alcoholic commercial establishment.* Any hotel, motel, tavern, restaurant, park, nightclub, cocktail lounge, burlesque house, bar, cabaret, taproom, club or other similar establishment licensed by the State of Michigan Liquor Control Commission, or where alcoholic beverages, including beer, are dispensed and/or consumed. This definition shall exclude a theater or auditorium.
- (10) *Entertainer.* A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.
- (11) *Escort.* A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but

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- not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual or that individual's guests.
- (12) *Escort agency.* A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (13) *Establishment.* Any of the following:
- a. The opening or commencement of any sexually oriented business as a new business; or
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
 - c. The location or relocation of any sexually oriented business.
- (14) *Licensee.* The individual listed as an applicant on the application of a sexually oriented business license, or a person whose name appears on a license to operate an adult use business.
- (15) *Licensing officer.* The Clerk of Saginaw Township or his/her designee.
- (16) *Manager.* An operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.
- (17) *Massage.* The treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this chapter, the term "bodywork" shall mean massage.
- (18) *Nude model studio.* Any place where a person appears in a state of nudity or displays "specific anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
- (19) *Nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- (20) *Operator.* The owner, licensee, manager or person in charge of any premises.
- (21) *Peep booth.* An adult motion picture theater with a viewing room or cubicle of less than 150 square feet of floor space.
- (22) *Premises or licensed premises.* Any premises that requires a sexually oriented business license and that is classified as a sexually oriented business.
- (23) *Principal owner.* Any person owning, directly or beneficially:
- a. Ten percent or more of a corporation's equity securities; or
 - b. Ten percent or more of the membership interests in a limited liability company; or
 - c. In the case of any other legal entity, ten percent or more of the ownership interests in the entity.
- (24) *Private room.* A room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.

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- (25) *Regular or regularly* shall mean recurring, attending or functioning at fixed or uniform intervals.
- (26) *Semi-nude*. A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (27) *Sexual encounter center*. A business or enterprise that, as one of its primary business purposes, offers a place where two or more persons may congregate, associate or consort for the purpose of "sexually explicit activities" or the exposure of "specified anatomical areas" for any form of consideration, including, but not limited to:
- a. Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
 - b. Activities when one or more of the persons is in a state of nudity or semi-nudity; or
 - c. Permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.
- (28) *Sexually explicit activities*. Any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
 - c. Masturbation, actual or simulated; or
 - d. Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
 - e. The display of human genitals in a state of sexual stimulation, arousal or tumescence; or
 - f. The display of excretory function as part of or in connection with any of the activity set forth in a) through e) above.
- (29) *Sexually oriented business*. An adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web. "Sexually oriented" when used to describe film, motion picture, videocassette, slides, or other photographic reproductions shall mean film, movies, motion picture videocassette, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- (30) *Specified anatomical areas*. Any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
 - b. Human genitals in a state of sexual arousal, even if opaquely and completely covered.

-
- (31) *Specified criminal acts.* Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.
- (32) *Significant or substantial portion.* Thirty percent or more of the term modified by such phrase. If a business has 29 percent or less of its stock-in-trade or interior floor space devoted to sexually oriented material, the use does not qualify as a regulated use. However, based upon the potential negative secondary impacts which relate to the sale, display and/or exhibition of sexually oriented materials, additional regulations of these materials is required as follows:
- a. *Floor space/display restrictions:* The sale, display or exhibition of sexually oriented materials shall be limited to no more than 29 percent of the total stock in trade or interior floor space. The sexually oriented materials shall be located in the rear portion of a building away from its main entrance area. The sexually oriented materials shall be separated by racks, walls or other means that would restrict visibility into the area displaying the sexually oriented materials. No sexually explicit materials shall be permitted to be placed on the non-adult side of this separation.
 - b. No sexually explicit materials shall be displayed in any of the business's windows at any time or visible from the exterior of the business or building. Additionally, no portion of the ceiling in a business or building will be permitted to be used to display sexually explicit materials.
 - c. Magazines that contain "sexually explicit activities" or "specified anatomical areas" may be located outside an area specifically devoted to sexually explicit materials. However, the merchandise rack on which the materials are placed must be located immediately adjacent to the separate area that sells the sexually explicit materials, and contain opaque blinders that only allow viewing of the magazine title.
 - d. *Height restrictions:* The height of the racks and display walls upon which sexually explicit material can be displayed shall be limited to six feet.

Shopping center means a building housing two or more retail businesses. Customer parking is provided for the shopping center as whole, rather than separate areas for individual businesses. Other types of business may also be included.

Sign means any device, structure, fixture, placard, name identification, display or illustration which uses graphics, symbols or written copy to convey a message, and which is visible from a public street or highway. The term "sign" shall not include any display of court or public office notices, nor shall it include the flag of any political unit. A sign is considered to have not more than two sides. Thus, a three-sided sign equals two signs.

Sign size means the product of the height and width of a sign, expressed in square feet. For a wall sign consisting of individual letters or symbols, with only the wall as background and no added decoration or border, the size of said sign may be computed as the sum of the areas determined by the height and width of each letter or symbol.

Signable area means when used to determine the total allowable area of signs attached to a building on a parcel, signable area is calculated by multiplying the length of the front line of the principal building times the average story height of the first floor space abutting said front line. Where a building has multiple occupants with individual entrances, signable area is computed separately for each occupant's storefront. Buildings on corner lots may use only the largest of their front walls to compute signable area for the entire building.

Site area means the total area within the property lines excluding street rights-of-way.

Site condominium means a division of land offering separate plots, each conforming to the dimensional requirements for parcels in the applicable zoning district, for sale as condominium units upon which structures may be built, provided they conform to applicable provisions of this chapter.

Special use means one which may be permitted by the application for and issuance of a special use permit by the planning commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to issuance of said permit.

Stable, commercial means a stable in which horses are kept for remuneration, hire, or sale.

Stable, private means an accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three horses are boarded.

State-licensed residential facility, means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer persons under 24-hour supervision or care.

Storage means shortterm or longterm placement of a unit or vehicle for a period greater than seven days.

Story, half, means a partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite walls are not more than four feet above the floor of such story. A half-story containing independent apartments of living quarters shall be counted as a full story.

Story, height of, means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

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

Street functional classification means that the functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include:

- (1) Arterials for primary mobility;
- (2) Collectors for both mobility and land access; and
- (3) Locals for primarily land access:
 - a. *Major arterials*. Major arterials serve the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires;
 - b. *Minor arterials*. Minor arterials interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
 - c. *Collectors*. The collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas;
 - d. *Locals*. Locals serve as direct land access and access to higher systems.

Street line means the legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

Structure means anything constructed or erected requiring a permit, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, utility manholes or similar items.

Substance abuse rehabilitation center means a public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

Supermarket means a full line comparison grocery, meat and produce retail sales establishment with a gross building area greater than 10,000 square feet.

Support structure means a support structure constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device (attachment device) which is used to attach an attached WCF to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

Swimming pool means an artificially contained body of water for the purpose of swimming, excluding hot tubs. A swimming pool is greater than two feet deep at any point.

Temporary outdoor use means an outdoor display, amusement, Christmas tree sale, revival tent, sidewalk sale, tent sale or other quasi-civic activity which takes place during more than one calendar day, and which is not injurious or detrimental to properties in the immediate vicinity.

Temporary wireless communication facility (temporary WCF) means a WCF to be placed in use for 90 or fewer days.

Township board means the Carrollton Township Board of Trustees.

Trees. The following trees are recommended for use in buffering.

- (1) *Deciduous shade trees:* Ash (Marshall, Patmore, Summit) Ginkgo, Linden (Crimean, Olympia), Locust (Imperial, Shademaster, Skyline), Maple (Norway, Red, Sugar) Oak (Pin, Red).
- (2) *Deciduous ornamental trees:* Cherry (Canada Red), Crabapple (Disease Resistant), Dogwood (Chinese) Hawthorn (Crusgali, Washington), Maple (Amur), Olive (Russian), Serviceberry (Allegheny), Shadblow (Downy).
- (3) *Deciduous shrubs:* Alder (Golden), Beauty bush, Cotoneaster (Divaricate), Euonymus (Winged, Dwarf Winged), Forsythia, Honeysuckle, Lilac, Olive (Autumn), Privet (Amur River, Golden, Ibolium), Viburnum (American Cranberry, Arrowwood, Blackhaw, Leatherleaf, Willowwood), Weigelia.

Use means the employment or occupation of a building structure or land for service, benefit or enjoyment.

Use by right means any use permitted in a zoning district, provided all dimensional requirements, supplementary regulations and administrative procedures of this chapter are complied with, identified by the uses table in article III of this chapter. See also "special use."

Variance means a modification of any measurable requirement of this chapter, granted by the zoning board of appeals when strict enforcement of the requirement would cause undue hardship in a singular situation.

Vehicle means a motorized, self-propelled device intended for propelling a person.

Visual screen means a solid wall or fence which obscures not less than 90 percent of the area between the ground and the height required by any provision of this chapter, or an earth berm and/or evergreen planting which obscures not less than 50 percent of the required area when the evergreens are first transplanted. Where a combination of screen types is used, not less than 75 percent of the required area must be obscured. A visual screen must be continuously maintained, including replacement of dead or diseased plants.

Wall sign means a sign attached directly to or painted upon a building wall and not extending more than 18 inches therefrom, with the sign face parallel to the wall.

Wholesale business means an enterprise which buys and/or repackages products for sale to retail businesses and which stores its entire inventory in an enclosed building.

Window sign means any sign installed on or inside a window and intended to be viewed from the outside.

Wireless communication facility (WCF) means any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment facility, and support structure to achieve the necessary elevation.

Wireless communications, means any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Word means, for calculating the length of a sign's major message, a word is any group of letters or numbers that is separated from other letters or numbers by blank spaces. A graphic symbol or logotype shall also be counted as a word.

Yard means an open space on the same lot with a building, unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line. See "Lot area/lot coverage photo."

Yard, front means a yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard required, how measured means the required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.

Yard, rear means an open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.

Yard, side means an open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

Zero lot line means a division of ownership in which no side yard setbacks are imposed upon buildings.

Zero lot line duplex means a two-family dwelling where each dwelling unit is located on a separate parcel, with the lot line running through the building.

Zoning administrator means an individual appointed by the township board delegated to administer the Carrollton Township Zoning Ordinance.

Zoning district means areas within which similar uses are permitted and which are uniformly regulated under this chapter, identified by section 66-53. Their purposes are outlined in the purposes table, and the uses table in article III, of this chapter, lists permitted activities for zoning districts.

(Ord. of 5-30-2000, § 202; Ord. No. 2005-02Z, § I, 6-13-2005; Ord. No. 2015-10, § I, 8-31-2015; Ord. No. 2015-12, § I, 8-31-2015; Ord. No. 2017-05, § I, 4-24-2017; Ord. No. 2020-02, § I, 2-24-2020)

Secs. 66-33—66-52. Reserved.

ARTICLE III. DISTRICT REGULATIONS

Sec. 66-53. Division of the township.

For the purposes of this chapter, all land within the Township of Carrollton, excepting streets and alleys, is divided into the following zoning districts. Generally speaking, the following zoning classifications, for uses permitted by right, are listed in order of least restrictive to most restrictive:

A-1 Agriculture: Transitional;

R-1 Residential: Low Density;
R-2 Residential: Medium Density;
R-3 Residential: Intensive;
B-1 Business: Office;
B-2 Business: Neighborhood;
B-3 Business: Community;
M-1 Industrial: Limited Manufacturing;
M-2 Industrial: High Intensity;
TRO: Tittabawassee Road Overlay District.

(This district is described in article X, of this chapter, and not shown on the zoning map.)

(Ord. of 5-30-2000, § 301)

Sec. 66-54. Official zoning map.

The boundaries of zoning districts are defined and established as shown on a map entitled Carrollton Township Zoning Map which accompanies this chapter. This map, with all explanatory matter thereon, is hereby made a part of this chapter. The official zoning map shall be kept and maintained by the township clerk or his designee.

(Ord. of 5-30-2000, § 302)

Sec. 66-55. Interpretation of boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:

- (1) *Using streets or highways.* Boundaries indicated, as approximately following streets or highways, shall be presumed to follow the centerline of said roadways.
- (2) *Using boundary lines or property lines.* Boundaries indicated, as approximately following township boundary lines or property lines, shall be presumed to follow said lines.

(Ord. of 5-30-2000, § 303; Ord. No. 2005-02Z, § I, 6-13-2005)

Sec. 66-56. Scope of regulations.

- (a) No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this chapter, including the regulations for the zoning district in which it is located.
- (b) The regulations applying to zoning districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties and area of a parcel that can be covered by structures.
- (c) The zoning board of appeals shall have the power to classify a use, which is not specifically mentioned by this chapter. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the district regulations of any zoning district.

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(Ord. of 5-30-2000, § 304)

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Sec. 66-57. District regulations tables.

Regulations for all zoning districts are contained together in the following three tables. Each table specifies a related set of information for all zoning districts. These tables do not include general requirements of this chapter. The reader is urged to become familiar with all chapter provisions before making any decision regarding use of a parcel or structure in Carrollton Township.

- (1) *Purposes table.* This table appears on a single page. It sets forth the intent and purpose of each of the zoning districts. These brief statements form the objectives to be accomplished by regulations for each of the zoning districts.
- (2) *Uses table.* This table appears on six pages. Each page describes permitted activities for zoning districts, which are identified in the left-hand column of each page. Each zoning district may be host to several types of activity, but only the activities specified for a given zoning district will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this chapter. Uses permitted by special permit are subject to the process described by article VII, of this chapter, special use permits and the conditions.
- (3) *Dimensions table.* This table appears on one page. The table specifies parcel dimensions and setback requirements for parcels in each zoning district.

CARROLLTON TOWNSHIP—ZONING DISTRICTS

| Zoning District | Intent and Purpose |
|------------------------------------|---|
| A-1 Agricultural: Transitional | To define and stabilize areas within the township which are presently used for food and fiber production. To protect these farm areas from disorderly and inappropriate development, but to permit logical and orderly expansion of the predominantly urban and suburban character of Carrollton Township. |
| R-1 Residential: Low Density | To encourage and preserve attractive single-family residential uses, with such related neighborhood uses as schools, churches, and recreation. To encourage a residential environment of compatible, low-density dwellings located on individual lots. |
| R-2 Residential: Medium Density | To provide for multiple-family residential development of high quality. To provide for flexible and creative development of one- and two-family dwellings and, under special considerations, three- and four-family dwellings in locations providing all public utilities. |
| R-3 Residential: Intensive | To provide for multiple-family residential uses with certain institutional and other compatible uses under specified conditions. To provide for high quality low-rise and high rise multiple-family structures of high density in locations providing all public utilities. |
| B-1 Business: Office | To accommodate office uses, professional offices, office sales uses, business services and certain personal services. To provide a transition area between residential area and more intensive business development. Oriented primarily to daytime and weekday business functions. |
| B-2 Business: Neighborhood | To meet the day-to-day shopping and service needs of adjacent residential areas. To permit principally neighborhood shopping centers, small-scale, freestanding, neighborhood-oriented structures with restricted site development, limited hours of operation, and maximum compatibility with adjacent residences. |
| B-3 Business: Community | To meet the business and service needs of all Carrollton Township and surrounding areas holding a larger consumer population. To accommodate |

| | |
|--|--|
| | general retail shopping and merchandising activities, with limited wholesale uses, business and personal services. |
| M-1 Industrial: Limited Manufacturing | To accommodate small to moderate size manufacturing and industrial uses along with transportation and distribution facilities. To provide for manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials that do not exhibit nuisance characteristics or environmental intrusions. |
| M-2 Industrial: Marine Development | To provide for regulation of the Saginaw River frontage in the township in a manner that protects property along the river and also protects the river as a major natural and transportation resource. To permit principally water related uses and to provide standards and conditions by which the differing uses may be compatible. |

CARROLLTON TOWNSHIP

TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS

| Zoning District | Residence | | Business | | Inc |
|--|--|--|---------------|--|-------|
| | Uses By Right | By Spec. Prmt. (Category) | Uses By Right | By Spec. Prmt. (Category) | |
| <i>Uses with brackets following indicate the special use provisions that apply to each use, contained in a</i> | | | | | |
| A-1 Agriculture Transitional | Single-family dwelling, accessory uses, home occupations, specialized farming, roadside stands, general farming, apiary. | Mobile home parks, planned unit development. | None. | Veterinary clinics, kennels. | None. |
| R-1 Residential: Low Density | Single-family dwelling, state licensed residential facility, family daycare home, accessory | Planned unit development, site condominium, bed and breakfast, group daycare | None. | Day nurseries, planned unit development. | None. |

| | | | | | |
|---------------------------------|--|--|--|---|-------|
| | structures, home occupation. | home per MCL 125.3206(4). | | | |
| R-2 Residential: Medium Density | Uses permitted in R-1, two-family dwellings, accessory structures, home occupation. | Planned unit development, site condominium, bed and breakfast, group daycare home per MCL 125.3206(4). | None. | Day nurseries, planned unit development. | None. |
| R-3 Residential: Intensive | Uses permitted in R-2, low-rise multifamily dwelling, boardinghouse or roominghouse. | Uses permitted in R-2, planned unit development, mobile home park, high-rise multifamily. | Day nurseries. | Funeral homes, planned unit development. | None. |
| B-1 Business: Office | Non-single-family detached dwelling units. | Planned unit development, single-family apartment. | Prof. & admin. offices and services, banks, personal services, funeral home, drive-in facilities for personal and office services, day nursery, restaurants, excluding restaurants with entertainment, accessory uses. | Bed and breakfast, off-street parking, planned unit development, all uses allowed by right and operating outside of the hours of 8:00 a.m. to 9:00 p.m. | None. |

| | | | | | |
|---|---|---|---|--|--------------|
| <p>B-2 Business: Neighborhood</p> | <p>Non-single-family detached dwelling units.</p> | <p>Planned unit development, single-family apartment.</p> | <p>Uses permitted in B-1, taverns, bars, restaurants with entertainment, retail food, other retail goods: Drugs, hardware, clothing, etc., retail service/repair, temporary outdoor uses, convenience stores.</p> | <p>Uses permitted in B-1, planned unit development.</p> | <p>None.</p> |
| <p>B-3 Business: Community</p> | <p>None.</p> | <p>Planned unit development.</p> | <p>Uses permitted in B-2, outdoor sales, mortuaries, drive-in establishments, retail and outlet mall, general retail shopping, wholesale, businesses and personal services and similar uses.</p> | <p>Uses permitted in B-2, mobile home sales/service, planned unit development, nonautomatic car wash, auto service, repair, detailing and restoration, new/used auto sales, building, plumbing, electrical supply, contractors, wholesale establishments, hotel/motel, veterinary hospitals,</p> | <p>None.</p> |

| | | | | | |
|---|--|------------------------|---|--|--|
| | | | | kennels, RV parks, open air bus., temp., outdoor sales, adult business, ministorage. | |
| M-1 Industrial: Limited Manufacturing | None. | None. | Truck terminals, fuel sales, minor and major vehicle repair, contractors, wholesale trade, landscape contractors. | None. | Production, processing, assembling, treatment, or packaging of previously prepared materials, warehouse and storage. |
| M-2 Industrial: High Intensity Manufacturing | None. | High-rise multifamily. | Activities related to river utilization. | None. | Uses permitted in M-1, storage and distribution, bulk storage, concrete, asphalt, construction, marine piers, wharfs, docks, ship terminals. |
| TRO Tittabawassee Road Overlay District | See regulations in article X, of this chapter. | | | | |

DIMENSIONS TABLE

(Regulations for Accessory Setbacks are shown in parentheses)

| | | | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-------------|
| Zoning District | A-1 | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | M-1, M-2 |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-------------|

| | | | | | | | | |
|--------------------------|------------------------|--------------------|---|--|--------------------|--------------------|--------------------|---------------------------------------|
| Lot area, min. | 10,890 ^(a.) | 9,000 (6,000) | single-family 6,000 duplex 9,000 multifamily 18,000 (6,000) | single-family 6,000 duplex 9,000 multifamily 18,000 | 11,050 | 11,050 | 11,050 | 20,000 |
| Lot width, min. | 100' | 75' (50') | single-family 50' duplex 90' multifamily 150' (50') | 150' | 85' | 85' | 85' | 100' |
| Front yard, min. | 60 ^(b., j.) | 30 ^(j.) | 30 ^(j.) | 30 ^(j.) | 20 ^(j.) | 20 ^(j.) | 20 ^(j.) | 40 ^(j.) |
| Back yard, min. | 30' (5') | 30' (5') | 30' (5') | 30' (5') | 20' (10') | 20' (10') | 20' (10') | 10% lot depth up to 40' |
| Side yard, min. total | 35' (5') | 20' (20') (12') | 20' (20')(12') | 25' (25') | 20' (20') | 20' (20') (G) | 20' (20') | 10% lot width up to 40 ^(h) |
| Side yard, min. one side | 15' (10') | 8' (8') (4') | 8' (8') (4') | 10' (8') | 8' (5') | 8' (5') | 8' (5') | 20' (15') |
| Corner lot, street, min. | 25' (25') | 30' (25') (25') | 30' (25')(25') | 25' (25') | 20' (20') | 20' (20') | 20' (20') | 40' (40') |
| Corner lot, other, min. | 20' (10') | 8' (8') | 8' (8') | 10' (8') | 10' (5') | 10' (5') | 10' (5') | 30' (20') |
| Housing unit, min. | 1,040' (min. of | 1,040' (min. | 850' | 1 bedroom 500' 2 | 1 bedroom | 1 bedroom | NA | NA |

| | | | | | | | | |
|------------------------|--------------------|--------------------|----------------|---|--|--|-----------|---------------|
| | 800' 1st floor) | of 800' 1st floor) | | bedrooms 700' 3 bedrooms 850' 4 bedrooms 1,000' | 500' 2 bedrooms 700' 3 bedrooms 850' 4 bedrooms 1,000' | 500' 2 bedrooms 700' 3 bedrooms 850' 4 bedrooms 1,000' | | |
| Height, max. feet | 35' (20') (c., d.) | 35' (17') (e) | 35' (17') (e.) | 40' (17') (f.) | 40' (25') | 40' (25') | 40' (25') | 45' (25') (i) |
| Height, stories | 2.5 (2.0) | 2.5 (1.0) | 2.5 (1.0) | 3.0 (1.0) | 3.0 (1.0) | 3.0 (1.0) | 3.0 (1.0) | 3.5 (1.0) |
| Coverage, max. percent | 5% | 25% | 35% | 40% | 35% | NA | NA | NA |

Dimensions shown in italics represent requirements for lots of record prior to 12/7/72. Lower case letters represent notes at end of tables.

DIMENSIONS TABLE
SETBACKS FOR ACCESSORY BUILDINGS

| Zoning District | A-1 | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | M-1, M-2 |
|-----------------------|--------|-----------|-----------|-----|-----|-----|-----|----------|
| Lot area, min. | a. | | | | | | | |
| Lot width, min. | | | | | | | | |
| Front yard, min. | b., j. | j. | j. | j. | j. | j. | j. | j. |
| Back yard, min. | 5' | 5' | 5' | 5' | 10' | 10' | 10' | |
| Side yard, min. Total | 5' | 20' (12') | 20' (12') | 25' | 20' | 20' | 20' | |

| | | | | | | | | |
|--|----------------------|-------------------|-------------------|-------------------|-----|-------|-----|-------------------|
| Side yard, min. one side | 10' | 8' (4') | 8' (4') | 8' | 5' | 5' g. | 5' | 15' |
| Corner lot, street, min. | 25' | 25' (25') | 25' (25') | 25' | 20' | 20' | 20' | 40' |
| Corner lot, other, min. | 10' | 8' | 8' | 8' | 5' | 5' | 5' | 20' |
| Housing unit, min. | | | | | | | | |
| Height max. feet | 20' ^{c.,d.} | 20' ^{e.} | 20' ^{e.} | 20' ^{f.} | 25' | 25' | 25' | 25' ^{j.} |
| Height stories | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Coverage, max percent | | | | | | | | |
| Numbers in parenthesis represent for lots of record prior to December 7, 1972. | | | | | | | | |

Notes to dimensions table:

- ^{a.} The minimum lot size is 43,560 square feet for nondwelling purposes. The minimum lot width is 250 feet.
- ^{b.} For dwellings, use yard standards for R-1 district.
- ^{c.} Structures used for agricultural operations are permitted up to 75 feet in height.
- ^{d.} Nonresidential structures may exceed maximums providing all yard requirements are increased one foot per each additional one foot in height.
- ^{e.} Church, school and public uses may be permitted up to 75 feet providing that structures or portions of them exceeding the maximum are at least one foot away from all lot or street lines for each foot of the structure's height.
- ^{f.} High rise structures shall increase all minimum yard setbacks by one additional foot for each five feet of height over 35 feet.
- ^{g.} No side yard is required if structures are built on abutting lot lines to form a continuous building frontage.
- ^{h.} Height limitation may be exceeded if all yards are increased by one foot for each additional one foot of height above the maximum.
- ^{i.} Structures, walls, solid fences shall be no closer to the boundary line than twice their height, except for structures less than 15 feet in height and within the yard setback.

^j Building set back lines shall be measured from a point 33 feet from the center of the adjacent road or from the property line, whichever is greater, except, in cases involving the following streets, the building setback line on any properties abutting these streets shall be measured from a point the number of feet from the center of the road indicated below or from the property line, whichever is greater.

Building Setback Lines

| | | | |
|------------|-----|--|-----|
| Carrollton | 50' | Schust (between Michigan & Mapleridge) | 43' |
| Mapleridge | 43' | Shattuck | 48' |
| Michigan | 50' | Tittabawassee | 60' |

Within 200 feet of the intersection of any of the above roads an additional 15 feet allowance for rights-of-way shall be maintained.

(Ord. of 5-30-2000, § 305; Ord. No. 2003-01Z, § I, 2-3-2003; Ord. No. 2020-02, § I, 2-24-2020)

Sec. 66-58. Maintenance of animals.

The following regulations shall apply to the maintenance of animals in all zoning districts. Such regulations shall not apply to commercial kennels and intensive livestock operations.

- (1) Type I animals may be maintained in all zoning districts.
- (2) Type II and Type III animals may be maintained in A-1 zoning districts with the following regulations:
 - a. A minimum lot area of three acres
 - b. Six animals per parcel
 - c. No roosters allowed
- (3) In addition to, and notwithstanding subsections a. through c. of this section, the following regulations shall be applicable to the maintenance of animals:
 - a. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals with a restricted area.
 - b. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for and disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - c. All feed and other materials used for the maintenance of animals shall be appropriately stored so as to not attract rats, mice or other vermin.
 - d. Structures housing Type II animals shall be located no nearer than 200 feet to any dwelling which exists on an adjacent lot at the time of construction of a structure housing Type II animals, and no nearer than 100 feet to any adjacent lot line.
 - e. Structures housing Type III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot at the time of construction of a structure housing Type III animals, and no nearer than 50 feet to any adjacent lot line.

(Ord. No. 2015-12, § I, 8-31-2015)

Secs. 66-59—66-87. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS

Sec. 66-88. Nonconforming uses.

- (a) *Intent.* It is the intent of this chapter to permit the lawful use of a dwelling, building, or structure and of land or a premise as existing and lawful at the time of enactment of the ordinance from which this chapter is derived, or of amendments to this chapter, although the use does not conform with the chapter or amendment. However, it is hereby declared that nonconformance with the provisions of this chapter is not in the township's best interest and should be discontinued as circumstances permit. Any nonconforming building structure or use may be expanded, changed, repaired or reconstructed only as prescribed by this section.
- (b) *Historic properties.* Any nonconforming property in Carrollton Township that 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. It is the zoning administrator's duty to request an up to date listing of any properties in the township that may be so listed from the state's historic preservation officer.
- (c) *Legality of nonconformities.* Nonconformities will be classified as "legal" or "illegal" based upon the following guidelines. Regulation of nonconformities will vary based on their legality.
 - (1) *Illegal nonconformities.* Illegal nonconformities are presumed to have existed before the adoption of zoning regulations in Carrollton Township. A property that has been developed in conflict with zoning regulations through oversight, error, or violation of conditions of a zoning permit is a violation of this chapter, and is subject to enforcement action.
 - (2) *Unacceptable nonconforming use.* Upon notice to the permit holder of any violation of the conditions of a special use permit, the activity allowed by said permit shall be treated as an unacceptable nonconforming use until conformance with the special use permit conditions is restored.
 - (3) *Legal nonconforming parcels, buildings, structures or uses.* Nonconforming parcels, buildings, structures or uses will be considered to be legal nonconformities if they meet all applicable criteria listed in the following subsections (a) through (d) of this section.
 - a. *Prior existence.* The nonconformity existed before the effective date of the ordinance from which this chapter is derived. A parcel must have been a lot of record before said date.
 - b. *Standards.* The use, parcel, building or structure meets any of the following standards:
 - 1. *Prior compliance.* It complied with the requirements of any previous zoning chapter.
 - 2. *Prior permit.* It was permitted by a variance or special use permit under any previous zoning chapter.
 - 3. *Prior recognition.* It was previously recognized as a "legal nonconforming use."
 - 4. *Government action.* (Applies to nonconforming setback or lot size only.) The nonconformity resulted from land acquisition by a government agency, such as for a right-of-way.
 - 5. *Compliance with supplementary regulations.* The parcel, building or use is in full compliance with all supplementary regulations of this chapter.
- (d) *Elimination of nonconforming uses.*

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- (1) *Acquired properties with nonconforming buildings.*
 - a. In accordance with the applicable state and local missive legislation, the township through its agents may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures.
 - b. The resultant property may be leased or sold for a conforming use or may be used by the township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
 - (2) *Discontinued nonconforming use.*
 - a. Whenever a nonconforming use has been discontinued for six consecutive months, or for 18 months, during any three-year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use.
 - b. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this chapter.
 - (e) *Nonconforming uses of land.* The nonconforming uses of land existing at the effective date of the ordinance from which this chapter is derived where no building is located may be continued, provided dimensional requirements are complied with, and further provided that no buildings are to be constructed after the effective date of the ordinance from which this chapter is derived, except that will conform to district requirements within which use is located, and further provided all other pertinent requirements of section 66-88 are complied with.
 - (f) *Nonconforming lot sizes.* Development of land uses in any district may be erected on any single lot of record at the effective date of adoption of the ordinance from which this chapter was derived. This provision shall apply even though such lot fails to meet the requirements for area or width or both. The zoning administration may grant variances in yard requirements for such lots without zoning board of appeals action as follows:
 - (1) *Environmental, agricultural and manufacturing districts.* Environmental, agricultural and manufacturing districts: No variance.
 - (2) *Residential districts.* Residential districts: A minimum side yard of six feet on one side providing the total of both yards shall not be less than 18 feet; except in the case of an attached garage, the minimum total side yards shall not be less than 12 feet.
 - (3) *Business districts.* Business districts: A total side yard of ten feet with no minimum side yard for any one side providing it abuts a business or manufacturing district.
 - (g) *Nonconforming signs.*
 - (1) *Nonconforming but in compliance with previous regulations.* Signs existing at the time of the enactment of the ordinance from which this chapter is derived and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this Code and continue to be in conformance with other chapters of this municipality.
 - (2) *Altered, relocated or replaced nonconforming signs.* Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Code.
 - (h) *Reconstruction and restoration.* Any lawful nonconforming use damaged by fire, explosion, or act of God, or any other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed its state equalized assessed value as determined by the assessing officer, exclusive of foundations, and provided that said use is the same as or more nearly conforms with the provisions of the district in which it is located.

- (i) *Repair of nonconforming buildings.* Nothing in this chapter shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than 30 percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
- (j) *Changing uses.*
 - (1) *One nonconforming use to another nonconforming use.* 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.
 - (2) *Nonconforming use to a more nearly conforming use or to a conforming use.* 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.
- (k) *Prior construction approval.* Nothing in this chapter shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived provided that construction is commenced within 30 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.
- (l) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.
- (m) *Regulation of nonconformities.*
 - (1) *Table.* The following table prescribes actions to address several situations for various types of nonconformities. Any required building or zoning permit may be issued only as provided therein.
 - (2) *Interpretation.* If any situation is not addressed by said table, or for any question concerning its interpretation, the zoning board of appeals shall interpret the table.

REGULATION OF NONCONFORMITIES TABLE

Determine situation (Columns), and type of Nonconformity (Rows). The point where these meet lists action to take.

| Nonconformity Type | If Use is; Discontinued for six Months or More | If Damaged More Than S.E.V. | If Damaged Less Than S.E.V. | Change in Use (incl. Conforming Construction) | Expansion of Nonconforming Use or Building | Remo Maint Code V |
|---|--|---|---|--|--|--|
| Illegal Nonconforming Parcel | Not applicable. | Not applicable. | Not applicable. | Needs variance. All other dist. regs. apply. | Not applicable. | Proper kept in condit |
| Illegal Nonconforming Use of Land, Building or Structure. | Nonconforming use may not be resumed. | Nonconforming use must stop and may not be resumed. | Repairs allowed only if area of nonconforming | New use must adhere to all district regulations. | Not permitted! | Permit as nonco use no expans |

| | | | | | | |
|---|---------------------------------------|---|--|---|---|---|
| | | | use is reduced by ten percent. | | | |
| Illegal Nonconforming Dimensions or Setback of Principal Building or Violation of Regulations | Not applicable. | Building must be rebuilt to fully comply with all district and supplementary regulations. | May repair, but must comply with all supplementary regulations and must remove all bldg. area in a right-of-way, over lot line, or exceeding zoning district coverage limit. | Must remodel to comply with all dimension and supplementary regulations. New use must be a use by right or a special use in applicable zoning district. | Must remodel to comply with all dimension and supplementary regulations. | Permit may not be any greater degree of nonconformance. |
| Illegal Nonconforming Dimensions or Setback of Structure | Not applicable. | Structure must be removed. | Structure must be rebuilt to comply with all dist. regs. (May need to be removed.) | Structure must be rebuilt to comply with all dist. regs. (May need to be removed.) | Structure must be rebuilt to comply with all dist. regs. (May need to be removed.) | Permit may not be any greater degree of nonconformance. |
| Legal Nonconforming Parcel | Not applicable. | Not applicable. | Not applicable. | Change or construction permitted. | Not applicable. | Property kept in condition. |
| Legal Nonconforming Use of Land, Building or Structure | Nonconforming use may not be resumed. | Repairs allowed only if area of nonconforming use is reduced by ten percent and if plans meet all other district and supplementary regulations. | May repair to pre-damage status. | New use must adhere to all district regulations. | Requires site plan approval. May expand use up to 110 percent base area, but only if plans meet all other district and supplementary regulations. | Permit long as nonconforming use is expanded. |
| Legal Nonconforming Dimensions or Setback of Building or Structure | Not applicable. | May rebuild, but must reduce degree of nonconformance. | May repair to pre-damage status. | Change or construction permitted. | Permitted, but may not create any greater degree of nonconformance. | Permit may not be any greater degree of nonconformance. |

(Ord. of 5-30-2000, § 401)

State law reference(s)—Nonconforming uses or structures, MCL 125.3208.

Sec. 66-89. Supplementary parcel regulations.

- (a) *Access to a street.* Any lot of record created after the effective date of this chapter shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this chapter or the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or any local subdivision chapter. The minimum width of this frontage shall be identical to the minimum lot width for each of the districts except that the zoning administrator may permit an absolute minimum for 40 feet of frontage on a cul-de-sac or planned unit development providing the front building line has the required frontage.
- (1) For lots abutting Tittabawassee Road, all access must conform to the Tittabawassee Road Access Control Ordinance.
 - (2) Lots created after the effective date of this chapter shall also conform to the minimum lot area requirements for the zoning district in which the lot is located.
- (b) *Garage/yard sales.* See chapter 38, article II.
- (c) *Heavy vehicles.* No parking area shall be used for parking or storing of any commercial vehicle exceeding one ton capacity in a residential district.
- (d) *Parking of recreational equipment.* Parking and storing of licensed recreational equipment in the A-1, R-1, R-2, or R-3 zoning districts outside an enclosed structure, including travel trailers, motor homes, campers, boats, snowmobiles, jet skis on trailers, utility trailers and similar recreational equipment is prohibited within the required yard areas in the above zoning district, with the following exceptions:
- (1) Recreational vehicles are not permitted to be stored, however, recreational vehicles or equipment would be permitted in the side yard and front yard area extending beyond the building line for periods not to exceed seven consecutive days, whereupon said vehicle shall be completely removed from the property for a minimum of eight hours, provided they are parked on an approved surface limited to asphalt, concrete, limestone aggregate or permeable pavers provided that there is adequate ingress and egress available or potentially available as either public or private right away.
 - (2) In the rear yards, in which this equipment may be stored or parked at least five feet from any property line.
 - (3) A total of three but not more than one of each of the above units may be stored or parked outside. All units must be locked or secured at all times while stored or parked to prevent injury to any person or property.
 - (4) None of the units or any recreational equipment parked or stored outside shall be connected to electricity, water, gas or sanitary facilities to be used for living or lodging purposes.
- (e) *Outside storage.* No outside storage is allowed in the B-1 or B-2 districts. Outside storage is allowed in the B-3 district provided it is not visible from any adjacent properties as a result of any completely opaque screening.
- (f) *Rubbish.* Storage or accumulation of junk, debris, litter or other rubbish is prohibited on any parcel other than a licensed junkyard, recycling center or sanitary landfill.
- (g) *Space used once.* Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter 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.
- (h) *Vehicles for sale.* No more than one licensed motor vehicle may be offered for sale on any parcel used for dwelling purposes, and the address appearing on said vehicle's registration must be that of said dwelling.

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- (i) *Vehicle parked on commercial or industrial parcel.* Any vehicle owned or operated by a business, other than the inventory of a new or used vehicle sales business, which is parked on a parcel in any B or M zoning district between 1:00 a.m. and 6:00 a.m. must comply with the setbacks for accessory structures in said district.
 - (j) *Wild or ferocious animals.* Wild, ferocious or undomesticated and untamed animals may not be confined on any parcel, except under the care or custody of a circus, zoo, menagerie, veterinary clinic, or laboratory licensed to operate in the township. The zoning administrator shall coordinate enforcement of this subsection with the county department of animal control.

(Ord. of 5-30-2000, § 402; Ord. No. 2003-01Z, § I, 2-3-2003; Ord. No. 2015-04, § I, 6-8-2015; Ord. No. 2015-11, § I, 8-31-2015)

Sec. 66-90. Supplementary dwelling regulations.

- (a) *Accessory building not for dwelling use.* No portion of any accessory building in any zoning district is to be used as a dwelling.
- (b) *Auto repair.* Repair of vehicles not owned by a resident of the parcel on which such activity takes place is expressly prohibited in any A or R zoning district.
- (c) *Dimensions.* All single-family dwellings, except mobile homes located in mobile home parks, must have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the township building code.
- (d) *Exterior doors.* Every single-family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (e) *Foundation.* All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the township building code requirements for permanent dwellings, the walls of which must have the same perimeter dimensions as the dwelling.
- (f) *Maintenance.* A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and necessary repairs as determined by the building official.
- (g) *One dwelling per lot.* Only one single-family detached dwelling will be allowed to be erected on a lot except as may be approved within a planned unit development, including condominiums.
- (h) *Prior building permits.* Any building permit issued prior to the effective date of the ordinance from which this chapter is derived shall be valid, even though not conforming to the provisions of this chapter, provided that construction is commenced within 90 days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one year after the issuance of the building permit.
- (i) *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal building; provided that all other requirements of this chapter are satisfied.
- (j) *Roof.* The eaves of any roof for a single- or two-family dwelling must project no less than six inches beyond the walls.
- (k) *Structures to be of uniform quality.* Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials of equal or better quality than the original structure. Such additions, rooms or other areas must be permanently attached to the original structure and must be supported by a foundation as required herein.

(Ord. of 5-30-2000, § 403)

Sec. 66-91. Supplementary yard regulations.

(a) *Permitted yard encroachments.*

- (1) *Paved terraces, patios and uncovered porches.* Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided:
 - a. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal structure.
 - b. The highest finished elevation of the paved area is not over three feet above the average surrounding finished grade area.
 - c. No portion of any paved area is closer than five feet from any side or rear lot line. Paved area may project into a required front yard for a distance not exceeding ten feet.
- (2) *Unenclosed porches.* Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area but must meet setback requirements for accessory structures and provided:
 - a. The porch is unenclosed and no higher than one story and is erected on supporting piers.
 - b. The porch shall not be closer than six feet to any side or rear lot line.
 - c. The porch may have a roof.
- (3) *Enclosed porches.* Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- (4) *Special structural elements.* Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of 2½ feet.
- (5) *Fire escapes, outside stairways and balconies.* Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five feet.
- (6) *Signs.* Signs may encroach into yard areas but no sign or portion thereof shall be closer to any lot line or street right-of-way than ten feet.
- (7) *Ponds.* Ponds greater than two acres must be 200 feet from all property lines.

(b) *Yard exceptions.* Building set back lines shall be measured from a point 33 feet from the center of the adjacent road or from the property line, whichever is greater, except, in cases involving the following streets, the building setback line on any properties abutting these streets shall be measured from a point the number of feet from the center of the road indicated below or from the property line, whichever is greater.

| BUILDING SETBACK LINES | | | |
|------------------------|-----|--|-----|
| Carrollton | 50' | Schust (between Michigan and Mapleridge) | 43' |
| Mapleridge | 43' | Shattuck | 48' |
| Michigan | 50' | Tittabawassee | 60' |

Within 200 feet of the intersection of any of the above roads an additional 15 feet allowance for rights-of-way shall be maintained.

(Ord. of 5-30-2000, § 404)

Sec. 66-92. Supplementary height regulations.

No exceptions are permitted to exceed the height limitation imposed by the Tri-City Joint Airport Zoning Ordinance. The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (1) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flag poles; provided that such structural elements do not exceed 20 percent of the gross roof area.
- (2) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, chimneys, smokestacks, and safety equipment are permitted to a maximum height of 55 feet in the B-1, B-2 and B-3 zoning districts, 60 feet in M-1, and 85 feet in M-2.
- (3) Antennas or flagpoles which are accessory to any residential uses are permitted to a maximum height of 45 feet or 15 feet above the peak of any roof on the parcel, whichever is greater, in any A or R zoning district. They must be set back from any adjoining property lines a distance equal to their height.
- (4) Flagpoles in any B or M zoning district may have a maximum height of 60 feet.

(Ord. of 5-30-2000, § 405)

Sec. 66-93. Accessory buildings and structures.

- (a) *Use exceptions.* Nothing in the chapter shall be construed to prohibit the following accessory or incidental uses.
 - (1) Essential services as defined, section 66-32.
 - (2) Garden, garden ornaments and usual landscaped features within required yard space.
 - (3) Fences within required yard space provided the standards cited in section 66-95 are met.
 - (4) Retaining walls and public playgrounds.
 - (5) Storage sheds and playhouses accessory to any residential use.
 - (6) Swimming pools.
 - (7) *Portable storage containers.*
 - a. One portable storage container may be placed on a parcel, without an active building permit, subject to the following conditions and limitations:
 1. The portable storage container shall not exceed 160 square feet in area and ten feet in height.
 2. All portable storage containers must maintain setbacks listed in Section 66-57 - District regulations tables.
 3. The use of a portable storage container is permitted for not more than thirty days for all properties without an active building permit.
 4. Signage on portable storage containers shall be limited to the name and address of the storage unit rental company.

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- b. One portable storage container may be placed on a parcel, with an active building permit, subject to the following conditions and limitations:
 - 1. When a building permit has been issued for work on a parcel, portable storage containers may be placed in the yard area meeting the setback requirements for accessory buildings. Portable storage containers must be removed if any occupancy permit is issued.
 - 2. The building inspector may authorize additional time to utilize portable storage containers based upon reasonable storage needs and construction progress, but in no case shall the building inspector allow such storage containers for more than an additional four months in residential, agricultural and environmental zoning districts. In all other zoning districts, the building inspector may authorize the use of such storage containers for the life of a building permit as long as progress is being documented and a valid building permit is secured. In no case shall storage containers be allowed in any zoning district for longer than two years with an active building permit.
 - (8) Special use exception. See exception for off-site accessory buildings in Section 66-218.
 - (b) *Required yards.*
 - (1) In a front yard: No accessory building shall project into any front yard.
 - (2) In a rear yard: No accessory building shall be closer than five feet to the rear lot line.
 - (3) In a side yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district as stated in the dimensions table 66-57 for accessory buildings.
 - (4) On a corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet to the common lot line.
 - (c) *Garage entrance.* In no case shall the entrance to a garage be less than 25 feet from a street right-of-way line.
 - (d) *R district or B district.* Detached accessory buildings shall comply with the following regulations:
 - (1) They shall not be used in any part for dwelling purposes.
 - (2) *Maximum size:* In an R district only two accessory buildings are allowed, and no accessory building shall exceed 600 square feet, with an additional accessory building not to exceed 150 square feet, except lots exceeding 14,000 square feet. These lots may have an additional 20 square feet of additional accessory building per each additional 1,000 square feet of lot area with a maximum of 1,200 square feet. The height of an accessory building may not exceed ten feet in height for the side wall and may not exceed a total height of 17 feet.
 - (3) They shall not occupy more than 30 percent of the required rear yard area.
 - (4) *Maximum size:* In a B district the maximum size is as stated in the dimensions table 66-57.
 - (e) *R district.* Private garages may provide storage for not more than the following number of vehicles:
 - (1) Single-family dwellings limited to three vehicles, including not more than one commercial vehicle, of not over one-ton capacity.
 - (2) For other dwellings limited to two vehicles per dwelling unit with not more than one commercial vehicle of not over one-ton capacity.

(Ord. of 5-30-2000, § 406; Ord. No. 2015-10, § I, 8-31-2015; Ord. No. 2018-03, § I, 9-24-2018; Ord. No. 2020-02, § I, 2-24-2020)

Sec. 66-94. Required water and sanitary sewage facilities.

- (a) No structure shall be erected, altered or moved upon a lot or premises and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial waste.
- (b) All such installations and facilities shall conform with the minimum requirements of the county health department and applicable state regulations.
- (c) When public sewer is available on the street, connections to the public sewer system shall be made within 60 days.

Sec. 66-95. Fences, walls and screens.

- (a) *Intent.* This section is intended to provide for the regulation of the height and location of fences, walls, screens and other similar obstructions for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.
- (b) *Height.* For the purposes of this section, "height" shall mean the vertical distance from existing grade to the top of the fence, hedge, or wall.
- (c) *Location.*
 - (1) *Front yard.* No fence, wall or hedge planting shall exceed a height of three feet within any front yard in any zoning district. Plant materials located within 30 feet of the edge of the pavement of a public street shall not obstruct visibility at a level between three-feet and eight feet.

Exceptions:

- a. Commercial, manufacturing and institutional districts, fences located within the front yard area may be five feet tall, provided they are of a decorative design approved by the planning commission. Certain design elements of the fence, such as posts, masonry pilasters or other detailing, may be permitted up to six feet in height. (Fencing shall not include fences constructed with material such as chain-link, wood, barbed wire, chicken wire.)
 - b. Residential districts, fences located within the front yard or corner lots or street-side yard area may be four-feet tall. This is only if it is in a design nature such as being constructed with wrought-iron, steel or aluminum, vinyl or chain-link and must be see-through, with no more than a 50 percent obstruction. (Fencing shall not include fences constructed with material such as barbed wire, chicken wire, square wire (highway type) fencing.)
- (2) *Side and rear yard.* No fence, hedge or wall greater than six feet in height shall be permitted within any side or rear yard setback.

Exceptions:

- a. A fence located on a residential parcel which abuts a commercial, manufacturing or institutional use may be eight-feet tall, provided the adjoining residential property owners give their consent. Consent shall be in the form of an affidavit signed by the adjoining residential property owners and submitted to the community development department.

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- b. Fencing around tennis courts and recreational amenities shall be exempt from the six-foot height limitation.
- (3) *Corner lots.* On a corner lot, a fence, wall or hedge planting cannot exceed a height of three-feet in the street side yard setback unless it follows b. Residential above or unless all of the following conditions can be satisfied:
- a. Must begin at the back of the house or primary structure.
 - b. Does not create any safety or traffic hazard.
 - c. Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.
 - d. Will not exceed a maximum height of six-feet.
 - e. Will not encroach upon any existing or proposed right-of-ways.
- (d) *Maintenance of fences.* All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) *Barbed wire, electrified components or similar fencing types.* Under no circumstances shall barbed wire, electrified components or similar fencing type that is likely to cause harm or injury to any persons be used in any residential district.
- (f) *Visual screen.* To qualify as a visual screen, the planting must achieve at least 75-percent obscuring value.
- (g) *Clear vision area for traffic to face interior.* Any fence or screen in front yard must maintain a clear vision area for vehicular and pedestrian traffic.
- (h) *Supporting posts and cross-members.* All supporting posts and cross-members of all fences shall face toward the interior of the lot of the person erecting the fence.
- (i) *Permit and fee required.* Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the township.
- (1) Applications for permits shall be on forms prescribed by the building inspector or zoning administrator and shall be accompanied by such plans or drawings required by the zoning administrator and payment for the fence permit fee is determined by the yearly township fee schedule.
 - (2) The issuance of a fence permit is not intended, nor should it be construed to abrogate or modify the applicant's duties as contained in covenants and restrictions arising from a deed or other document.
 - (3) Permits shall continue until revoked or for such period of time as designated therein at the time of issuance. The issuance or granting of a permit shall not be construed to be a permit for or an approval of any violation of the provisions of this section. No permit presuming to give authority to violate the provisions of this section shall be valid.
 - (4) The building inspector or zoning administrator may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this section.

(Ord. of 5-30-2000, § 408; Ord. No. 2006-06Z, § I, 5-8-2006; Ord. No. 2016-02, § I, 12-28-2016)

Sec. 66-96. Buffer yards.

- (a) *Intent and purpose.* The buffer yard is a designated unit of open area, together with any plant materials, barriers, or fences required thereon, designed to provide distance and screening in order to minimize

negative impacts of adjacent land uses. Both the amount of land and the type and amount of landscaping specified are intended to minimize potential nuisances such as noise, glare, dirt, activity, unsightly parking areas, and similar negative impacts.

- (b) *Buffer yard requirements.* The buffer yard requirements are designed to be flexible. A single standard applied to all circumstances may not function as well and might impose unnecessary hardship (cost) on a developer to say nothing of promoting monotony. It is the intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements: Distance, plant material type, plant material density, and structural or land forms.
- (1) *Location of buffer yard.* Buffer yards shall be located on any parcel of land where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the buffer yard will be 100 percent within the boundaries of the proposed new land use. These buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way.

| <i>District in which buffer is required</i> | Adjacent District | | | | | | | |
|---|-------------------|------------|------------|------------|------------|------------|------------|---------------|
| | <i>A-1</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>B-1</i> | <i>B-2</i> | <i>B-3</i> | <i>M-1, 2</i> |
| <i>A-1</i> | None | None | A | B | B | B | C | D |
| <i>R-1</i> | None | None | A | B | B | B | C | D |
| <i>R-2</i> | A | A | None | A | B | B | C | D |
| <i>R-3</i> | B | B | A | None | A | B | C | D |
| <i>B-1</i> | B | B | B | A | None | A | B | C |
| <i>B-2</i> | B | B | B | B | A | None | A | C |
| <i>B-3</i> | C | C | C | C | B | A | None | B |
| <i>M-1, M-2</i> | D | D | D | D | C | C | B | None |

- (2) *Buffer yard requirements.* The type of buffer yard required shall be determined based on the proposed new land use and existing adjacent land use by using the above buffer yards requirement chart. Should a developed use increase in intensity, the planning commission shall, during the site plan review process, determine if additional buffer yard is needed and if so to what extent and type.
- (3) *Buffer yard types and development standards.* Buffer yard requirements are stated in terms of the depth (width) of the buffer yard and the number of plant units required per every 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated for any given buffer yard type. (Illustrations of the various buffer yard types are available upon request in the township clerk's office.)
- a. The following illustrations graphically depict the acceptable buffer yard widths, plant material types, plant material densities, and structural or land forms for each buffer yard type.
 - b. Acceptable varieties of plant materials recommended for use in buffering:
 1. *Deciduous shade trees:* Ash, Beech, Birch, Ginkgo, Linden, Locust, Maple, Oak
 2. *Deciduous ornamental trees (Shrub-like trees):* Cherry, Dogwood, Flowering Crabapple, Hawthorn, Magnolia, Maple, Redwood, Russian Olive, Serviceberry, Shadblow.
 3. *Deciduous shrubs:* Alder, American Cranberry, Arrowwood, Beauty Bush, Cotoneaster, Euonymus, Forsythia, Honeysuckle, Hydrangea, Lilac, Olive, Privet,

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4. *Evergreen trees*: Arborvitae, Fir, Pine, Hemlock, Juniper Yew Spruce.
 - c. All plant materials required within a specified buffer yard shall be planted to completion within six months from the date of receipt of a building permit and shall be thereafter properly maintained in a healthy, viable condition. Plant materials which are not in a healthy, viable condition shall be replaced.
 - d. Landscaping/plant material used for fulfilling the buffer yard requirements or site plan requirements shall be of the following minimum plant sizes:
 1. Deciduous trees, a mature canopy height of at least 24-feet and minimum 8-feet in height with a two and one-half inches caliper at time of planting; deciduous trees shall be planted not more than 30 feet nor less than 15-feet on centers.
 2. Evergreen trees, a minimum of six-feet in height at time of planting. Evergreen trees shall be planted not more than 30-feet or less than ten-feet on centers.
 3. Deciduous shrubs, spreading evergreens and decorative trees, at least six-feet in height and shall be planted not more than five-feet nor less than four-feet on centers; shrubs and perennials, a minimum height of 12-inches in the first season. Multi-stem deciduous trees shall be planted not more than ten-feet on centers. Where plant materials are planted in two or more rows, planting shall be in staggered rows.
 - e. Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
 - f. Further, when a landscape plan is required, the following materials are specifically prohibited:
 1. Box elder
 2. Soft Maple (Red Silver)
 3. Elm
 4. Poplar
 5. Willow
 6. Horse Chestnut (Nut-bearing trees)
 7. Tree of Heaven
 8. Catalpa
 9. Fruit-bearing trees
 10. All thorn trees and shrubs
 11. Gooseberry (Ribes)
 12. Cottonwood
 - g. Where fencing is required in a buffer yard it may be eliminated on approval of the planning commission when such fencing is considered by the planning commission to be incompatible with the character of the adjacent residential use. The fencing will be replaced with an evergreen hedge, minimum six feet in height, with plant materials dense enough to provide opacity.
- (4) *Visual screen*. To qualify as a visual screen, the planting must achieve at least 75 percent obscuring value.
 - (5) Further descriptions of such uses are defined as follows:

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- a. *Commercial land use:* When any commercial land use is proposed adjacent to any recreation and open space, residential, agricultural or institutional land use, a type "B" buffer yard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and the planning commission, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the planning commission and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type "B", showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - b. *Industrial land use:* When any industrial land use is proposed adjacent to any recreation and open space, residential, agricultural or institutional land use, a type "C" buffer yard, as defined herein, shall be required. When any industrial land use is proposed adjacent to any commercial land use a type "A" buffer yard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and the planning commission, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the planning commission and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type "B", showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - c. *High density residential land use:* When any high density residential land use is proposed adjacent to any recreation and open space, low or medium density residential, agricultural or institutional land use, a type "B" buffer yard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and the planning commission, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the planning commission and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type "B", showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - d. *Institutional land use:* When any institutional land use is proposed adjacent to any residential land use a type "A" buffer yard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and the planning commission, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the planning commission and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type "B", showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - e. *When inverse buffer yard requirements apply:* When a less intensive land use is proposed to be located adjacent to a more intensive land use, the inverse of the buffer yard requirements herein shall apply; that is, for example, if a residential land use is proposed adjacent to an existing commercial land use, a type "B" buffer yard shall be required to be installed on the residential parcel.
 - f. *Determination of requirements by zoning administrator:* When the parcel to be developed is located adjacent to a vacant parcel of land, the buffer yard requirement shall be determined by the zoning administrator based upon the zoning classification of said vacant parcel; that is, for

example, if an industrial land use is proposed adjacent to a residentially zoned vacant parcel of land a type "C" buffer yard shall be required.

- g. *Existing plant material or fences:* Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
- h. *Determination for additional buffer yard:* Should a developed use increase in intensity, the planning commission shall, during the site plan review process, determine if additional buffer yard is needed, and, if so, to what extent and type.

(Ord. of 5-30-2000, § 409; Ord. No. 2015-07, § I, 6-8-2015)

Sec. 66-97. Supplementary environmental regulations.

- (a) *Intent.* Several state laws impact the development of environmentally sensitive land and require permits for development in areas under their jurisdiction. Permit processes associated with these laws supersede local land use regulations. Therefore, zoning administration must be coordinated with these laws. This section is intended to facilitate compliance with the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).
- (b) *Process.* One step in the review process for any zoning permit application is to determine whether any sensitive environmental areas will be impacted by the proposed project from other regulatory agencies.
- (c) *Maps and permit forms.* Permits must be obtained from the state department of environmental quality or the soil erosion and sedimentation control enforcement officer before a zoning permit may be issued for activities in such areas. The zoning administrator shall maintain a supply of application forms for these permits and provide copies of them to interested persons.

(Ord. of 5-30-2000, § 410)

State law reference(s)—Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 66-98. Freestanding solid fuel-burning furnaces.

For the purpose of this policy, the term "freestanding solid fuel-burning furnace" shall mean any device, structure, or equipment, that:

- a. Is designed, intended or used to provide heat and or heated fluids
 - b. Operates by the burning of wood, corn, pellets, or other solid fuel
 - c. Is located exterior from the principal structure or any accessory structure
- (1) Freestanding solid fuel-burning furnaces shall be regulated by the following setbacks:
- a. Not allowed in front yard
 - b. 20-feet behind principal structure
 - c. 20-feet from any other detached accessory structure
 - d. 20-feet from side property line
 - e. 20-feet from rear property line

These are the minimum required setbacks. If the manufacturer's listing requires a greater setback, than they must be followed.

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- (2) The use of a freestanding solid fuel-burning furnace shall be prohibited from parcels less than one acre (43,560 square feet) and parcels with less than 100 feet of frontage along a public road.
 - (3) The storage of wood or any other solid fuel shall be considered as an accessory structure, subject to the provisions of the accessory structure regulations, and maintained in accordance with Section 66-93 of the Carrollton Township Zoning Ordinance.
 - (4) In the event that the discharge of gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate waste becomes a nuisance, the responsible person(s) shall be subject to a violation of Section 302.6 of the International Property Maintenance Code (IPMC). The burning of garbage, trash, or other unapproved materials is prohibited.
 - (5) A mechanical permit shall be required for the installation of a freestanding solid fuel-burning furnace. The freestanding solid fuel-burning furnace shall be listed, labeled and shall be installed in accordance with the terms of the listing. The installation shall follow the applicable provision of the State Mechanical Code, Michigan Residential Code, and the manufacturer's specifications and recommendations.

(Ord. No. 2015-08, § I, 6-8-2015)

Secs. 66-99—66-122. Reserved.

ARTICLE V. SIGN REGULATIONS²

Sec. 66-123. Intent and purpose of article provisions.

- (a) The sign regulations as herein set forth are intended to control the size, location, character and other pertinent features of all exterior signs.
- (b) The purpose of this article is to regulate all exterior signs so as to protect health, safety and morals and to promote the public welfare. The regulations are also to reduce pedestrian and traffic hazards and visual disturbance from signs and to meet community standards for aesthetic qualities.

(Ord. of 5-30-2000, § 501; Ord. No. 2012-01T, § I, 6-25-2012)

Sec. 66-124. Permitted signs for each zoning district.

- (a) *Use by right; building permit required.* The table in section 66-134 presents regulations for permanent signs in each zoning district identified by this chapter. Signs which conform, to these regulations are a use by right, but each such sign also requires a building permit. Only signs as described herein and as may be described under the temporary signs, section 66-125, and exemptions, section 66-127, will be permitted in each zoning district.
- (b) *Zoning districts created after adoption of article provisions.* If a new zoning district is created after the enactment of the ordinance from which this article is derived, no signs shall be permitted therein until this article shall be amended to include said district.
- (c) *Joint identity sign for commercial or industrial area.* In any commercial or industrial zoning district, a joint sign identifying a commercial or industrial area and/or its occupants may be allowed by special use permit. This sign may be in addition to the maximum number and total area of signs for the parcel, but must comply with the applicable limits for sign size, height and setbacks.
- (d) *Table of regulations.* Please see pages at the end of this article.

(Ord. of 5-30-2000, § 502)

Sec. 66-125. Temporary signs.

The following signs shall be permitted anywhere within the township and shall conform with all yard requirements herein, and all temporary sign ground-mounted shall not exceed a height of six feet above ground level, and permitted signs shall conform to the following cited requirements:

- (1) *Construction signs.* Which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 20 square feet for each firm. The signs shall be

²State law reference(s)—Highway advertising act, MCL 252.301 et seq.

confined to the site of the construction and shall be removed within four days of the beginning of the intended use of the project.

- (2) *Real estate signs.* Advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 12 square feet. Such signs shall be removed within seven days of the sale, rental or lease.
- (3) *Political campaign signs.* Announcing the candidates seeking public political office and other data pertinent thereto, up to an area of 32 square feet for each premise. These signs shall be confined within private property and removed within five days after the election for which they were made.
- (4) *Street banners.* Advertising a public entertainment or event, if specially approved by the local legislative board and only for locations designated by the legislative body during and for 14 days before and seven days after the event.
- (5) *Show windows signs.* Signs in a window display of merchandise when incorporated with such a display.
- (6) *Temporary portable signs.* Not to exceed a total height of six feet and total sign area of 32 square feet, provided that the other requirements of this zoning chapter are complied with and provided that such a sign is not displayed for more than a total of 30 days in any calendar year. All portable signs require a permit (see section 66-132(c)).
- (7) *Special purpose signs.* Any other temporary signs, subject to the restrictions outlined in the following table of special purpose sign regulations and to the location restrictions for permanent signs in the applicable zoning district:

TABLE OF SPECIAL PURPOSE REGULATIONS FOR TEMPORARY SIGNS

| <i>Zoning District</i> | <i>Maximum Size</i> | <i>Duration of Permit</i> | <i>Permits per Parcel</i> |
|------------------------------|---------------------|---------------------------|---------------------------|
| Residential (nonprofit org.) | 32 square feet | 14 days | 2 per year |
| Residential (all other) | 32 square feet* | 15 days | 2 per year |
| Commercial | 32 square feet* | 30 days | 2 per year |
| Industrial | 32 square feet* | 30 days | 1 per year |

*Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as defined by the table of permanent sign regulations.

- (8) *Off-premises.* No off-premises special purpose signs are allowed.

(Ord. of 5-30-2000, § 503; Ord. No. 2012-01T, § I, 6-25-2012)

Sec. 66-126. Off-premises commercial signs.

Off-premises, freestanding signs (advertising an activity, business, product, or service not sold or conducted on the premises upon which the sign is located) may not be erected.

(Ord. of 5-30-2000, § 504)

Sec. 66-127. Exemptions.

The following types of signs are exempted from all the provisions of this chapter, except for the following requirements.

- (1) *Public signs.* Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.
- (2) *Institutional signs.* Signs setting forth the name of any single announcement for any nonprofit located entirely within the premises of that institution, up to an area of 32 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than seven feet above ground level.
- (3) *Items that are an integral part of structure.* Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure.
- (4) *Private traffic direction.* Signs directing traffic movement onto a premises or within a premises, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- (5) *Small signs.* Signs not exceeding two square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.
- (6) *Temporary land development signs.* Pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, industrial park or similar land parcel are allowed for a period of one year upon issuance of a permit by the board of appeals and further said permit may be extended for one additional year by the zoning board of appeals, after duly advertised public hearing. Total number of signs allowed, together with maximum size, shall be controlled according to the following schedule:

| <i>Land Size</i> | <i>Total No. Signs</i> | <i>Max. Area Per Sign</i> |
|-------------------------------|------------------------|---------------------------|
| Over 1 but less than 4 acres | 1 | 100 square feet |
| Over 4 but less than 20 acres | 2 | 150 square feet |
| Over 20 acres | 3 | 200 square feet |

Signs are not allowed on parcels of less than one acre and shall not exceed a maximum height above ground of six feet for freestanding or ground mounted signs.

- (7) *Rentals.* Signs on the premises announcing rooms for rent, board, apartment or house for rent and not exceeding four square feet.
- (8) *Vehicles.* Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.
- (9) *Farms.* Homes of occupants and other identification, painted or otherwise made a part of the surface or roof of a barn or other accessory building pertaining to and identifying the owner and/or activity of the farm unit provided said identification is not for advertising purposes.

(Ord. of 5-30-2000, § 505)

Sec. 66-128. Nonconforming signs.

Refer to section 66-88.

(Ord. of 5-30-2000, § 506)

Sec. 66-129. Prohibited signs.

The following signs are prohibited unless a variance shall be applied to and granted by the township zoning board of appeals:

- (1) Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- (2) Contain or are in imitation of an official traffic sign or signal or contain the terms: "stop," "go slow," "caution," "danger," "warning," or similar words.
- (3) Are of size, location, movement, content, coloring or manner of illumination that may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- (4) Advertise an activity, business, product or service no longer conducted or available on the premises upon which the sign is located.
- (5) Move in any manner or have a major moving part. Moving parts include banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.
- (6) May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

(Ord. of 5-30-2000, § 507)

Sec. 66-130. Illumination.

- (a) Any electrical illumination of a sign shall be done in full compliance with the electrical code in force and adopted by the Carrollton Township.
- (b) Light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- (c) Except as otherwise provided for in this article, no sign shall have blinking, flashing or fluttering lights or other illuminating device, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted.
- (d) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (e) Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (f) No exposed reflective-type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

(Ord. of 5-30-2000, § 508; Ord. No. 2012-01T, § I, 6-25-2012)

Sec. 66-131. Structural requirements.

All signs shall comply with the pertinent requirements of the building code and all other applicable chapters. Signs that are 100 square feet or larger must be erected on structural or tubular steel supports. Where the back of a sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

(Ord. of 5-30-2000, § 509)

Sec. 66-132. Permits.

- (a) *Required.* Prior to construction or establishment of any sign, a permit shall be obtained from the building official.
- (b) *Time limit of work completion.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.
- (c) *Not required for certain operations.* The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:
 - (1) *Replacing copy.* The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - (2) *Maintenance.* Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
 - [(3)] *Portable temporary signs.* A sign permit shall be obtained prior to placement of any portable sign (see regulations for portable signs in section 66-125(6)).
 - [(4)] *Temporary signs.* Construction signs, real estate signs, political signs (see regulations for temporary signs in section 66-125(6)).

(Ord. of 5-30-2000, § 510; Ord. No. 2012-01T, § I, 6-25-2012)

Sec. 66-133. Inspection, removal, safety.

- (a) *Inspection.* Signs for which a permit is required may be inspected periodically by the building official for compliance with this and other codes of the municipality.
- (b) *Traffic safety.* No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the township police or the code enforcement officer may remove such sign to protect traffic. The owner of the property or business operator where such sign is located shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within 24 hours to make it comply with this section.
- (c) *Tagging.* All signs requiring permits shall display, in a place conspicuous to inspectors the name of the owner or erector as the inspector may designate.
- (d) *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (e) *Removal of sign.* The building official may order the removal of any sign erected or maintained in violation of this Code. The official shall give 30 days' notice in writing to the owner of such sign, or of the building,

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structure, or premises on which such sign is located, to remove the sign or to bring it into compliance. The building official may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

- (f) *Abandon signs.* A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business, which it advertises, is no longer conducted on the premises. If the owner or lessee fails to remove it, the building official shall give the owner 15 days' notice to remove it. Upon failure to comply with this notice, the building official or his duly authorized representative may remove the sign at cost to the owner. When a successor to a defunct business agrees to maintain the signs as provided in this Code, this removal requirement shall not apply.

Sec. 66-134. Table of sign regulations.

Following is the table of sign regulations for the township:

Sign Regulations for Township

| Zoning Districts | Content | Sign Type | Maximum Sign Size Per Parcel | Height | Setbacks From the Property Line | Number of Signs Per Parcel | Total Sign Area Allowed Per Parcel |
|---|--|--|---|---|---|---|---|
| Agricultural A-1 | Identity, occupant's name and address, home occupation | Ground: Wall: Integral: | 24 sq. ft. 24 sq. ft. 24 sq. ft. | 12 ft. | Front: 10 feet Side: 10 feet Rear: 10 feet | 1 per dwelling | 24 sq. ft. |
| Residential Single, Multifamily R-1, R-2, R-3 | Occupant's name and address, home occupation, rental and mgt. offices (R-2, R-3), development name | R-1, R-2 Wall: Integral: R-3 Ground: | R-1, R-2 2 sq. ft. 2 sq. ft. R-3 12 sq. ft. | R-1, R-2 4 ft. Top of wall R-3 6 ft. | R-1, R-2, R-3 Front: 10 feet Side: 10 feet Rear: 10 feet | R-1, R-2 1 per dwelling R-3 1 per entrance drive | R-1, R-2 2 square feet per dwelling. R-3 12 sq. ft. |
| Office Business B-1 | Identity (required), merchandise or services available on the premises. | Ground*: Wall: Marquee:# Projecting;# | 32 sq. ft. 50 sq. ft. 32 sq. ft. NA | 10 ft. Top of wall Top of wall# | Front: 10 feet Side: 10 feet Rear: 10 feet | 1 per parcel | The greater of: 0.75 square feet per front foot of building, or 50 square feet. |

| | | | | | | | |
|---|--|---|--|---|--|--|---|
| Neighborhood Business B-2 Community Business B-3 | Identity (required), merchandise or services available on the premises. | Ground *: Wall: Marquee:# Projecting:# | 50 sq. ft. 50 sq. ft. 32 sq. ft. 50 sq. ft. | 10 ft., B-2 24 ft., B-3; NA NA NA | Front: 10 feet Side: 10 feet Rear: 10 feet | 1 per parcel lineal feet of frontage. 1 per wall 1 per wall 1 per parcel | The greater of: 0.75 square feet per front foot of building, or 0.5 square feet per front foot of parcel, or 50 square feet. |
| Manufacturing and Distribution M-1 Intensive Industrial M-2 | No requirements | Ground *: Wall: Marquee:# Projecting:# Roof: Integral: | 100 sq. ft. 100 sq. ft. 100 sq. ft. 50 sq. ft. 100 sq. ft. 25 sq. ft. | 24 ft. Top of wall Top of Wall 24 ft.# 24 ft. Top of wall | Front: 10 feet Side: 10 feet Rear: 10 feet | 1 only, of any type, per each street front. | No greater than 1 square foot per front foot of building, or 0.5 square foot per front foot of parcel, or 100 square feet. |

Sign descriptions:

Ground. A freestanding sign where the base of the sign structure is permanently in the ground or integrated into landscaping or other solid structural feature. Must be ten feet above a sidewalk and 15 feet above a driveway.

Wall. A sign attached to, painted on, placed against, or supported by the exterior surface of any building. Wall signs also include marquees and canopy signs.

Marquee. Any hood, canopy, awning or permanent construction that projects from a wall of a building.

Projecting. A sign affixed to any part of a building or structure that extends beyond the building or structure by more than 20 inches.

Roof. A sign erected, constructed or maintained upon, or which projects above, the roof line of a building.

Integral. signs made an integral part of the wall of the structure or roof for farm buildings. Or when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction.

Electronic message boards. A sign or portion thereof that is an electronic message board shall not be greater than 24 square feet in area and shall comply with the following regulations:

1. If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during daylight hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from the sign face at maximum brightness.
2. Each electronic message board shall have a dimmer control to produce a distant illumination change from a higher illumination level to a lower one for the period from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each such location due to sunrise, prevailing weather conditions or otherwise.
3. No additional electronic message board is permitted on the building if it is visible from a public road.

Must be ten feet above a sidewalk and 15 feet above a driveway.

* Must have 100-foot setback from R-1 zone.

(Ord. of 5-30-2000, § 511; Ord. No. 2012-01T, § I, 6-25-2012)

Secs. 66-135—66-164. Reserved.

ARTICLE VI. OFF-STREET PARKING AND LOADING

Sec. 66-165. Purpose and intent.

It is the purpose and intent of this chapter that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purpose of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

(Ord. of 5-30-2000, § 601)

Sec. 66-166. General requirements.

- (a) *Off-street parking and loading requirements.* In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified for the various districts.
- (b) *Use.* Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.
- (c) *Parking ratio to floor area.* Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- (d) *Determining off-street parking and loading requirements.* For the purpose of determining off-street parking and loading requirements, the following provisions shall apply:
 - (1) *Mercantile establishments.* In mercantile establishments, gross floor area shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.
 - (2) *Hospitals.* In hospitals, bassinets shall not be counted as beds.

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- (3) *Alternate seating.* Where benches, pews, or other similar seating facilities are used as seats, each 20 inches of such seating facilities shall be counted as one seat.
 - (e) *Mixed uses in same building.* In the case of mixed uses in the same building, the total requirements of off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.
 - (f) *Joint or collective provision for off-street parking.* Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
 - (g) *Reductions in parking requirements; mixed uses.* Parking requirements may be reduced in the following situations. In the case of mixed uses which each occupy 20 percent or more of the floor area of a building, and the operating schedules of any two such uses overlap for no more than six hours in a typical day, the parking requirement for the building, as determined using the table, may be reduced by ten percent.
 - (1) *Joint provision of off-street parking.* Where two or more abutting parcels in any B or M zoning district provide paved drives and sidewalks between parking areas, allowing travel between parcels without use of a public street, the number of parking spaces required for each parcel may be reduced by ten percent, in addition to reduction allowed by other provisions of this section.
 - (2) *Reductions for further public benefits.* In any B or M zoning district, the parking requirements for a parcel fronting on a county primary or state highway, other than an expressway, may be reduced by ten percent, in addition to other reductions allowed by this section, if any three of the following conditions are met.
 - a. No driveways open onto the major road.
 - b. There are no freestanding signs in the front yard setback area.
 - c. The principal building's front yard setback is at least 100 feet.
 - d. At least 25 percent of the parcel is devoted to natural woodlands, wetlands or landscape plantings.
 - e. Sidewalks, including barrier-free curb cuts, are provided along the full length of all road frontages on the parcel, with at least one walkway connection between any such frontage and the building's main entrance.
 - f. A service drive is provided along the entire major road frontage, and connects to parking area on adjoining properties. Access to this drive from any public street may not be located within 200 feet of any intersection, unless said access is configured as a fourth left of a "T" intersection.
 - g. Acceleration and deceleration lanes are provided on the major road for right turns in and out of any driveway into the parcel, and a separate left turn lane is also provided for at least 200 feet in either direction from each driveway.

(Ord. of 5-30-2000, § 602)

Sec. 66-167. Site development and construction requirements.

- (a) *Size of spaces.*
 - (1) *Standard.* Parking spaces must be nine feet wide by 20 feet long.
 - (2) *Handicapped.* Designated handicapped spaces must be 12 feet wide by 20 feet long.

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- (3) *Other.* Spaces for special vehicles, such as cars with boat trailers, must conform to dimensions as noted in the table of off-street parking requirements in section 66-134.
- (b) *Handicapped spaces.* Off-street parking areas larger than 25 spaces include one handicapped parking space for each 100 spaces, or fraction thereof. Such spaces must be located within 100 feet of a barrier free entrance to the principal building, and be clearly signed for use by handicapped persons only. Curb cuts, ramps, or other necessary devices shall be provided to overcome all access barriers between these spaces and the entrance.
- (c) *Surface.*
- (1) *Gravel.* Where the table of off-street parking requirements allows parking areas to be gravel surfaced, this surface must be of a material that provides a durable, smooth and dustless parking lot, which is graded to properly drain and dispose of stormwater.
- (2) *Paved.* Where the table of off-street requirements requires parking areas to be paved, this pavement must consist of at least six inches of reinforced concrete or two inches of bituminous surface over six inches of compacted crushed stone.
- (3) *Mix of surface types.* For some combinations of uses, the table of off-street parking requirements may specify both gravel and paved spaces. If some gravel surfaced spaces are to be built, they must be constructed as a separate parking lot, located farther from the principal building than any paved spaces. Access to the gravel lot may be only from the paved lot, not from any public street. If all spaces are paved, the total number of spaces may be reduced by up to ten percent.
- (4) *No parking on front lawn.* No portion of a residential front lawn area may be used for parking.
- (d) *Drainage.* Stormwater collection, drainage, retention and outfall structures must be installed for all off-street parking areas in compliance with the specifications of the Saginaw County Road Commission and the Saginaw County Drain Commissioner.
- (e) *Parking area design, driveways and aisles.* In any required parking area larger than two spaces, no space may be situated so that vehicles enter it directly from a public street. Driveways and aisles must be clearly identified and meet the following requirements.
- (1) *Driveway.* Each driveway opening to a public street must be approved by the agency having jurisdiction over the street. Driveways and access roads must be paved. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway must intersect a public street at a 90-degree angle.
- (2) *Stacking area.* Each driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least five percent of the spaces in the parking area.
- (3) *Aisles.* Parking lot aisles shall be at least 20 feet wide.
- (4) *Clear vision area.* All driveways shall have a clear vision area, unobstructed by accessory structures or plantings, within 30 feet of any public street right-of-way, for a sight distance 100 feet along the near edge of the pavement in either direction.
- (f) *Driveway spacing.* Each parcel shall have no more than one driveway entrance and exit opening to any public street for each 300 feet of frontage, or fraction. Where more than one driveway is allowed, they shall not be located within 30 feet of a neighboring property line, or within 50 feet of a street intersection.
- (g) *Lighting.* Off-street parking areas provided for any multiple-family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for accessory structures for the applicable zoning district. No direct lighting from said fixtures shall be directed at adjacent properties or public streets.

- (h) *Setbacks.* Parking and loading areas setback areas shall conform to required yards and off-street parking shall be no closer than five feet to any principle building, 20 feet to a fire hydrant or natural gas shutoff valve, or 50 feet to any above ground fuel storage tank. Bumper guards or curbs shall be installed to prevent encroachment.
- (i) *Front yard parking.* No part of any front yard shall be used for any accessory building, garage, or other structure, nor shall any motor vehicle be parked in any front yard except upon a regularly constructed driveway. In addition, on a corner lot no motor vehicle shall be parked in the side yard abutting a public street except upon a regularly constructed driveway. In the case of driveways formed by a portion of a circle with two access points on the street, the portion of the driveway closest to the structure must be outside of the required front yard.
- (j) *Screening for residential.* Any parking area larger than ten spaces must have a visual screen not less than five feet high running the full length of any side which adjoins a parcel in the R-1 or R-2 zoning districts.
- (k) *Deceleration lane.* Where the posted speed for a public street is over 30 miles per hour, it is desirable to have driveways opening onto said thoroughfare served by a right turn deceleration lane at least 200 feet long in advance of the driveway. However, this would have to be volunteered by the applicant and cannot be made a requirement of any zoning permit.

(Ord. of 5-30-2000, § 603)

Sec. 66-168. Table of off-street parking requirements.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Total parking required is the sum of spaces for all land uses proposed on the site, plus employee parking, as defined below.

| <i>Land Use</i> | <i>Spaces</i> | <i>Per Activity Unit</i> |
|--|---------------|--|
| The following uses may have gravel surfaced parking. | | |
| - One- and Two-Family Homes | 2 | Dwelling unit (only allowed use with gravel parking) |
| The following uses must have paved parking. | | |
| - Campground/RV Park | 1 | Campsite |
| - Animal Boarding | 1 | 5 Animals boarded |
| - Grain Elevator | 4 | Business |
| - Cemetery | 2 | Acre |
| - Game Area, Nature Presence | 1 | 10 acres |
| - Fishing Site | 1 | 20 ft. dock or waterfront |
| - Boat Launch | 10* | ramp (10' x 45'/car and trailer) |
| - Picnic Area | 1 | Picnic table |
| - Tennis | 2 | Court |
| - Team Sports | 12 | Court or field |
| - Park, Golf Course | 1 | 2 acres |
| - Driving Range | 1 | Tee |
| - Gun Club | 4 | Range, skeet or trap house |
| - Mobile Home Park ***, Apartments | 2 | Dwelling unit |
| - Senior Citizen Housing | 1 | 3 Dwelling units |
| - Day Nursery | 1 | 4 children, per license |

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| | | |
|---|---|--------------------------------|
| - Doctor, Dentist, Veterinarian | 2 | Exam or treatment room |
| - Retail, Office, Service, Financial | 1 | 150 sq. ft. of public area |
| - Vehicle Sales | 1 | 500 sq. ft. of public area |
| - Vehicle Service/Wash, Gas Station | 3 | Wash, stall, or fuel pump |
| - Barbershop or Beauty Salon | 2 | Chair |
| - Bar or Restaurant (Plus Drive-Thru) | 1 | 2 seats |
| - Drive Thru or Drive-Up Facility Plus | 4 | Queue at window or speaker |
| - Delayed-Order Waiting | 3 | Restaurant delivery window |
| - Hotel or Motel, Bed and Breakfast | 1 | Guest room |
| - Bowling Alley | 4 | Lane |
| - Wholesale, Industrial | 1 | 2,000 sq. ft. gross floor area |
| - Church/Theater/Aud./Arena/Stadium | 1 | 3 seats/6 ft. bench seating |
| - Grade School | 1 | 10 all day students # |
| - High School (Excl. Stadium, Aud.) | 1 | 5 students # |
| - College, Technical School | 1 | 3 fulltime students # |
| - Hospital, Visitor Parking | 1 | 3 beds |
| - Hospital, Doctors parking | 1 | 2 medical staff member |
| - Nursing Home | 1 | 6 beds |
| - Library, Museum, Gallery, Post Office | 1 | 600 sq. ft. gross floor area |
| - Any Employment Site** | 1 | Employee on peak shift |

* Spaces must be sized as noted.

Per building design capacity

** Employee parking surface type shall be same as for the main use.

*** Parking/paving standards in mobile home parks shall comply with Michigan Mobile Home Commission Rules 922, 925, and 926.

- (1) *Calculations.* To determine the total number of spaces required for any parcel, add the requirements for each existing or proposed activity. Read down the land use column to identify all uses which apply to the parcel. For each such use, determine the number of activity units involved and the number of parking spaces required to serve that many units. Finally, add the spaces required for all said uses to find the total.
- (2) *Uses not listed.* If a use is not listed in the table, the zoning administrator shall determine its parking requirements based upon similar uses, or an applicant may request an interpretation by the zoning board of appeals.
- (3) *Additions.* Parking spaces must be added in proportion to added floor area or use on a parcel.
- (4) *Availability of spaces.* Parking spaces may count toward the requirement for a parcel if they are located on it or on an adjoining parcel where the farthest space is not over 500 feet from the nearest public entrance to the principal building, with a continuous paved walkway between the lot and entrance.

(Ord. of 5-30-2000, § 604)

Sec. 66-169. Permit.

No parking lot shall be constructed unless and until a permit therefor is issued.

Sec. 66-170. Supplementary off-street loading requirements.

- (a) *Intent.* This section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading.
- (b) *Dimensions of loading space.* Each loading space must be at least ten feet wide and 30 feet long. If roofed, it must have at least 15 feet of vertical clearance. Where it is expected that semitrucks will make daily deliveries, the loading space must be at least 60 feet long.
- (c) *Hard surface.* Loading spaces must be paved with a surface providing the equivalent load strength of nine inches of concrete.
- (d) *Location and setbacks.* A loading space must be located within or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley. Loading spaces must conform to setbacks for accessory structures for the applicable zoning district.
- (e) *Number required.* These requirements are intended to insure long range usefulness of structures.
 - (1) *Multifamily residential.* For any dwelling units, which are not entered directly from the outside, one loading space must be supplied, with barrier free access to any hallway or elevator.
 - (2) *Retail.* Building used for retail sales or eating and drinking establishments shall include one loading space, plus one for each 30,000 square feet of public area, or major fraction thereof.
 - (3) *Office.* Any office building taller than one story shall include one loading space.
 - (4) *Wholesale, warehouse or industrial.* Each such building shall have at least one loading space for each 25,000 square feet.
 - (5) *Off-street loading areas for dumpsters.* Loading area for dumpsters present special consideration as off-street loading spaces. These rules are intended to prevent unhealthy or unsightly solid waste handling facilities. They apply to any solid waste container so large that a mechanical device is required to empty it.
 - (6) *Screening and enclosure.* Each container must be obscured from view from any adjoining parcel by a visual screen, which is at least high as the container. Containers are to be protected by a fenced enclosure with a lockable gate, unless each container has a lid that is kept locked when waste is not being deposited or removed.
- (f) *Solid waste collection facilities.* Loading areas for "dumpsters" present a different set of conditions than standard off-street loading spaces. These rules are intended to prevent unhealthy or unsightly solid waste handling facilities. They apply to any solid waste container so large that a mechanical device is required to empty it.
 - (1) *Screening and enclosure.* Each container must be obscured from view from any adjoining parcel by a visual screen that is at least as high as the container. Containers are to be protected by a fenced enclosure with a lockable gate, unless each container has a lid that is kept locked when waste is not being deposited or removed.
 - (2) *Paving (hard surface).* Each container site and approach area for trucks shall be constructed with either asphalt or concrete to a sufficient depth that the surface withstands the weight of the truck and container as it is emptied. Any deteriorating, broken up material will be treated as a blighted condition and the owner will be notified that the area needs repair.

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- (3) *Siting.* Containers shall be located inside rear yards and meet all setback requirements for accessory structures. Trucks collecting waste shall not conflict with the orderly flow of traffic onto or through the parcel or any parking areas thereon, nor block any portion of a public street or alley.

(Ord. of 5-30-2000, § 606; Ord. No. 2018-04, § I, 9-24-2018)

Secs. 66-171—66-193. Reserved.

ARTICLE VII. SPECIAL LAND USE PERMIT REQUIREMENTS³

Sec. 66-194. Intent and purpose.

- (a) *Intent.* In contrast to the clear cut, objective process desired for most zoning decisions, the special use permit process is intended to be at least partly subjective. It relies upon the judgment of the planning commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed special use. Special uses designated for a particular zoning district are generally complementary to the uses by right. However, they have unique characteristics or more intensive natures, requiring special consideration of their effects on adjacent properties and the community as a whole.
- (b) *Purpose.* This article provides procedures and standards for regulating activities identified as "special uses" for each zoning district in the uses table found in article III of this chapter. Special uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any zoning district. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- (c) *Precaution.* The right to establish a special use is granted or denied by the planning commission when it determines that an applicant has met all requirements for said use, following the process outlined in this article. No person has an automatic right to establish a special use except by compliance with all requirements defined herein and any conditions attached by the planning commission to assure said compliance.
- (d) *Special use permit process.* The special use permit process includes notification of nearby residents and property owners who may voice opinions and objections at a public hearing before the decision to grant a special use permit is made. Since special uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the planning commission to include when defining conditions, which must be met by a special use. Locations where neighbors are more sensitive require greater care than others. Therefore, more stringent conditions may be required for a certain special use in one place than for the same special use in another place. All parties shall note, however, that compliance with all standards and conditions prescribed herein does entitle an applicant to special use permit approval, as specified by state law.

(Ord. of 5-30-2000, § 701)

³State law reference(s)—Special land uses, MCL 125.3502 et seq.

Sec. 66-195. Special use permit process.

- (a) *Application and public notice.* An application for a special use permit consists of a completed application form, including a site plan, and a fee as established by the township board. Said material must be submitted to the township. A notice of public hearing meeting shall be made as required by section 502 of Public Act No. 110 of 2006 (MCL 125.3502).
- (b) *Planning commission review and hearing.* The special use permit application shall be the subject of both a site plan review and a public hearing conducted by the planning commission before it decides whether a special use permit can be issued. The Open Meetings Act requires properly noticed meetings, open to all members of the public, for all facets of this process.
 - (1) *Site plan review.* The township staff and planning commission shall conduct a site plan review for the proposed special use. However, the public hearing shall be conducted before any decision is made. The site plan review process is intended to be an objective review of the facts to determine whether all standards have been met.
 - a. *Standards.* The site plan review determines compliance with all applicable standards from the district regulations in article III of this chapter, the site plan review standards in section 66-280, and all special use standards. These represent minimum requirements and may be reduced only if the zoning board of appeals grants a variance.
 - b. *Conditions.* After receiving input from the township staff and the public, the planning commission may attach additional conditions to ensure fulfillment of the intent, purpose and objectives of this chapter.
 - 1. Said conditions may relate to design or operational characteristics of the proposed special use and must be based on examples of regulations found elsewhere in this chapter.
 - 2. All conditions attached to a site plan approval are also conditions of any resulting special use permit.
 - 3. Each condition, and the reasoning behind it, must be documented in the planning commission's minutes, a copy of which shall be provided to the applicant.
 - 4. Breach of any condition may be cause for the planning commission to revoke the special use permit.
 - (2) *Public hearing.* The planning commission shall hold a public hearing on the special use permit application considering issues relating to both the site plan and the special use permit.
 - (3) *Consideration of site plan approval.* After the public hearing, the planning commission shall consider a motion for approval, conditional approval, or denial of the site plan for said special use. If further information is required for site plan approval, said decision may be set aside to a specific date when the planning commission will consider the application further. A special use may be established only in accordance with an approved site plan.
 - (4) *Consideration of special use permit approval.* After reviewing the site plan, the planning commission shall consider a motion for approval, conditional approval, or denial of the special use permit. If further information is required, the planning commission may set aside the decision to a specific date.
 - a. *If site plan is denied.* If the site plan is denied, consideration of the special use permit may still occur. A special use permit may still be approved with the condition that site plan approval must be obtained before any approval is issued.

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- b. *Requested postponement of use permit.* Alternatively, the applicant may ask for consideration of the special use permit to be postponed. However, such a postponement would require another public notice and hearing, site plan review, and payment of an additional processing fee.
- (c) *Issuance of permit.* Upon planning commission approval of a site plan and special use approval, the zoning administrator shall issue a special use permit for the proposed special use within three working days.
- (d) *Reapplication.* If an application for a special use permit is denied by the planning commission, it may not be re-submitted until one year after the denial.
- (e) *Simultaneous consideration of rezoning and special use permit.* If an application requires both a change in the parcel's zoning district designation and a special use permit, both issues may be considered at a single planning commission meeting, subject to the following requirements:
- (1) *Separate consideration.* The rezoning shall be considered first. Consideration of the special use permit shall begin only after a recommendation has been made on the rezoning. Since the final rezoning decision is made by the township board, the applicant may ask the planning commission to continue with the special use permit process, even if their recommendation is not to rezone.
 - (2) *Procedures.* The chapter procedures for each decision shall be followed as specified. Deliberations on the rezoning should take into account all permitted uses in the proposed zoning district. Deliberations on the special use permit should presume that a rezoning can be approved, and concentrate on the use and site plan at hand. However, any special use permit approval must be conditioned upon township board approval of the rezoning.
 - (3) *Standards.* All standards required by this chapter shall be observed for each action.
 - (4) *Public hearings.* The public must be given the opportunity for input on each decision. The meeting notice should reflect that two separate public hearings will be held at the same meeting.
- (f) *Enforcement of conditions; violations.* A special use permit is a privilege, subject to all standards and conditions that relate to it through the special use permit review process, as described above. Except as in the case of a lapse of permit, the special use permit is valid as long as all standards and conditions are met. If any special use permit standards or conditions are violated, the planning commission and zoning administrator shall enforce compliance with them as follows:
- (1) *First notice.*
 - a. Whenever a violation of special use permit standards or conditions comes to the attention of the zoning administrator, he shall send written notice of the violation to the special use permit holder by certified mail.
 - b. The notice shall identify all standards or conditions of the special use permit and the nature of the violation and shall state that if correction is not made within 30 days, the special use permit will be revoked, and said use will be ordered to cease.
 - (2) *Considered nonconforming until in compliance.*
 - a. After the notice of violation is issued, and until compliance with all special use permit standards and conditions is restored, the use in question shall be treated as an unacceptable nonconforming use.
 - b. Actions specified by the regulation of nonconformities table shall be taken whenever they apply.
 - (3) *Second notice and order.*
 - a. If compliance with said requirements is not restored before expiration of the 30-day notice period, the zoning administrator shall notify the permit holder by certified mail that their special

use permit is revoked, and shall order the use for which said permit was granted to cease within 30 days, regarding enforcement of this chapter.

- b. Failure to comply with special use permit conditions, as evidenced by revocation of said special use permit, is a violation of this chapter and is subject to all penalties thereof. Further enforcement action, if necessary, shall be pursued.
 - (4) *Planning commission notification.* The zoning administrator shall notify the planning commission of the violation of special use permit conditions, and any resultant action, at its next meeting.
 - (g) *Record maintained.* The zoning administrator shall maintain a list of all special use permits issued under this chapter.
- (Ord. of 5-30-2000, § 702)

Sec. 66-196. Terms of special use permit.

- (a) *Nature of special use permit.* A permit shall specify the special use to be allowed on the parcel and list any conditions attached by the planning commission.
- (b) *Permanence.* Once a special use is established, and as long as it is continuously maintained, the approval for said special use is permanent and "runs with the land." It is one of the rights that may be transferred when a parcel is rented or sold. This approval may be revoked only if the special use permit's conditions are violated.
- (c) *Circumstances causing invalidity or expiration.* A permit for a special use is valid only as specified in this chapter and will become void if the use is not established within one year. Further, if an established special use is discontinued for a period of one year, the special use permit for said use shall expire. To reestablish the use after such expiration requires a new special use permit, starting with a new application.

(Ord. of 5-30-2000, § 703)

Sec. 66-197. Table of special use permit standards.

The following table summarizes the types of special uses and where the regulations for each can be found in this chapter:

TABLE OF SPECIAL USE PERMIT STANDARDS

| <i>Use Category</i> | <i>Special Conditions</i> |
|------------------------------------|---------------------------|
| A—Adult Business | Sec. 66-198 |
| B—Auto Facility | Sec. 66-199 |
| C—Bed & Breakfast | Sec. 66-200 |
| D—Car Wash | Sec. 66-201 |
| E—Funeral Homes | Sec. 66-202 |
| F- Wireless Communication Facility | Sec. 66-203 |
| G—High Intensity Use | Sec. 66-204 |
| H—Industrial Park | Sec. 66-205 |
| I—Institution | Sec. 66-206 |
| J—Ministorage | Sec. 66-207 |
| K—Mobile Home Park | Sec. 66-208 |
| L—Outdoor Assembly | Sec. 66-209 |

| | |
|-------------------------|-------------|
| M—P.U.D. | Sec. 66-210 |
| N—Recreation | Sec. 66-211 |
| O—Restaurant | Sec. 66-212 |
| P—RV Park/Campground | Sec. 66-213 |
| Q—Site Condominium | Sec. 66-214 |
| R—Soil Extraction | Sec. 66-215 |
| S—Temporary Outdoor Use | Sec. 66-216 |
| T—Site Plan Review Only | Sec. 66-217 |

(Ord. of 5-30-2000, § 704)

Sec. 66-198. Adults-only business (category A).

(a) *Intent.* In the development and execution of this chapter, it is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

(b) *Distance restrictions.*

(1) *Uses not permitted within 1,500 feet of each other.* The following listed uses shall not be permitted to be established within 1,500 feet of each other:

- a. Adult related businesses;
- b. Adult book stores;
- c. Adult motion picture theaters;
- d. Adult mini motion picture theaters;
- e. Exotic cabarets;
- f. Massage parlors;
- g. Public baths;
- h. Taxi dance halls.

(2) *Additional distance limitations for adult related businesses.* It shall be unlawful to hereafter establish an adult related business within 1,500 feet of any residentially zoned property or within 1,500 feet of any religious or educational institution, public park or recreational land use.

(c) *Signs and exterior display.*

(1) *No specific displays of examples of adult uses.* Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the signage provisions stated in article V of this chapter.

(2) *No public observation of adult uses.* No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this chapter) from any public way or from any property not registered

as an adult use. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- (d) *Precautionary note to the zoning board of appeals.* When considering any appeal from an adults-only business for reduction of spacing or separation standards established herein, the zoning board of appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- (1) *Chapter intent.* The proposed use shall not be contrary to the intent and purpose of this chapter, or injurious to nearby properties.
 - (2) *Blighting influence.* The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
 - (3) *Neighborhood conservation.* The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - (4) *Other standards.* The proposed use and its principal building shall comply with all other regulations and standards of this chapter.

(Ord. of 5-30-2000, § 705)

Sec. 66-199. Automobile sales and service (category B).

- (a) *Standards.* Standards in this section shall apply to all of the uses in subsection (b) of this section in zoning districts where they are identified as special uses in the uses table in article III of this chapter.
- (b) *Uses.* These uses are; gas sales, auto sales, minor vehicle repair, and major vehicle repair. Automobile related facilities are categorized according to the primary service performed. A primary service is one that comprises 50 percent or more of the vehicular traffic of the establishment. Definitions of these functions are provided in article II of this chapter, definitions.
- (1) *Site location.* The proposed site shall have at least one property line on a major or minor thoroughfare.
 - (2) *Parcel size.* A minimum parcel size of 15,000 square feet with a minimum of 150 feet in frontage is required.
 - (3) *Building setback.* The service station buildings, canopies, pump islands, and service drives shall conform to the yard requirements for the district in which it is located, but shall in no case be closer than 50 feet to any property line of a residential district or use unless separated by a public street.
 - (4) *Hydraulic hoists, pits.* Hydraulic hoists, pits and all lubrication, greasing automobile washing, and repair equipment shall be entirely enclosed within a building.
 - (5) *Access drives.* No more than two driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one driveway approach from any minor street, each of which shall not exceed 35 feet in width at the property line. In no case shall a service station have more than two drives. If the service station or permitted building site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical, but no less than 50 feet.
 - (6) *Adjoining property lines.* No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within an R-district as extended to the curb or edge of the pavement.
 - (7) *Curbing and paving.* The entire service area defined as the pump island shall be paved with a permanent surface of concrete. The balance of the site shall be paved with asphalt or concrete according to the approved site plan. A raised curb at least seven inches in height shall be installed along the perimeter of all paved areas including street access drives.

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- (8) *Fencing.* A solid fence or wall four feet in height shall be erected along all property lines abutting any lot within a residential district.
 - (9) *Major vehicle repair in the B-3 district.* Major vehicle repair is allowed in the B-3 district. All outside storage is screened from adjacent less intensive uses. No more than 15 vehicles may be stored outside and must be screened. Storage shall be paved as specified in section 66-167(c)(2).

(Ord. of 5-30-2000, § 706)

Sec. 66-200. Bed and breakfasts (category C).

- (a) *Authorization.* Due to the growing popularity of bed and breakfast establishments in single-family dwellings, it is of evermore importance that any potentially adverse impacts resulting from such developments be properly addressed. It is the intent of the township to permit the development of such operations when developed in a way that protects the single-family character of any site proposed for a bed and breakfast operation.
- (b) *Parcel size.* A minimum of 80 feet in parcel width is required.
- (c) *Uses that may be permitted.* Bed and breakfast establishments where provided and as permitted under the appropriate zoning district.
- (d) *Development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter, shall be complied with:
 - (1) The residence is the principal single-family detached dwelling unit on the property and is owner-occupied at all times.
 - (2) The rooms utilized for the sleeping area part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
 - (3) The maximum stay for any occupants of bed and breakfast operations shall be 14 days.
 - (4) Paved parking shall be provided at a ratio of spaces to bedrooms as set by the zoning administrator.
 - (5) Occupancy of any bed and breakfast operation is limited to five or fewer guests, and the use is further limited to not more than two rental sleeping rooms.
 - (6) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by township officials at any time.
 - (7) Breakfast is the only meal that may be served to overnight bed and breakfast guests, and this meal shall comply with restrictions of the state and county health departments for nonresidential uses. There shall be no separate cooking facilities for use by the bed and breakfast guests.
 - (8) One sign identifying the bed and breakfast operations not to exceed two square feet in area shall be permitted.
 - (9) No premises shall be utilized for a bed and breakfast operation unless there are at least two marked and signed exits to the outdoors from such premises.
 - (10) Bed and breakfast operations shall not be permitted on any premises where there exists any violation of a township chapter or in any building or on any parcel of land, which does not conform to the requirements of this chapter and adopted construction codes.
 - (11) No bed and breakfast operation shall be established without prior approval by the planning commission, in accordance with the special use permit requirements of article VII of this chapter. Two sets of floor plans of the establishment, drawn to a scale of not less than one-eighth inch equals one

foot shall also be submitted to the zoning administrator. One set shall remain on file in the township offices, and one set shall be filed with the fire department.

(Ord. of 5-30-2000, § 707)

Sec. 66-201. Carwashes (category D).

- (a) *Location.* Carwashes must be located on an arterial or collector road, street or highway.
- (b) *Drainage.* Adequate provisions shall be made to keep all water from washing operations on the site. Where mechanical or manual drying is not done, a mechanical device shall be provided to ensure that each vehicle shall wait on the site a minimum of 60 seconds following the end of each washing operation.
- (c) *Off-street vehicle waiting area.* A vehicle waiting area shall be provided on the site which will accommodate a number of vehicles, under actual operating conditions, equal to 50 percent of the maximum hourly capacity of the washing facility. In determining the number of vehicle waiting spaces available to meet requirements, the number of vehicles normally accommodated within the building can be counted.
- (d) *Building exit.* The building exit shall be no closer than 230 feet to the nearest street intersection, measured according to how a vehicle would be forced to travel. If there is a drying operation associated with the carwash, either mechanical or hand operated, no minimum footage from a street intersection is required.

(Ord. of 5-30-2000, § 708)

Sec. 66-202. Funeral homes (category E).

- (a) *Site location.* The proposed site shall front upon a major or minor arterial or principal collector as classified on the adopted street plan. All ingress and egress to the site shall be directly from said thoroughfare.
- (b) *Parcel size.* The minimum parcel size is 1½ acres, with a minimum frontage of 150 feet.
- (c) *Yards.* Yard requirements are 20 feet for the front yard and 40 feet from any R-1, R-2 or R-3 zoning district. All yards shall be appropriately landscaped with trees, shrubs, and grass. No structure or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes, under the requirements specified and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

(Ord. of 5-30-2000, § 709)

Sec. 66-203. Wireless communication facilities (category F).

- (a) *Purpose and goals.*
 - (1) *Locations.* Provide a range of locations for wireless communication facilities in a variety of zones;
 - (2) *Performance standards.* Provide clear performance standards addressing the siting of wireless communication facilities;
 - (3) *Facilities.* Encourage the location of wireless communication facilities on existing structures, including utility poles, signs, water towers, buildings and other wireless communication facilities where feasible;
 - (4) *Collocation and site sharing.* Encourage collocation and site sharing of new existing wireless communication facilities;

- (5) *Public property and structure for use.* Facilitate the use of public property and structures for wireless communication facilities;
 - (6) *Enhance services.* Enhance the ability of providers of telecommunication services to provide such service to the community quickly, effectively and efficiently.
- (b) *Applicability.*
- (1) *Exclusion for amateur radio, television antennas and disks.* This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively to receive only television and satellite signals.
 - (2) *Relationship to other codes and chapters.* This chapter shall supersede all conflicting requirements of other codes and chapters regarding the locating and permitting of wireless communication facilities.
- (c) *Engineering standards.*
- (1) Construction plans for both attached and unattached towers shall be prepared and certified by a registered structural engineer.
 - (2) The application must include a certification by a registered structural engineer that the installation is in compliance with all applicable codes and meets all structural engineering standards.
- (d) *Development minimum standards.*

| | <i>M1 & M2</i> | <i>A1</i> | <i>B-1, B-2 AND B-3</i> | <i>R3</i> | <i>R1 AND R2</i> |
|-------------------------|---------------------------------|-----------------------------------|-------------------------|------------------|-----------------------------------|
| Height ^(a) | 350' | 225' | 175' | 150' | 150' |
| Setbacks ^(b) | 10' Front 5' Side 5' Rear | 20' Front 10' Side 10' Rear | 20' on all sides | 20' on all sides | 35' Front 20' Side 20' Rear |

^(a) Attached wireless communication facilities in any zone are limited in height to 20 feet from the top of the attachment structure. In the A-1, B-1, B-2, B-3 zones, 15 additional feet in height shall be allowed for each additional array up to a maximum total tower height of 300 feet.

^(b) The antenna array for an attached wireless communication facilities is exempt from the setback requirements of this section and from the setbacks for the zone in which they are located, provided, no such antenna array shall extend more than five feet horizontally from the attached structure. All equipment facilities shall meet the setback requirements for buildings for the underlying zone in which they are located.

- (1) *Existing towers and placement of proposed tower.* A proposed tower will not be allowed to be placed within 5,000 feet of an existing tower.
- (2) *Landscaping and screening.*
 - a. Wireless communication facilities shall be landscaped in accordance with the landscape requirements established by the planning commission except that the antenna array for an attached wireless communication facility is exempt.
 - b. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.
 - c. Existing vegetation on site may be used in lieu of required landscaping where approved by the planning commission.
- (3) *Aesthetics/placement, materials and colors.*

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- a. Attached wireless communication facilities, which are significantly visible to the adjacent residences, shall be designed so as to blend in with the existing structure to the extent feasible, including placement in a location that is consistent with proper functioning of the wireless communication facility, and the use of compatible or neutral colors.
 - b. Attached wireless communication facilities, which are significantly visible to the adjacent residences, which have aesthetic impacts that are not able to be reasonably mitigated by placement and color solutions, can be required to be screened in a reasonable and achievable manner.
 - c. Wireless communication facilities with support structures shall be designed so as to blend in with the existing surroundings to the extent feasible, including the use of compatible colors.
 - d. Equipment facilities shall, to the extent practicable, use materials, colors and textures that will blend with the natural setting and built environment.
- (4) *Lighting.* Wireless communication facilities shall not be artificially lighted, except for security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and such lighting of the wireless communication facilities as may be required by the federal aviation administration or other applicable authority installed in a manner to minimize impacts on adjacent residences.
- (5) *Security fencing.* Wireless communication facilities with support structures shall be enclosed by a security fence not less than six feet in height and the support structure shall be equipped with an appropriate anti-climbing device; provided, however, that the planning commission may waive such requirements, as it deems appropriate; however, nothing herein shall prevent security fencing which is necessary to meet other requirements of state or federal agencies.
- (6) *Radio frequency emissions.*
- a. The Federal Telecommunications Act of 1996 (FTA) gives the federal communication commission (FCC) sole jurisdiction of the field of regulation of radio frequency (RF) emissions and wireless communication facilities which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.
 - b. Applicants for wireless communication facilities shall be required to provide information on the projected density of the facility and how this meets the FCC standards.
- (e) *Shared facilities and collocation facilitating location on public property.*
- (1) *Sharing facilities with other utilities.* FCC licensed wireless communication providers are encouraged to construct and site their wireless communication facilities with a view towards sharing facilities with other utilities, to collocation with other existing wireless communication facilities and to accommodate additional wireless communication facilities, where technically, practically, and economically feasible.
 - (2) *Publicly owned property for facilities.* The township will work with the telecommunications providers to facilitate the siting of wireless communication facilities on publicly owned property, by identifying existing facilities, the appropriate contact persons, and the appropriate procedures.
 - (3) *Collocation site acceptable to standards.* FCC licensed wireless communication providers proposing a new wireless communication facility with a support structure shall demonstrate that it made a reasonable attempt to find a collocation site acceptable to engineering standards and that none was practically or economically feasible.
- (f) *Removal of abandoned wireless communication facilities.*
- (1) *Abandonment and removal requirements.* Any wireless communication facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such wireless

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- communication facility shall remove same within 90 days of notice to the township that the wireless communication facilities is abandoned.
- (2) *Removal expense.* If such wireless communication facility is not removed within said 90 days, the township may remove such wireless communication facility at the owner's expense.
 - (3) *Two or more users.* If there are two or more users of a single wireless communication facility, then this provision shall not become effective until all users cease using the wireless communication facility.
- (g) *Nonconforming wireless communication facilities.* Wireless communication facilities in existence on the date of the adoption of the ordinance from which the chapter is derived, which do not comply with the requirements of this chapter (nonconforming wireless communication facilities) are subject to the following procedures:
- (1) *No expansion without complying with current requirements.* Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this chapter.
 - (2) *Addition of antenna to existing facilities.* Nonconforming wireless communication facilities may add additional antenna (belonging to the same carrier or other carriers) subject to approval by the planning commission.
 - (3) *Repair and restoration of existing facilities.* Nonconforming wireless communication facilities, which are hereafter damaged or destroyed due to any reason or cause, may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefor, but without complying with this chapter.
 - (4) *Repairing, replacing, rebuilding and/or expanding on existing facility to improve structural integrity.* The owner of any nonconforming wireless communication facility may replace, repair, rebuild and/or expand such wireless communication facility in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of this chapter, so long as such facilities are not increased in height by more than ten percent and/or setbacks are not decreased by more than ten percent, provided, however, they shall not exceed the standard set forth in subsection 66-203(d).
- (h) *Modifications to existing facilities, which meet the requirements of this chapter.*
- (1) *Minor modifications.* Minor modifications to wireless communication facilities permitted under this chapter may be approved by the building inspector as follows: The addition of no more than two antenna arrays to any existing wireless communication facility, so long as the addition of the antenna arrays add no more than 20 feet in height to the wireless communication facility; an increase in height of support structure which is no greater than ten percent, and a decrease in setbacks by no more than ten percent, section 66-203. Collocations of up to one antenna array shall be considered a minor modification, provided however no change shall result in exceeding the standards set forth in subsection (d) of this section.
 - (2) *Major modifications.* Major modifications to wireless communication facilities permitted under this chapter shall be approved by the township planning commission.

(Ord. of 5-30-2000, § 710)

Sec. 66-204. High intensity and waste treatment or disposal (group G uses).

- (a) *Standards.* Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses in the uses table in article III of this chapter.
- (b) *Uses.* These uses are:
 - (1) Blast or steel furnaces;
 - (2) Smelting, petroleum or inflammable liquids production;
 - (3) Refining, storage, junkyard;
 - (4) Type II or type III landfill;
 - (5) Incinerator; and
 - (6) Sewage treatment and disposal facility.
- (c) *Applicability of state statutes; preventing injury.* All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- (d) *Location.* All uses in this category must be located on an arterial or collector road, street or highway.
- (e) *Parcel size.* The minimum parcel size is 20 acres with a 750-foot minimum parcel width.
- (f) *Yards.* The minimum front yard requirement is 200 feet. In addition to the yard requirements in the district regulations, all buildings must be set back a minimum of 200 feet from any R-1, R-2, or R-3 zoning district.
- (g) *Tree buffers for landfills and junkyards.* Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than 50 feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- (h) *No hazardous or toxic waste.* No hazardous or toxic wastes, as defined by the department of natural resources, may be deposited or stored by any use in this group.
- (i) *Truck access.* Routes for truck movement to and from the site shall be identified by the Saginaw County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- (j) *Activity restrictions.* No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- (k) *Fence requirements.*
 - (1) *Around landfill or incinerator.*
 - a. Berms and fences shall be constructed around any landfill or incinerator as required by the regulations promulgated for waste facilities.
 - b. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width.
 - c. Fences shall have a gate entrance, which can be locked during hours when no operation is taking place.
 - (2) *Around junkyard or resource recovery.*

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- a. A solid fence or wall at least eight feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property.
 - b. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area.
 - c. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height.
 - d. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
 - e. Aesthetic and structural qualities of fencing shall be regulated by the planning commission at the time of site plan review.
- (3) *Around sewage treatment or disposal facility.* All operations shall be completely enclosed by a wire link fence not less than six feet high.
- (l) *Restoration of landfill sites.* Grading or reseeded upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and shall be blended to the general surrounding ground form.
- (Ord. of 5-30-2000, § 711)

Sec. 66-205. Industrial park (category H).

- (a) *Permitted uses in industrial park.* Uses primarily engaged in research and light manufacturing activities.
- (1) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the planning commission.
 - (2) Distribution and warehousing plants.
 - (3) Administrative professional and business offices associated with and accessory to a permitted use.
 - (4) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
 - (5) Agricultural uses, pending development.
- (b) *Development standards; setbacks.* No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
- (1) *Front yard setback.* Twenty feet, except that unsupported roofs or sun screens may project six feet into the setback area.
 - (2) *Side yard setback.* Ten feet provided that if a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
 - (3) *Rear yard setback.* No rear yard setback is required except where a lot abuts a residential district the rear yard shall be 40 feet.
- (c) *Site coverage.* Maximum building coverage of 50 percent of a site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- (d) *Building height.* The maximum building height shall be 45 feet.
- (e) *Buildings per lot.* One building, other than a parking structure shall be erected on any one lot, unless the erection and use of more or less than one building or any one lot is specifically approved and consented to by the township in writing.

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- (f) *Building construction and materials.*
- (1) All buildings shall create a credible and acceptable appearance on all four sides.
 - (2) Buildings, including ancillary buildings, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls.
 - (3) All appurtenant equipment, including roof mounted units, shall be screened from view from any public street. At least 35 percent of the wall area on the front of the building shall be of facing brick, stone, exposed aggregate or of other architectural masonry of equal standard.
 - (4) The owner shall take appropriate measures to minimize dust, stormwater runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
- (g) *Signs.* No sign shall be erected or maintained on the park except in conformity with the following:
- (1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
 - (2) Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
 - (3) All signs attached to the building shall be flush mounted.
 - (4) Only one single-faced or double-faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one square foot in area for each 600 square feet of total site area. However, no sign shall exceed 200 square feet in area per face. An additional 20 square feet shall be allowed for each additional business conducted on the site.
 - (5) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of 32 square feet.
 - (6) No ground signs shall exceed six feet above grade in vertical height. Also, ground signs in excess of 100 square feet in area (single face) shall not be erected in the first 20 feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the community directional sign, special purpose sign, construction sign.
 - (7) Wall signs shall be fixture signs; signs painted directly on the surface of the wall shall not be permitted.
 - (8) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area closed by such line.
 - (9) One construction sign denoting the architects, engineers, contractor, and other related subjects, shall be permitted upon the commencement of construction. Said sign shall conform to applicable zoning regulations.
 - (10) A future tenant identification sign listing the name of future tenants, responsible agent or realtor, and identification of the industrial park shall be permitted.
 - (11) Special purpose signs, used to give directions to traffic or pedestrians or give instructions as to special conditions, and community directional and/or identification signs, used to give directions to and identify areas within the industrial park, shall be in conformity with applicable zoning regulations.
- (h) *Parking.* Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within 800 feet of the subject parcel.
- (1) Exceptions to these guidelines shall be made where an approved ridesharing program to service the industrial park is implemented.

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- (2) The following guide shall be used to determine parking requirements: Office, manufacture, research and assembly: one space for each fulltime employee (per shift) and one space per 2,000 square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: one parking space for each fulltime employee (per shift).
- (i) *Landscaping.* The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten feet in back of the front property line shall be landscaped, except for any access driveway in said area.
- (1) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- (2) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- (j) *Loading areas.* No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of 70 feet from the street right-of-way line, or 110 feet from the street centerline, whichever is greater. Said loading area must be screened from view from adjacent streets.
- (k) *Storage areas.* No outdoor storage shall be allowed.
- (l) *Refuse collection areas.* All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (m) *Lighting.* All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard.
- (n) *Telephone and electrical service.* All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- (o) *Nuisances.* No portion of the park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

(Ord. of 5-30-2000, § 712)

Sec. 66-206. Institutions (category I).

- (a) *Standards and uses.*
- (1) Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses in the uses table in article III of this chapter.
- (2) These uses are:
- a. Religious, social, educational, incarceration institutions, kennels and veterinary hospitals.
- b. If a veterinary hospital has outdoor boarding or exercise facilities it must meet the regulations of a kennel, mixed single-family residential and educational uses.
- (b) *Site location principles.*

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- (1) It is desirable that any institutional structure or use to be located within a residential district should be located at the edge of a residential district, abutting either a business or industrial district or adjacent to public open space.
 - (2) Motor vehicle entrances should be made on a major thoroughfare, or as immediately accessible from a major thoroughfare. This is to avoid the impact of traffic generated by the institutional use upon the residential area.
 - (3) Site locations that offer a natural or manmade barrier that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.
- (c) *Parcel size.* A minimum of one acre is required with a minimum 200-foot lot width.
- (d) *Yards.* The minimum front yard requirement is 50 feet. In addition to the yard requirements in the district regulations, all buildings must be set back a minimum of 50 feet from any R-1, R-2, or R-3 zoning district. Maximum parcel coverage of all buildings is 25 percent.
- (e) *Development requirements.* Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principal collector thoroughfare.
- (f) *Kennels.*
- (1) A minimum of five acres is required.
 - (2) No buildings or animals runs shall be less than 150 feet from a lot line abutting a residential district.
- (g) *Mixed single-family residential and educational.*
- (1) The intent and purpose of this section, is to establish location, developmental and use guidelines to allow mixed educational and single-family residential uses that will integrate as closely as possible in nature, appearance and primary use with the existing single-family structures in the district.
 - (2) These regulations strive to provide flexibility for those wishing to conduct educational activities in their homes, while maintaining the integrity of any R district.
 - a. The house must be used primarily as a single-family residence and lived in by the proprietor of the school.
 - b. All licenses required by the state for operation of a private school, must be on file with the township zoning administrator.
 - c. The maximum square footage devoted to educational uses may not exceed between 25 and 50 percent of the total square footage of the structure. The minimum square footage of the house devoted to residential uses must be that which is required for single-family residences, as shown in section 66-57, dimensions table. The upper limit, within this range, is at the discretion of the planning commission. The decision regarding the percentage of area devoted to education uses should be based on:
 1. The feasibility and desirability of using the structure as a residence with a specified area devoted to educational uses; and
 2. The feasibility of returning the educational area to residential uses, should the educational aspect cease to exist.
 - d. There must be at least 50 square feet per student devoted to educational uses within the structure.
 - (3) The exterior of the house must not be altered in any way other than those normally allowed in any R district, except to provide additional entrances and exits as required by the fire code. Any alterations

made to the interior must be such that the house is desirable as a single-family residence upon termination of the mixed use. The determination of desirability will be made by the planning commission at the time of site plan review and by the zoning administrator at any time when a condition of the special use permit has been violated.

- (4) Only elementary grade education, grades kindergarten through six, is allowed. No boarding of students is allowed. No more than 30 students, exclusive of family members in the residence, are allowed.
- (5) Education related activities may be conducted between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.
- (6) Children must be dropped off and picked up on the site, using one driveway onto the site. Staggered class starting times may be required to prevent traffic congestion at peak times. No bus transportation is allowed.
- (7) One parking space for each fulltime instructor is required. No parking off site is allowed. Parking must be paved.
- (8) A fenced play area must be provided according to the following schedule:
 - a. Zero to ten students, 2,500 square feet.
 - b. Eleven to 20 students, 4,000 square feet.
 - c. Twenty-one to 30 students, 5,000 square feet.
 - d. The play area must be at least 15 feet from all property lines.
 - e. No play area is allowed in a front yard.
- (9) All other requirements of the R zone in which the use is located apply for mixed single-family and educational uses.
- (10) One sign is allowed and must meet the requirements for signs for home occupations in the R district in which it is located.

(Ord. of 5-30-2000, § 713)

Sec. 66-207. Ministorage/individual storage facilities (category J).

- (a) *District regulations.* All district regulations of the B-2 district shall apply to individual storage facilities/ministorage, except as otherwise provided in this section.
- (b) *Location.* Individual storage facilities/ministorage in the B-1, B-2 or B-3 district shall be located on arterial roads.
- (c) *Dimensional requirements.* Storage spaces may vary between 30 and 400 square feet in size. The maximum height of the building may not exceed one story or 15 feet in wall height. Multiple buildings on one site must be at least 15 feet apart. All internal circulation must be on hard surfaces, at least 15 feet in width.
- (d) *Setbacks.* The minimum front, side and rear yards shall conform to all district regulations. All sites abutting residential uses shall be developed so that access to storage facilities on the sides abutting residential uses face the interior of the site. No access to the rear of the building, by vehicle, shall be allowed on sides abutting residential uses. Where lights from vehicles can shine on residential uses from anywhere on the site, the residential use shall be screened by a completely obscuring fence, berm or landscaping, at least six-feet in height.

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- (e) *Use of building.* All individual storage/ministorage must be entirely contained within the building and in no way visible or otherwise apparent from outside the building. No retail commercial, manufacturing or remanufacturing operations of any kind may be carried out inside or outside of the building.
 - (f) *Materials allowed to be stored.* No hazardous, toxic, flammable or refrigerated products may be stored inside or outside the building, excluding gas tanks attached to and intended to fuel vehicles and tanks of propane or kerosene, intended as fuel for appliances attached to the vehicle.
 - (g) *Lighting.* All access points to each storage space and driveway must be lighted.

(Ord. of 5-30-2000, § 714)

Sec. 66-208. Mobile home park (category K).

- (a) *Standards.* In addition to standards noted in article III of this chapter, district regulations, and use category K of the table of special use permit standards, a mobile home park must comply with the standards specified in subsection (b) of this section.
- (b) *Special use standards.* These shall be specified, by reference, as conditions for approval of a special use permit for a mobile home park.
 - (1) *Mobile home commission rules.* All aspects of mobile home park development shall meet the requirements of the Michigan Mobile Home Commission Act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
 - (2) *Parcel size.* Minimum site size shall be at least 20 acres and shall have a minimum frontage of 250 feet. At least 60 mobile home spaces shall be completed before first occupancy.
 - (3) *Location.* Development shall abut an arterial or collector road, which shall be its principal means of ingress and egress.
 - (4) *Dwelling units.* Mobile homes shall be intended for residential occupancy in the development and shall have a minimum of 500 square feet of living area.
 - (5) *Yards.* No mobile home or any building shall be located closer than 60 feet from any street or property line.
 - (6) *Site size.* Each mobile home space shall have an area of at least 4,500 square feet with a minimum of 45 feet in width. Overall density of the development shall not exceed eight units per acre.
 - (7) *Signs.* Only one sign, not exceeding 12 square feet shall be permitted at each approved access point.
 - (8) *Roads.* Curb and gutter shall be provided for all streets and construction shall be in accordance with standards of the Saginaw County Road Commission.
 - (9) *Pedestrian facilities.* A system of walkways connecting all mobile homes and service facilities shall be provided.
 - (10) *Recreational space.* Not less than ten percent of the gross developed site area shall be developed and maintained as a common recreation space.
 - (11) *Buffering.* The planning commission shall determine the need, location and height of fencing, berms and landscaping in order to assure mutual compatibility with adjacent land uses.

(Ord. of 5-30-2000, § 715)

State law reference(s)—Mobile home commission act, MCL 125.2301 et seq.

Sec. 66-209. Outdoor assembly (group L uses).

- (a) *Standards.* Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses in the uses table in article III of this chapter.
- (b) *Uses.* These uses are:
 - (1) Outdoor amphitheater;
 - (2) Drive-in theater; and
 - (3) Race track.
- (c) *All access from county primary road.* All traffic ingress and egress shall be from an arterial or collector road or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- (d) *Parcel size.* A minimum of ten acres is required with a minimum 500-foot lot width.
- (e) *Yards.* The minimum front yard requirement is 100 feet. In addition to the yard requirements in the district regulations, all buildings must be set back a minimum of 200 feet from any R-1, R-2, or R-3 zoning district. Maximum parcel coverage of all buildings is ten percent.
- (f) *Driveways remote from intersections.* All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.
- (g) *Sight distance.* All vehicles shall have clear vertical and horizontal sight distance approaching a public street within 100 feet of the street for a sight distance of 500 feet in either direction along the street.
- (h) *Acceleration and deceleration lanes.* Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.
- (i) *Left turn lanes.* A left turn lane, at least long enough to accommodate ten cars without hindering through traffic or blocking other driveways, shall be provided on the major thoroughfare at each driveway entrance or exit.
- (j) *Solid wall or fence.* The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen facade at least eight feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
- (k) *Entrance gates.* One ticket gate shall be provided for each 300 cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30 percent of the vehicular capacity of the facility.
- (l) *Screens.* Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

(Ord. of 5-30-2000, § 716)

Sec. 66-210. Planned unit development (category M).

- (a) *Intent.* This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.

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- (b) *Applicability.* Planned unit developments are identified as special uses in all zoning districts. This section provides additional standards used in the special use permit process.
- (c) *Permitted uses and standards.* A planned unit development (PUD) may include all uses by right and special uses listed for the zoning district, which applies to its site, and for the zoning districts, which immediately precede and follow it in the uses table in article III of this chapter. For example, a PUD proposed for a parcel zoned R-2 could include all uses identified for the R-1 and R-3, and B-1 zoning districts.
- (1) *Special use; permit standards apply.* When a use is listed only as a special use for the applicable zoning districts, all special use permit standards for said use will apply.
 - (2) *Special use; PUD standards apply.* When a use is listed as a special use in one of the applicable zoning districts, and as a use by right in another, it may be treated as a use by right for the PUD.
- (d) *Use density and parcel coverage.* Parcel coverage limits for the applicable zoning district must be met overall, with the following additions:
- (1) *Residential coverage in commercial zoning districts.* For a PUD located in the B-1 or B-2 zoning districts, up to 50 percent of the allowable parcel coverage may be devoted to structures for residential uses.
 - (2) *Nonresidential coverage in residential zoning districts.* For a PUD located in the R-1 R-2 or R-3 zoning districts, up to 20 percent of the allowable parcel coverage may be devoted to structures for nonresidential uses.
 - (3) *Residential density.* The maximum residential density shall be one dwelling unit for every 4,000 square feet of parcel area. Single-family or two-family dwellings shall meet the dwelling unit area requirements specified for the R-2 zoning district by the dimensions table in article III of this chapter. Multiple dwellings shall conform to the R-2 requirements.
- (e) *Dimensional requirements.* Front yard setback requirements for the applicable zoning district shall apply to all boundaries of the PUD. Building height limitations and minimum yards between dwelling structures shall be as specified for the B-1 zoning district by the dimensions table in article III of this chapter. However, if plots of land in a PUD are proposed for resale as either fee simple parcels or site condominiums, said parcels or condominium units, and any buildings thereon, must meet the parcel dimension and yard requirements for the R-3 zoning district.
- (f) *Buffering for residential uses.* When a PUD contains a mix of residential and other uses, the following provisions shall be enforced.
- (1) *Separate buildings.* In any PUD, a building devoted to nonresidential use must be separated from adjacent residential buildings by a yard area not less than 30 feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's open space requirement, as noted below.
 - (2) *Within same building.* When residential and nonresidential uses occupy space in a single building in a PUD, a continuous physical separation must be provided between spaces devoted to said Uses. Access doorways are allowed, but the separation must provide at least a one-hour fire rating between residential and nonresidential space.
- (g) *Open space.* At least ten percent of any parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may yard areas of individual residential lots be included. However, landscaped yard areas for multiple dwellings or nonresidential uses may be included. If the PUD includes multiple dwellings, it must have at least 1,000 square feet of open space per dwelling unit.
- (h) *Signs.* Sign regulations as described in article V of this chapter shall apply for the PUD.

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- (i) *Parking and circulation.* Parking for uses in a PUD shall conform to the requirements of individual uses as required in article VI of this chapter. Roadways in a PUD must be public streets, and must be built to the standards of the Saginaw County Road Commission. This does not include access drives or internal circulation in business districts.

(Ord. of 5-30-2000, § 717)

State law reference(s)—Planned unit development, MCL 125.3503.

Sec. 66-211. Outdoor recreational facilities (category N).

- (a) *Standards.* Standards in this section shall apply to all of the following uses in zoning districts where they are identified as special uses in the uses table in article III of this chapter.
- (b) *Uses.* These uses are:
 - (1) Public or private golf courses;
 - (2) Country clubs, driving range;
 - (3) Shooting club;
 - (4) Racket sport;
 - (5) Swimming facilities; and
 - (6) Commercial recreational uses.

This section does not include uses that are accessory uses to a residential use.

- (c) *Site location.* Site location should be allowed which enhance the natural environment and amenities of urban life.
- (d) *Development requirements.* The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures:
 - (1) Minimum site shall be five acres or more and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare, provided, however, that the minimum site for tennis, racket sport and swimming facilities may occupy no less than four acres.
 - (2) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands, which adjoin the site.

(Ord. of 5-30-2000, § 718)

Sec. 66-212. Restaurants, taverns, and other eating or drinking establishments (category O).

- (a) *Site location principles.* The following principles shall be utilized to evaluate the proposed location of any restaurant within a permitted district. The principles shall be applied by the planning commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
 - (1) *Direct access to arterial.* The site should have direct access to an arterial street.
 - (2) *Ecological significant areas not disturbed.* Uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
 - (3) *Restaurant sites.* Restaurants should be located on sites, which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.

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- (b) *Site development requirements.* The following requirements for site development together with any other applicable requirements of this chapter shall be complied with:
- (1) *Site location.* The proposed site shall have at least one property line on a major or minor arterial.
 - (2) *Access drives.* No more than two driveway approaches shall be permitted directly from any major or minor street with not more than one driveway approach from any minor street, each of which shall not exceed 35 feet in width at the property line. Drive-thru restaurants shall be allowed no more than two driveways per site. All other developments shall be allowed one driveway per site.
 - a. The driveways shall be located as far from the street intersection as practicable, but no less than 50 feet.
 - b. No driveway or curb for a driveway shall be located within ten feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district as extended to the curb or pavement unless used as a joint drive.
 - (3) *Curbing and paving.* A raised curb at least six inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area of a drive-thru shall be paved with a permanent surface of concrete or asphalt.
 - (4) *Fencing.* An opaque fence or wall a minimum of six feet in height shall be erected along all property lines abutting any lot within a residential district.
 - (5) *Lighting.* Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets as set forth in article IV of this chapter.
- (c) *Drive-thru establishments.*
- (1) *Uses that may be permitted.* Accessory drive-thru uses to financial institutions, fast food businesses, dry cleaners, convenience stores, or other uses as may be determined by the planning commission.
 - (2) *Development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter, shall be complied with:
 - a. The drive designated for the drive-thru shall have a minimum width of 12 feet and a minimum length of 100 feet. Said drive length shall not interfere with on-site traffic flow or parking arrangements.
 - b. Curbing of at least seven inches in height and/or steel concrete bumper poles must be installed between the drive-thru lane and any structure.
 - c. All pedestrian walkways crossing the drive shall be accessible to handicapped persons, properly painted and posted with signs warning drivers of pedestrians.
 - d. Lighting shall be installed so as to provide adequate illumination of any walkways intersecting with said drive, subject to the standards set forth in article IV of this chapter.
 - e. An opaque fence or wall a minimum of six feet in height shall be erected along all property lines where a drive-thru lane or associated structure are within 40 feet of any residential district or property.
 - f. No drive-thru lane may be closer than five feet to any residential property or district.
 - g. Drive-thru lane shall not result in an additional curb cut unless approved by the planning commission as necessary to ensure the safety of motorists and/or pedestrians.

(Ord. of 5-30-2000, § 719)

Sec. 66-213. Recreational vehicle (RV) park, campground (category P).

- (a) *Parcel size.* A minimum of ten acres is required with a minimum 500-foot lot width.
- (b) *Yards.*
 - (1) The minimum front yard requirement is 100 feet.
 - (2) In addition to the yard requirements in the district regulations, all buildings must be set back a minimum of 100 feet from any R-1, R-2, or R-3 zoning district.
 - (3) Maximum parcel coverage of all buildings is 30 percent.
- (c) *Temporary occupancy only.*
 - (1) Spaces in recreational vehicle parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other shortterm housing or shelter arrangements.
 - (2) Spaces shall be rented by the day or week only, and no occupant of such spaces shall remain in the same park or campground more than 60 days.
- (d) *Resident manager.*
 - (1) Each recreational vehicle park or campground shall be directly supervised by a resident manager who may share such duties with other members of his family.
 - (2) Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented.
 - (3) The manager's residence shall include the business office for the park and at least 1,000 square feet of living area for the manager's family.
- (e) *Regulatory compliance required.* Recreational vehicle parks or campgrounds must maintain compliance with all regulations of the state department of environmental quality, which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this chapter.
- (f) *Greenbelt, fence and setback.*
 - (1) The entire perimeter of any recreational vehicle park or campground shall be enclosed by a fence at least four feet high.
 - (2) There shall be a greenbelt planting strip not less than 15 feet wide around the entire site.
 - (3) The greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than 20 feet apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six feet planted not more than six feet apart.
 - (4) All individual campsites are to be setback at least 75 feet from any street right-of-way or neighboring property line.
- (g) *Access and circulation.* Each park shall be served by not more than one point of access to each abutting street or road.
 - (1) No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movement for vehicles with trailers attached.
 - (2) Clear vision areas shall be maintained for drivers, extending 150 feet in each direction on any abutting road and for 25 feet on the park entrance road.
 - (3) Roadways within the park shall be hard surfaced, dust free, and at least 24 feet wide for two-way traffic or 12 feet wide for one-way traffic.

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- (4) Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten miles per hour.
- (h) *Personal care facilities.* Each recreational vehicle park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures.
- (1) These facilities shall include:
- a. Adequate water outlets;
 - b. Adequate washbasins;
 - c. Adequate toilets;
 - d. Adequate showers; and
 - e. Adequate waste containers.
- (2) These facilities shall be provided uniformly through out the park at a ratio not less than one toilet and sink for each eight camping or recreational vehicle sites.
- (3) These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- (i) *Other public facilities.*
- (1) Each recreational vehicle park or campground shall provide at least one public telephone for each 40 sites;
- (2) Each park shall have waste pump-out facilities for recreational vehicles that shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility;
- (3) Each park shall be served by a commercial solid waste disposal service, providing on-site storage container large enough to accommodate a three-day accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least weekly when the park is operating and frequently enough to ensure that said container are never overloaded; and
- (4) At least 15 percent of the site, not including the greenbelt and setback areas as defined in this section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.

(Ord. of 5-30-2000, § 720)

State law reference(s)—Campground licensing and registration, MCL 333.12501 et seq.

Sec. 66-214. Site condominium (category Q).

- (a) *Projects regulated as PUDs.* All site condominium projects shall be regulated as PUDs. In addition, all site condominium projects shall be subject to any pertinent regulations of this chapter and any other applicable local ordinances.
- (b) *Initial information.* Concurrently, with notice required to be given the township pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171), a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
- (1) The name, address and telephone number of: all persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, option, or land contract vendee); all

engineers, attorneys, architects, or registered land surveyors associated with the project; the developer or proprietor of the condominium project.

- (2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - (3) The acreage content of the land on which the condominium project will be developed.
 - (4) The purpose of the project (for example, residential, commercial, industrial, etc.).
 - (5) Approximate number of condominium units to be developed on the subject parcel.
- (c) *Information to be kept current.* The information shall be furnished to the zoning administrator and shall be kept up dated until such time as a certificate of occupancy has been issued.
- (d) *Site plans, new projects master deed, engineering and inspections.* Prior to recording of the Master Deed defined by Section 8 and required to be recorded by section 73 of Public Act No. 59 of 1978 (MCL 559.108, 559.173), the condominium project shall undergo site plan review and approval pursuant to section 66-280. In addition, the township shall require appropriate engineering plans and inspection prior to the issuance of any certificates of occupancy.
- (e) *Site plans, expandable or convertible projects.* Prior to expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to section 66-280. Minor changes to the project within the buildable area of an approved site plan do not require a new site plan review, but must be approved by the zoning administrator.
- (f) *Master deed, restrictive covenants, and as-built survey to be furnished.* The condominium project developer or proprietor shall furnish the zoning administrator with the following: One copy of the recorded master deed; one copy of all restrictive covenants; and two copies of an as-built survey. The as-built survey shall be reviewed by the township engineer for compliance with township chapters. Fees for this review shall be as established by resolution of the township board. A utilities plan, floodplain plan and approved site plan must be furnished as an exhibit to the master deed, or as part of the as-built survey.
- (g) *Monuments required, site condominium projects.* All condominium projects shall be surveyed by a registered land surveyor with property lines physically delineated by survey monuments on the site per township engineering standards.
- (h) *Compliance with federal, state and local law.* All condominium projects shall comply with federal and state statutes and local chapters.
- (i) *State and county approval.* The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the freshwater system for the proposed project and with regard to the waste water disposal system for the proposed project.
- (j) *Temporary occupancy.* The zoning administrator may allow occupancy of the condominium project before all improvements required by this chapter are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.
- (k) *Single-family detached condominiums.* All site condominiums shall be considered PUDs.

(Ord. of 5-30-2000, § 721)

State law reference(s)—Condominium act, MCL 559.173.

Sec. 66-215. Soil resource extraction (category R).

- (a) *Parcel size.* A minimum of ten acres is required with a minimum 500-foot lot width.

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- (b) *Yards.* The minimum front yard requirement is 150 feet. In addition to the yard requirements in the district regulations, all buildings must be set back a minimum of 250 feet from any R-1, R-2, or R-3 zoning district.
- (c) *Scope of regulations.* This section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than 1,000 cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in the township. Finally, oil wells are specifically exempted from this section, because they are solely regulated by the state department of environmental quality.
- (d) *Additional information required for site plan.* The site plan for any activity regulated by this section must include the following additional information:
- (1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five-foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - (2) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
 - (3) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- (e) *Excavation site requirements.*
- (1) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a state permit may be needed.
 - (2) Excavations, which create ponds, should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
 - (3) Excavations may be no closer than 50 feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.
- (f) *Construction and operation requirements.*
- (1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
 - (2) Any pond banks shall have a maximum slope of one foot vertical to four feet horizontal which extends below the projected low water surface elevation to a depth of at least eight feet.
 - (3) Minimum designed water depth of a pond must be 15 feet to ensure proper aeration and circulation of the water.
 - (4) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.).
 - (5) Any excavated material not removed from the site shall be graded to a continuous slope, which does not exceed one foot vertical to three feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
 - (6) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
 - (7) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.

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- (8) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
 - (9) When two or more dwellings are located within 200 feet of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four feet high with a lockable gate.
 - (10) Ponds constructed for recreational purposes must be located behind the principal structure and outside of the rear and side yard setbacks.

(Ord. of 5-30-2000, § 722)

State law reference(s)—Soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.

Sec. 66-216. Temporary indoor and temporary outdoor uses (category S).

- (a) *Exempt activities.* School or nonprofit fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in any R district are exempt from the special use permits requirements of this section but must meet the regulation of the general chapter of the township.
- (b) *Evidence of ownership or permission.* Evidence of ownership, lease, or permission for use of any site for which a temporary permit or approval is sought, must accompany all permit requests.
- (c) *Length of permit.* A temporary permit may be granted by the planning commission for a maximum of 30 days per calendar year.
- (d) *Structures; outdoor uses.*
 - (1) Structures for the display of outdoor sales items are allowed provided they are not used for human shelter.
 - (2) Structures may not be used for an indoor sales area.
 - (3) One structure for storage of sales items is allowed under the following conditions:
 - a. It is no larger than 150 square feet;
 - b. There is no foundation;
 - c. No portion of the structure may become unattached or move as a result of wind;
 - d. It is anchored to withstand 30 pounds per square foot wind stress factor;
 - e. Structures of any kind must be removed prior to expiration of the permit.
- (e) *Structures; indoor uses.* Structures for the display of indoor sales items are allowed provided they are not used for human shelter.
- (f) *Structure for sales item allowed.* One structure for sales items is allowed under the following conditions:
 - (1) There is no foundation;
 - (2) No portion of the structure may become unattached or move as a result of wind;
 - (3) It is anchored to withstand 30 pounds per square foot wind stress factor;
 - (4) Structures of any kind must be removed prior to expiration of the permit.
- (g) *Uses requiring an official site plan and planning commission review.* If the use is for greater than three days, within a 30-day period, a site plan, in conformance with the requirements outlined in article IX, must be

submitted to the planning commission, and all other provisions of this section must be followed, but no fee is required.

- (1) The owner of the property on which the temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with chapter requirements. This site plan may be an addition to the original plan for the property.
 - (2) Any violations of the temporary use are the responsibility of the owner of the property on which it is located.
 - a. The temporary site may not be occupied for more than 12 hours per day. In no event shall overnight occupation be permitted.
 - b. Temporary signs shall be allowed, by permit, for a total of 30 days. A total of two temporary sign permits may be granted for one parcel in a year.
 - c. Sites selling items for human consumption must have access to handwashing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
 - (3) Display of goods. Display and sale of goods may not be within the required yards for the zoning district.
- (h) *Uses not requiring an official site plan in accordance with article IX of this chapter, or planning commission approval.* Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of nonprofit organizations, in article II of this chapter, may be granted temporary use permits by the zoning administrator, at no cost to the organization if:
- (1) The use is for three days or less within a 30-day period,
 - (2) A drawing of the site and description of activity is provided;
 - (3) No structures for display, sale or storage remain on the site other than during the hours of operation;
 - (4) The organization agrees by signature, to consent to the conditions outlined by the zoning administrator for this temporary outdoor use;
 - (5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined; and
 - (6) The temporary use location must meet all yard requirements of the zone in which it is located.
 - (7) Such use shall be approved only when it can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.
 - (8) Extension beyond the 30-day limit may be granted by the planning commission, after a public hearing and a finding that a practical difficulty will be created will the 30-day limit be imposed.

(Ord. of 5-30-2000, § 723; Ord. No. 2013-01, § I, 2-25-2013)

Sec. 66-217. Site plan review (category T uses).

- (a) *Standards.* The standards that apply to the special uses, specified in subsection (b) of this section, are those required as a result of the site plan review.
- (b) *Uses.* These uses are:
 - (1) Accessory uses to the principle use;
 - (2) Public service installations;

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- (3) Day nurseries, off-street parking;
 - (4) Hotels, and motels;
 - (5) Manufacturing and processing;
 - (6) Building, plumbing;
 - (7) Electrical supply;
 - (8) Wholesale establishments;
 - (9) Retail malls;
 - (10) Miniature golf, single-family apartments above the first floor in the B-1 and B-2 zones; and
 - (11) Uses in the B-1 district operating outside the hours of 8:00 a.m. to 9:00 p.m.

(Ord. of 5-30-2000, § 724)

Sec. 66-218. Off-site accessory buildings/structures (category U).

- (a) *Standards.* The principal building/structure and accessory building/structure must be located in the R-1 Zoning District and be clearly incidental and customary to each other. The accessory building/structure must be located across the street/road from the principal building/structure.
- (b) *Use.* The accessory structure must serve as an accessory structure to the principal building. It must enhance the area and not conflict with the nature and use of the area.
- (c) *Benefit.* The accessory building/structure must be clearly incidental to, and customarily found in connection with, the principal building/structure and compatible with the location of the parcels.
- (d) *Requirements.* The planning commission shall determine the requirements of the exception based upon the facts and circumstances of the location.
- (e) *Maximum size.* The accessory building shall not exceed the square footage as stated in section 66-93(d)(2).
- (f) *Reference.* Section 66-57 and Section 66-93.

(Ord. No. 2018-03, § I, 9-24-2018; Ord. No. 2020-02, § I, 2-24-2020)

Secs. 66-219—66-242. Reserved.

ARTICLE VIII. FLOOD DAMAGE PREVENTION REQUIREMENTS⁴

Sec. 66-243. Purpose; finding of fact.

- (a) *Intent.* It is the intent of this article to promote the public health, safety, and welfare of the residents of the township; protect the use of property and lands in accordance with their potential flood damage; and to reduce hazards to life and property. The regulations are adopted under the combined authority of Public Act

⁴State law reference(s)—Building and construction in floodplain, MCL 324.3108; soil conservation districts law, MCL 324.9301 et seq.; subdivision within or abutting floodplain, plat requirements, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

No. 246 of 1945 (MCL 41.181 et seq.), as well as part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.) on water resources protection.

(b) *Regulations.* The regulations are based on these findings of fact:

- (1) The flood hazard areas of the township are subject to periodic inundation which could result in potential loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.
- (2) These potential flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

(Ord. of 5-30-2000, § 801)

Sec. 66-244. Objectives and provisions.

(a) In accordance with the purpose and facts, the objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water, sewer and gas mains, electric and telephone lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and,
- (7) To provide a means whereby potential homebuyers are notified that property is in a flood area.

(b) These objectives are accomplished by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. of 5-30-2000, § 802)

Sec. 66-245. Definitions.

For application of the complex and technical considerations essential for flood damage prevention, the following specifically and precisely defined terms are provided. All other words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give the chapter its most reasonable application.

Appeal means a request for a review of the zoning administrator's interpretation of any provision of this chapter or a request for a variance.

Applicant is the owner, agent or legal representative of property for which and by whom an application for development is made.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

Existing mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance from which the chapter is derived.

Expansion to an existing mobile home park or mobile home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary-floodway map is the official map on which the federal emergency management agency has delineated the area of special flood hazard and the floodway.

Flood insurance rate map (FIRM) means an official map of the township on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the federal emergency management agency. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodproofing means those construction standards identified in the floodproofing regulations, publication #EP-1165-2-314, U.S. Army Corps of Engineer's publication.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Mean sea level means the average height of the sea for all stages of the tide.

Mobile home. See section 66-32.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

New mobile home park or mobile home subdivision means a parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed on or after the effective date of the ordinance from which this chapter is derived.

Start of construction means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the term "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

Structure means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial improvement.

- (1) The term "substantial improvement" means, for a structure built prior to the enactment of the ordinance from which this chapter is derived, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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 purpose of this definition the term "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.

- (2) 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 a state inventory of historic places.

Variance is a grant of relief to a person from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. of 5-30-2000, § 803)

Sec. 66-246. General provisions.

The following general provisions apply to this article, insofar as they apply to flood protection. They may or may not apply to other aspects of zoning regulation provided elsewhere in the chapter. Accordingly, these provisions are to be utilized only for the flood protection regulations of this article and not for all other regulations of this chapter.

- (1) *Lands to which this article applies.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of the township.

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- (2) *Basis for establishing the areas of special flood hazard.*
 - a. The areas of special flood hazard identified by the federal emergency management agency through a scientific and engineering report entitled "The Flood Insurance Study for the Township of Carrollton," effective October 16, 1997 for all Saginaw County jurisdictions, with accompanying flood insurance rate maps and flood boundary and floodway maps effective October 16, 1997, with the panel numbers 26145COO8OD, 26145COO85D, and 26145C1NDO, and any revision thereto are hereby adopted by reference and declared to be a part of this article.
 - b. Flood hazard areas additional to those areas described in the flood insurance study may exist in the township. The location of these areas shall be designated by the building inspector upon determination by the township engineer.
 - (3) *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this article. Application for such a permit shall be on forms furnished by the zoning administrator. The applicant shall supply all information on the form.
 - (4) *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without compliance with the terms of this article and other applicable regulations.
 - (5) Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this section.
 - (6) *Warning and disclaimer of liability.*
 - a. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.
 - b. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
 - c. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.
 - d. This article shall not create liability on the part of the township or by any officer or employee thereof for any flood damage that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. of 5-30-2000, § 804; Ord. No. 2020-03, § 1, 9-28-2020)

Sec. 66-247. Administration.

- (a) This section identifies the administrative duties and responsibilities for administering the provisions of this chapter. The administrator shall be determined by the township board of trustees. While the zoning administrator normally shall be appointed to implement this chapter, it may be any official designated by the board of trustees, but is hereafter referred to as zoning administrator.
 - (1) *The zoning administrator designated.* The zoning administrator for flood damage protection shall be designated as the township zoning administrator or such other official designated by the board of trustees.
 - (2) *Duties and responsibilities of the zoning administrator.* Duties of the zoning administrator shall include, but not be limited to the following:
 - a. Review all development permits to assure that the permit requirements of this article have been satisfied;

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- b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits, or a letter of no authority, be provided and maintained on file with the development permit;
 - c. Notify adjacent communities and the state flood control coordinator at the state development office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency. Require that maintenance is provided within the altered or relocated portions of said watercourse so that the flood carrying capacity is not diminished;
 - d. Verify through acceptance of applicant's engineering certificate, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and retain as building department record. When the base flood elevation data has not been provided in accordance with this section, the zoning administrator shall obtain, review and reasonably utilize any base flood elevation data available from federal, state or other source in order to administer this article;
 - e. Verify through acceptance of applicant's engineering certificate, the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed and retain as a township record;
 - f. When floodproofing is utilized for a particular nonresidential structure, the zoning administrator shall obtain certification from a registered professional engineer or architect;
 - g. Floodproofing standards for construction in special flood hazard areas are identified as: "Floodproofing regulations," publication #EP-1165-2-314, U.S. Army Corps of Engineer's publication;
 - h. Where interpretation is needed as to the location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the zoning administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section;
 - i. Where applicant seeks to substitute construction standards required and referenced by this article, the applicant may file with the construction board of appeals for relief; and
 - j. All records pertaining to the provisions of this article shall be maintained in the office of the zoning administrator and shall be open for public inspection.
- (3) *Permit procedures.* Application for a development permit shall be made to the zoning administrator on forms furnished by him and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structure, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- a. Elevation in reflection to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;
 - c. Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofing criteria in section 66-248(2)c;
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

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- e. Base flood elevation data where the proposed development is subject to Public Act No. 288 of 1967 (MCL 560.101 et seq.) or greater than five acres in size; and
 - f. Additional information, which may be reasonably necessary to determine compliance with the provisions of this chapter.
- (4) *Criteria for review of applications.* Based on the applicant's information, the zoning administrator shall review the application as follows:
- a. Determine if area is potentially in special flood hazard area.
 - b. Obtain the base flood elevation from the flood profile in the flood insurance study.
 - c. Obtain information on the ground elevation at the building site as reference from subsection (3) of this section.
 - d. Compare base flood and building site elevation and determine if it is in or near a special flood hazard area based on the criterion in section 66-246(2).
 - e. Using his best judgment, determine if area is in or near flood area; and if so, send applicant to MDEQ for a permit.
 - f. Check to see if the project needs a permit from another agency as stated in section 66-246(2)b.
 - g. Check for hazardous buoyant or polluting material prohibited by the article.
 - h. Check building plan for compliance with the article.
 - i. Check the application for completeness and make sure the site drawing has everything required by the article as referenced in subsection (3) of this section.
 - j. If applicant meets all the requirements, issue a permit. If not, he shall inform applicant that the permit must be denied until the problem is corrected.
 - k. Make an inspection before any filling or placement of obstruction is done.
 - l. Make an inspection when the filling is completed or the first floor is ready to be begun.
 - m. Make a final inspection when the project is completed. If project has been completed according to approved plans, he shall issue a certificate of occupancy.
- (5) *Procedures for variances.* Requests for variances shall be considered as follows:
- a. The zoning board of appeals as established by the township shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - b. The board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of this article.
 - c. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state register of historic places without regard to the procedures set forth in the remainder of this section.
 - d. In passing upon such applications, the board of appeals shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this chapter.
- (6) *Evaluation criteria.* The following evaluation criteria shall be considered in the administration and procedures for variances:
- a. The danger that materials may be swept onto other lands to the injury of others;

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- b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - l. Statement of approval by the township planning commission shall be required on property under their jurisdiction.

(7) *Stipulations on criterion.* Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed above the base flood level, providing items in subsections (6)a. through (6)l. of this section have been fully considered. Variance procedures are found in the codes and Appendix G. NFIP requirements for variances are listed in 44 CFR 60.6. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- a. Upon consideration of the factors listed above and the purposes of this article, the zoning board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Condition for variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or chapters.

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3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 4. The building inspector shall maintain the records of appeal actions and report any variances to the federal emergency management agency upon request.

(Ord. of 5-30-2000, § 805; Ord. No. 2020-03, § I, 9-28-2020)

Sec. 66-248. Provisions for flood hazard reduction.

In order to reduce the potential for flood hazards, both general standards and specific standards are provided below:

- (1) *General standards.* In all areas of special flood hazard, the following provisions are required:
 - a. *Construction and substantial improvements.*
 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - b. *New and replacement water supply systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - c. *New and replacement sanitary sewer systems.* New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - d. *On-site waste disposal systems.* On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - e. *Start of construction begun after the effective date of this provision.* Any alteration, repair, reconstruction, or improvements to a structure on which the start of construction was begun after the effective date of this ordinance from which this chapter is derived from, shall meet the requirements of "new construction" as contained in this article.
- (2) *Specific standards.* In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 66-246(2) or section 66-247(2), on the following provisions are required:
 - a. *Residential construction.* New construction or substantial improvement of any residential structural shall have the lowest floor including basement, elevated at least one foot above base flood elevation.
 - b. *Mobile homes.* No mobile home shall be placed in a floodway or high hazard area. Mobile homes shall be elevated at least one foot above base flood elevation. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

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1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less 50 feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 4. Any additions to the mobile home shall be similarly anchored.
- c. *New mobile home parks and subdivisions.* For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision require:
1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at least one foot above the base flood level;
 2. Adequate surface drainage and access for a hauler are provided; and,
 3. In the instance of elevation on pilings:
 - (i) Lots are large enough to permit steps;
 - (ii) Pilings foundations are placed in stable soil no more than ten feet apart; and
 - (iii) Reinforcement is provided for pilings more than six feet above the ground level.
- d. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities. Type 3 and 4 buildings must be elevated at least one foot above the 500-year floodplain. Only the underfloor spaces can be floodproofed. The base flood level of the structure must be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 66-247(3)c.
- e. *Floodways.* Located within areas of special flood hazard established in section 66-246(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectile and erosion potential, the following provisions shall apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base discharge.
 2. If subsection (2)e(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

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3. Prohibit the placement of any mobile homes, except in an existing mobile home park.
- (3) *Standards for subdivision proposals.* The following standards shall be adhered to in consideration of proposals for subdivisions:
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(Ord. of 5-30-2000, § 806; Ord. No. 2020-03, § I, 9-28-2020)

Sec. 66-249. Addressing floodplain management provisions of the state construction code.

- (a) *Agency designated.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Zoning Administrator or Building Inspector of the Township of Carrollton is hereby designated as the enforcing agency to discharge the responsibility of the Township of Carrollton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Carrollton assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this section.
- (b) *Code appendix enforced.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this section.
- (c) *Designation of regulated flood prone hazard areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "The Flood Insurance Study for the Township of Carrollton" and dated October 16, 1997 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26145COO8OD, 26145COO85D, and 26145C1NDO dated October 16, 1997 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

(Ord. No. 2020-04, § I, 9-28-2020)

Secs. 66-250—66-274. Reserved.

ARTICLE IX. ADMINISTRATION

Sec. 66-275. Zoning process.

- (a) *Various agencies.* The provisions of this chapter are carried out by the township planning commission, zoning board of appeals, township board, and township zoning administrator in conformance with applicable state enabling legislation.
- (b) *Zoning administrator.*
 - (1) *Designation.* The township board, with the recommendation of the planning commission, shall employ a zoning administrator to administer and enforce this chapter. The township board may designate the township building inspector as the zoning administrator.
 - (2) *Conditions.* Conditions of the zoning administrator's employment, including compensation, shall be established by the township board. The term of employment, compensation, and any other conditions of employment shall be established by the zoning board of appeals and the township board of trustees.
 - (3) *Duties.* For the purposes of this chapter, the zoning administrator shall have the power of a police officer. Additional staff may be employed to assist the zoning administrator. The zoning administrator's duties include the following items:
 - a. *Applications and permits.* All applications for zoning permits shall be submitted to the zoning administrator, who shall keep a record of all applications, related documentation and resulting zoning permits. This record shall be a public record, open for inspection upon request. When all applicable provisions of this chapter 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.
 - b. *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.
 - c. *Hearing notices.* Whenever a zoning matter is the subject of a public hearing before the planning commission, zoning board of appeals, or township board, the zoning administrator shall prepare and distribute hearing notices as required by this chapter.
 - d. *Inspections.* For purposes of this chapter, the zoning administrator and chapter enforcement officer shall have the power of a police officer and may make inspections of any building or parcel to enforce this chapter.
 - e. *Record of special uses.* The zoning administrator shall keep a record of all special use permits issued under the terms of this chapter to carry out provisions of article VII of this chapter.
 - f. *Record of variances, administrative reviews and interpretations.* The zoning administrator shall maintain a concise record of all variances, administrative reviews and interpretations of this chapter rendered by the zoning board of appeals under section 66-275(d). This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.

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- g. *Public information.* The zoning administrator shall respond to inquiries and dispense information or copies of this chapter to help the public understand the provisions of this chapter. Public awareness and acceptance of this chapter should help to maintain compliance with it.
 - h. *Response to complaints.* The zoning administrator or chapter enforcement officer shall respond within five business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this chapter 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.
 - i. *Not permitted to change or vary chapter requirements.* Under no circumstances is the zoning administrator permitted to change this chapter or to vary its terms.
 - j. *Publication of amendments.* The zoning administrator shall file copies of all amendments to this chapter with the township clerk and publish notices of same as required by section 66-279.
 - k. *Certificate of occupancy.* A certificate of occupancy shall be obtained from the building inspector for any of the following:
 - 1. Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered.
 - 2. Change in the use of land or building, except to another use, which represents a continuation of a use under a previous certificate of occupancy.
 - 3. Any change in use or enlargement of a nonconforming use or building.
 - 4. Application for certificate of occupancy. In all cases where a building permit is required, written application for a certificate of occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than ten days prior to the time when a new, changed or enlarged use of a building, structure or premise is intended to begin. Temporary certificate of occupancy may be issued by the zoning administrator or building inspector for a part of a building or structure or premise prior to completion of the entire building, structure or premise, provided it is sufficiently clear all provisions of this chapter will be met.
- (c) *Planning commission.* The Carrollton Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.) of the Carrollton Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959 (MCL 125.321 et seq.) to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

The Carrollton Township Planning Commission shall have seven members. Members of the Carrollton Township Planning Commission as of the effective date Ordinance No. 2011-02T shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.).

- (1) *Appointments and terms.* The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of three years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township is eligible to be a member of the planning commission.

- (2) *Removal.* The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- (3) *Compensation.* All planning commission members shall be compensated on a per diem basis. Compensation shall be paid semiannually in September and March of the township's fiscal year. Said payment shall be based on attendance records as determined by the chairperson. Said compensation shall be fixed, determined, and may be changed at the discretion of the township board. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
- (4) *Officers and committees.* The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

- (5) *Bylaws, meetings and records.* The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976 (MCL 15.261 et seq.).

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976 (MCL 15.231 et seq.).

(6) *Annual report.* The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

(7) *Authority to make master plan.* Under the authority of the Michigan planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.) and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959 (MCL 125.321 et seq.) need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801 et seq.).

(8) *Zoning powers.* The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards by the former Township Zoning Act, Public Act 184 of 1943 (MCL 125.271 et seq.) or other applicable zoning statutes to the Carrollton Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959 (MCL 125.321 et seq.).

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

(9) *Site plan review.* The planning commission shall review site plans and issue its approval, conditional approval, or denial of the same as provided by section 66-280.

(10) *Special use permits.* The planning commission shall conduct a public hearing on any application for a special use permit, including any planned unit development. Following a public hearing, the planning commission shall issue its approval, conditional approval, or denial of the same. The planning commission shall also take any necessary action to revoke a special use permit as provided by subsection 66-195(f).

(11) *Rezoning or amendment.* The planning commission shall conduct public hearings for proposals to rezone property or amend the text of this chapter as provided by section 66-278. Following the 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.

(12) *Subdivision and land division recommendations.* The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967 (MCL 560.101 et seq.). Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(d) *Zoning board of appeals.* The township board, under the authority of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), has previously established the township zoning board of appeals. Upon adoption of this chapter, the zoning board of appeals previously created shall continue to function and remain in office, including all members thereof.

- (1) *Membership.* The township zoning board of appeals consists of five members. One member is a member of the township planning commission, one member may be a member of the township board, and the remaining members shall be appointed by the township board from among the electors residing in the unincorporated area.

The township board may also appoint one alternate member for the same term as a regular member. The alternate may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

- (2) *Removal of member for cause.* A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (3) *Terms of office.* The zoning board of appeals members shall serve for three-year terms, except for members serving because of their membership on the planning commission or township board, whose terms are limited to the time they are members of said bodies and any period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (4) *Rules of procedure.* The zoning board of appeals shall adopt its own rules of procedures as may be necessary to conduct its meetings and carry out its function. The board shall choose its chairman, and in his absence, and acting chairman.
- (5) *Meetings.* Meetings shall be held at the call of the chairman and at such times as the zoning board of appeals may determine. All meetings by the zoning board of appeals shall be open to the public. The board may declare any meeting, or part of a meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- (6) *Records.* Minutes shall be recorded of all proceedings, which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the township clerk and shall be made available to the general public.
- (7) *Legal counsel.* The township board attorney shall act as legal counsel for the zoning board of appeals and shall be present at all meetings upon request by the zoning board of appeals.
- (8) *Hearings.* When a notice of appeal has been filed in proper form with the zoning board of appeals, the board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be made as required by section 604 of Public Act No. 110 of 2006 (MCL 125.3604). Any person may appear and testify at the hearings, from time to time, and if the time and place of a continued hearing be publicly announced at the time of adjournment of the board hearing, no further notice shall be required.

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- (9) *Decisions.* The zoning board of appeals shall return a decision upon each case within 30 days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the zoning board of appeals shall not become final until the expiration of five days from the date of entry of such order, unless the zoning board of appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- (10) *Majority vote.* The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this chapter or to effect any variation in the chapter.
- (11) *Compensation.* The township board shall establish the rate of compensation and reimbursement for members of the zoning board of appeals.
- (12) *Conflict of interest.* A member of the zoning board of appeals shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (13) *Duties.* The township zoning board of appeals shall have the power to act on those matters where this chapter provides for an administrative review, interpretation, or variance as defined herein. The board of appeals 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 chapter.
- a. *Variances.* The board of appeals shall have the power to authorize variances from any quantifiable requirements of this chapter.
 - b. *Administrative review.* The board of appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the zoning administrator.
 - c. *Interpretation.* Upon request, the board of appeals shall have the power to interpret the provisions of this chapter so as to carry out its intent and purpose.
- (14) *Appeals procedure.*
- a. *Filing of appeals.* Appeals to the zoning board of appeals may be made by any person aggrieved, or by any officer, department, or board of state or local government.
 - b. *Time limitation for filing; specification of grounds to be included.* Any appeal from the ruling of the zoning administrator concerning the enforcement of the provisions of this chapter may be made to the zoning board of appeals within ten days after the date of the mailing of the zoning administrator's decision. Such appeal shall be filed with the zoning administrator and shall specify the grounds for the appeal. The zoning administrator shall immediately transmit to the secretary of the board of appeals papers constituting the record upon which the action appealed from was taken.
 - c. *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the zoning board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the zoning board of appeals, or, on application, by a court of record.
 - d. *Fees.* A fee as established by the township board of trustees shall be paid to the zoning administrator at the time of filing application with the zoning board of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the zoning board of appeals in connection with the appeal.

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- e. *Bond for compliance.* In authorizing any variance, or in granting any conditional, or special approval permits, the zoning board of appeals may require that a bond of ample sum, but not to exceed \$5,000.00, be furnished to ensure compliance with requirements, specifications, and conditions imposed with the grant of variance.
- (e) *Township board.* On recommendation of the planning commission, the township board has adopted the zoning chapter, making it the enforceable policy of township government. The township board may take other actions related to this chapter, as follows.
 - (1) *Amend.* The township board, upon the advice of the planning commission, may amend the text of this chapter or the boundaries of zoning districts, according to the procedures defined by section 66-278.
 - (2) *Set fees.* The township board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this chapter. 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, or other actions the board sees 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.

(Ord. of 5-30-2000, § 901; Ord. No. 2009-02T, § I, 8-10-2009; Ord. No. 2011-02T, § I, 6-27-2011)

Sec. 66-276. Enforcement.

- (a) *Responsibility.* The chapter enforcement officer shall enforce the provisions of this chapter.
- (b) *Violation and penalties.* See civil infractions in section 1-7.
- (c) *Conflicting regulations.* Whenever any of the provisions or limitations imposed or required by this chapter are more stringent than those of any other law or chapter, then they govern, provided also that whenever the provisions of any other law or chapter are more stringent than this chapter, the other law or chapter shall govern.

(Ord. of 5-30-2000, § 902)

Sec. 66-277. Administrative actions by the zoning board of appeals.

- (a) *Variance.* The zoning board of appeals is empowered to grant variances of any requirement of this chapter, which can be expressed in terms of numbers, subject to the rules outlined in this section.
- (b) *Administrative review.* The zoning board of appeals is empowered to review and reverse or modify any order, decision or determination made by the zoning administrator, but not to overturn a decision of the planning commission regarding a special use permit or denial of a site plan.
 - (1) *Requests for administrative review.* An administrative review by the zoning board of appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing and filed with the zoning administrator within ten working days of the decision being appealed. The request shall identify the applicant, the nature of the proposed activity, the action being appealed, and the grounds for the review. The zoning administrator shall immediately transmit copies of any records relating to the action being reviewed to the chairman of the zoning board of appeals.
 - (2) *Stay.* An administrative review shall stay all proceedings in furtherance of the action being reviewed, except if the zoning administrator certifies in writing that a stay would cause imminent peril to persons

or property. In such instance, the proceedings shall not be stayed unless a restraining order is issued by the zoning board of appeals or by court action.

- (c) *Interpretation.* The zoning board of appeals may interpret certain provisions of this chapter. Each such interpretation shall establish the precedent for future treatment of the issue being addressed without requiring further action by the board. The zoning administrator shall keep a concise record of all interpretations made by the zoning board of appeals to facilitate such reference. The following items may be interpreted by the zoning board of appeals.
- (1) *District boundaries.* The board may determine the precise location of the boundary lines between zoning districts.
 - (2) *Activity classification.* The board may classify any activity which is not specifically mentioned anywhere in the uses table in article III of this chapter, as a use by right or special use within at least one zoning district. The zoning board of appeals must certify that said classification is consistent with the classification of similar uses and with the purpose and intent of each zoning district.
 - (3) *Parking and loading.* The board 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 article VI of this chapter.
 - (4) *Clarification.* The board may determine the meaning of any portion of this chapter when the zoning administrator is unable to clearly determine its intent or effect.
- (d) *Fees.* A fee as established by the township board shall be paid to the zoning administrator at the time any board of appeals action is requested. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred in connection with the appeal.
- (e) *Rules for zoning board of appeals actions.*
- (1) *Public hearing.* The zoning board of appeals must hold a public hearing before deciding any issue, which relates to a specific parcel. Notice as specified by section 66-279 shall be made as required by section 604 of Public Act No. 110 of 2006 (MCL 125.3604).
 - (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 chapter.
 - (3) *Use variance prohibited.* No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not a use by right or a special use in the applicable zoning district. The zoning board of appeals may expand the list of permitted uses for any zoning district only as a result of an interpretation regarding an activity not listed anywhere in the uses table in chapter III, district regulations.
 - (4) *Consider property values.* In any decision, the zoning board of appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject parcel or in the applicable zoning district.
 - (5) *Single parcel.* Any action brought before the zoning board of appeals may relate only to a single parcel which 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 zoning board of appeals action.
 - (6) *Profit not a motive.* No approval by the zoning board of appeals is to be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is not an objective of this chapter.
 - (7) *Resubmission.* Any request which is denied wholly or in part by the zoning board of appeals may not be resubmitted for a period of one year from the date of denial. However, if new evidence or changed

conditions are found, the board may elect to rehear a case, subject to all notice requirements defined by the actions table.

- (8) *Conditions.* The board of appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this chapter. The breach of any such condition automatically invalidates any zoning permit granted pursuant to the zoning board of appeals action. When it attaches conditions to an approval, the zoning board of appeals may require a performance guarantee.
- (9) *Hardship.* A variance or site plan approval must be necessary to overcome practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel and must not have resulted from any act of the applicant or property owner subsequent to the adoption of the ordinance from which this chapter is derived.
- (10) *Issuance of permit.* A variance or site plan approval granted under the provisions of this section becomes a condition of any zoning permit granted pursuant thereto. If such a zoning permit expires, any rights granted by the zoning board of appeals expire with the zoning permit. Any zoning permit authorized by action of the zoning board of appeals shall be issued by the zoning administrator within three business days of said action. If a question arises regarding the procedural correctness of said zoning board of appeals action, the zoning administrator shall consult the township attorney. However, the zoning administrator must issue said zoning permit unless instructed by the township attorney, in writing, not to do so.
- (11) *Required records.* The minutes of the zoning board of appeals must specify the reasoning used by the board in making any decision, and any conditions that are attached to issuance of a zoning permit.
- (12) *Recurrent issues.* If certain conditions are so widespread as to make similar variances a frequent issue for the zoning board of appeals, the board shall suggest a general regulation for such conditions to be considered by the planning commission.
- (13) *Special exceptions.* When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the zoning board of appeals may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this chapter in harmony with the general character of the district and the intent and purpose of this chapter. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district affected nor on the property wherein the exception is permitted. The zoning board of appeals may issue a conditional permit as special exception for the following land and structure uses: temporary permits for temporary structures such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including mobile homes or house travel trailer, not located in a licensed mobile home park subject to the following procedures and limitations.
 - a. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the zoning board of appeals. The applicant shall submit along with the application the written consent of 50 percent of the owners of all dwellings within 500 feet of the proposed site.
 - b. The zoning board of appeals shall give due notice to the applicant and to all property owners within 500 feet of the property affected at least 15 days before the hearing will be held on such application.
 - c. A temporary permit shall not be granted unless, the zoning board of appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department.

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- d. The zoning board of appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 - e. Unique and temporary conditions shall exist which justify the need for a trailer coach of a nature that relates to the use of the principal dwelling on the property in question.
 - f. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 12 months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of mobile home or house travel trailer if the conditions of subsections a. and e. of this subsection (13) can be met again.
- (14) *Conditional permits.* When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the zoning board of appeals. The land or structure use may be permitted to be established and to continue in use as long as the unique conditions to the use exist. The permit may be canceled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed. Conditional permits may be issued for the following uses:
- a. Permit more than two roomers in any one dwelling, but not more than four, when it can be demonstrated to the satisfaction of the zoning board of appeals that such an expanded capacity is a clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be provided in accordance with standards stated in article VI of this chapter; and that such use will not injure the character of value of the immediate neighborhood.
 - b. The zoning board of appeals may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations in article VI of this chapter, when it can be demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the zoning board of appeals. Under all these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than 25 percent.
 - c. Joint use of off-street parking areas may be authorized when the capacities outlined in article VI of this chapter are complied with and when a copy of any agreement between joint users shall be filed with the application for a building permit, and is recorded with the Register of Deeds of Saginaw County, guaranteeing continued use of the parking facilities for each party.
- (15) Use of a model home within a residential district including module or sectional homes (except mobile homes sales shall not be allowed) and provided said permit shall be for one year only; but may be renewed; and further provided all regulations of the district within which the proposed use is allowed for are followed.
- (16) Other conditional uses based upon a finding of fact by the zoning board of appeals that indicate conditions exist that are unique to a particular situation, however, not contrary or in contradiction to the intent of the district within which the proposed use is located.

(Ord. of 5-30-2000, § 903)

Sec. 66-278. Amendment.

- (a) *Petition to the township board.* Each petition by one 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 of trustees shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request. The clerk shall transmit the application to the planning commission for recommended action.
- (b) *Findings of fact and recommendation.* In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendations for disposition of the petition, to the township board within 90 days of the filing date of the petition. The facts to be considered by the planning commission shall include, but not be limited to, the following:
 - (1) The requested zoning change is consistent with the adopted comprehensive development plan, unless one of the following is substantially demonstrated:
 - a. There was an original mistake in the zoning classification.
 - b. There have been significant changes in conditions since adoption of the plan.
 - c. There has been a change in public development policies for the area in question.
 - (2) Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - (3) The precedents and possible effects of such precedents which might result from approval or denial of the petition.
 - (4) The capabilities of the township or other government agencies to provide any services, facilities and/or programs that might be required if the petition were approved.
 - (5) The probability of any significant negative environmental impacts which would result if the petitioned zoning change occurred and the resulting permitted structures were built.
 - (6) The effect of approval of the petition on the condition of and/or value of property in the township or in adjacent civil divisions.
 - (7) The effect of approval of the petition on adopted development policies of Carrollton Township and other government units.
 - (8) Whether the proposed change is consistent with other zones, land uses and the trend of development in the area.
 - (9) All findings of fact shall be made a part of the public records of the meetings of the planning commission and the township board. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety and welfare of the citizens of Carrollton Township or civil divisions where applicable.
- (c) *Public hearing.* After deliberation on any proposal, the planning commission shall conduct at least one public hearing, notice of the time and place of which shall be given as required by section 306 of Public Act No. 110 of 2006 (MCL 125.3306).
- (d) *Adoption of amendment in order to conform with court decree.* An amendment to bring any provision of this chapter into conformance with a decree of any court of competent jurisdiction 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 chapter.

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- (e) *Resubmittal*. No application for a rezoning which is denied by the township board shall be resubmitted for a period of one year from the date of denial, except if warranted by newly discovered evidence or proof of changed conditions.
 - (f) *Filing and notification*. Upon adoption of any amendment to this chapter, including any rezoning, the zoning administrator shall file a copy of the amendment with the township clerk, and arrange for publication of a notice of chapter amendment in a newspaper circulated in the township.
 - (g) *Fees*. A fee as established by the township board of trustees shall be paid to the township clerk or zoning administrator at the time of requesting a zoning amendment. The purpose of the fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the township in connection with the requested amendment.

(Ord. of 5-30-2000, § 904; Ord. No. 2015-05, § I, 5-26-2015)

Sec. 66-279. Notice requirements for public hearings.

- (a) *Content*. Each public hearing notice required by this chapter shall include:
 - (1) Identification of the applicant, if any;
 - (2) Identification of any parcel which is the subject of the request;
 - (3) Nature of the matter to be considered;
 - (4) Identification of the public body conducting the hearing and deciding on the matter;
 - (5) Date, time, and place of the public hearing;
 - (6) The places and times at which any proposed text and/or map amendment may be examined;
 - (7) A statement of where and when written comments will be received concerning the request.
- (b) *Affidavit of mailing*. An affidavit of mailing, identifying all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is held.
- (c) *Mailed notice*. Whenever mailed notice of a public hearing is required, the mailing list shall be compiled from the following sources:
 - (1) The owner of parcel in question.
 - (2) All persons to whom real property is assessed in the township or any adjoining governmental unit, where any part of their parcel lies within 300 feet of the parcel in question.
 - (3) Occupants of all buildings on parcels within 300 feet of the parcel in question. Each dwelling unit or tenant in said buildings shall receive one notice. If the name of the occupant is not known, the term "occupant" may be used in the address.
- (d) *Notification of railroads and public utilities*. Not less than 20 days' notice of any planning commission hearing regarding amendment of this chapter shall be given by certified mail to each public utility or railroad company serving the township, at the mailing address identified by each company for the purpose of receiving such notices.

(Ord. of 5-30-2000, § 905)

State law reference(s)—Notice requirements, MCL 125.3103, 125.3604.

Sec. 66-280. Site plan review.

- (a) *Planning commission.* Various provisions of this chapter 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. However, for certain activities, a more formalized site plan review before the township planning commission is required to ensure conformance with the intent and objectives of this chapter. This section defines the procedures and standards to be used for such a site plan review.
- (b) *Situations requiring site plan review by the township planning commission.*
- (1) *Site plan review prior to approval.* The township planning commission must conduct a site plan review before granting approval to subdivision plats; special use permits, including those for planned unit developments; new construction within B-1, B-2, B-3, M-1 or M-2 districts; or a project deemed to have a significant impact by the zoning administrator. Administrative fees, as designated by Carrollton Township fee schedule, will apply for administrative site review by zoning administrator.
 - (2) *No site plan required for rezoning.* At no time shall a site plan review be required as a part of the decision process for a rezoning. This is because the decision to rezone property should be based on consideration of its effect on the long-range development of the township, and the merits of the proposed zoning district and the uses it would allow on the subject parcel, as they relate to the surrounding area.
- (c) *Site plan review process.*
- (1) *Application deadline.* If a zoning permit application requires a site plan review pursuant to this section, the complete application package must be received at least 21 days before the planning commission meeting which will consider it. If a site plan review is being conducted for a special use permit or subdivision plat, the application deadlines for such process will apply.
 - (2) *Application material.* The application package for a site plan review must meet the requirements of this section and be accompanied by a site plan review fee as established by the township board and at least five copies of a site plan meeting the following requirements. The application will not be reviewed until all said items have been received.
 - (3) *Site plan requirements.* Note that 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 this section of this chapter.
 - a. *Scale.* The site plan must be drawn to a scale large enough to show relevant details without creating an unwieldy document.
 - b. *Identification.* The applicant's name, address and telephone number and those of any firm which prepared the site plan must be included. If the applicant does not own the subject parcel, the owner must certify concurrence with submission of the site plan.
 - c. *Property information.*
 1. The site plan must accurately depict the subject parcel, including a legal description and computation of its area, all existing and proposed easements or rights-of-way, and the nearest 50 feet of any parcel adjacent to or across any public street from it.
 2. Zoning of all such parcels must be identified.
 - d. *Site features.*

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1. The site plan should depict existing and proposed topography, drainage features, wetlands, structures (including those proposed for removal), wooded areas or isolated trees over one foot in diameter, and other significant conditions.
 2. Any structures or driveways on depicted portions of nearby parcels also should be shown.
 - e. *Transportation features.* The site plan must show the location and surface type of all existing and proposed public streets, access drives, parking lots (including number and location of handicapped parking spaces), sidewalks, off-street loading spaces, or refuse pickup stations.
 - f. *Utilities.* The site plan must show all existing and proposed utilities.
 1. Waterlines shall include any fire hydrants and valves. Sanitary sewers shall include any pumping stations or manholes.
 2. Drainage information shall include enclosed drains, flow restrictors and on-site retention.
 3. Private utilities, such as natural gas, electricity, telephone and cable television must also be shown.
 - g. *Structures.*
 1. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features.
 2. For multiple dwellings, the number of dwelling units in each building must be identified. Schematic plans and elevations of all buildings exceeding 5,000 square feet of total floor area must be included.
 3. The site plan shall also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, and visual screens.
 - h. *Supplementary material.*
 1. The site plan shall be complemented by statements addressing the project's impact on the environment, historic structures, and existing traffic patterns within one-half mile of the project site.
 2. If mitigation measures are proposed for such impacts as noise, smoke, particulates, vibrations, odors, or fire hazards, these must also be described.
- (4) *Submission of site plan.* A minimum of five copies of the initial site plan map (24" x 36") along with one reduced copy or such additional copies as may be specified by the zoning administrator and other attachments shall be submitted and shall contain the items listed below:
- a. *Scale.* The site plan must be drawn to a consistent scale of not less than one inch equals 20 feet if the proposed site is less than three acres and not less than one inch equals 50 feet if the proposed site is three acres or more.
 - b. *Identification.* The applicant's name, address and telephone number and those of any firm which prepared the site plan must be included. If the applicant does not own the subject parcel, the owner must certify concurrence with submission of the site plan.
 - c. *Property information.*
 1. The site plan must accurately depict the subject parcel, including a legal description and computation of its area, all existing and proposed easements or rights-of-way, and the nearest 50 feet of any parcel adjacent to or across any public street from it.
 2. Zoning of all such parcels must be identified.

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- d. *Site features.*
 - 1. The site plan should depict existing and proposed topography, drainage features, wetlands, structures (including those proposed for removal), wooded areas or isolated trees over one foot in diameter, and other significant conditions.
 - 2. Any structures or driveways on depicted portions of nearby parcels also should be shown.
 - e. *Transportation features.* The site plan must show the location and surface type of all existing and proposed public streets, access drives, parking lots (including number and location of handicapped parking spaces), sidewalks, off-street loading spaces, or refuse pickup stations.
 - f. *Utilities.* The site plan must show all existing and proposed utilities.
 - 1. Waterlines shall include any fire hydrants and valves. Sanitary sewers shall include any pumping stations or manholes.
 - 2. Drainage information shall include enclosed drains, flow restrictors and on-site retention.
 - 3. Private utilities, such as natural gas, electricity, telephone and cable television must also be shown.
 - g. *Structures.*
 - 1. The site plan must show location and dimensions, including height, of all proposed buildings, accessory structures and related features.
 - 2. For multiple dwellings, the number of dwelling units in each building must be identified. Schematic plans and elevations of all buildings exceeding 5,000 square feet of total floor area must be included.
 - 3. The site plan shall also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, and visual screens.
 - h. *Supplementary material.*
 - 1. The site plan shall be complemented by statements addressing the project's impact on the environment, historic structures, and existing traffic patterns within one-half mile of the project site.
 - 2. If mitigation measures are proposed for such impacts as noise, smoke, particulates, vibrations, odors, or fire hazards, these must also be described.
- (5) *Site plan review procedure.*
- a. *Notification by administrator of receipt.* Within two working days of receipt of a site plan for review by the planning commission, the zoning administrator shall notify all departments of township government that it has been received and that any interested department may comment upon the site plan in writing to the zoning administrator at least 14 days before the planning commission meeting at which the site plan is to be reviewed.
 - b. *Pre-design meeting.* In order for an applicant to have a site plan considered by the planning commission, the applicant and his/her design professional shall be responsible for coordinating a pre-design meeting with the zoning administrator. The purpose of the meeting is to address various site plan layout alternatives and identify any major obstacles that may need further attention. Once a conceptual design is agreed upon by both parties, or differences of opinion with respect to the site plan have been identified, a preliminary site plan may be submitted for consideration by the planning commission.

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- c. *Planning commission's preliminary review of site plan.* The planning commission shall conduct its preliminary site plan review at a public meeting. A public hearing will be held for site plans reviewed in conjunction with a special use permit or if any party submits a written request for same to the township clerk prior to the planning commission meeting. In such cases, the public shall be heard before the planning commission acts upon the site plan. All other site plans do not require special notification of anyone. The staff's review findings and any public comments shall be taken into consideration by the planning commission, but are not binding upon it in any way.
 - d. *Final site plan approval by the planning commission.* If the planning commission or other department imposes conditions on a site plan approval, the applicant is required to resubmit two copies of a final site plan that reflects said conditions. Staff will then review the final site plan for compliance with those conditions. If the site plan complies with the approval conveyed by the planning commission, staff will stamp both copies "approved" and return one to the applicant. One copy will be kept on file in the office. If the site plan does not comply with the conditions imposed by the planning commission, staff will stamp both copies "not approved." One copy will be returned to the applicant the other will be put into the site plan file.
 - e. *Approval.* Following approval of the site plan, it shall become part of the record, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this section received the mutual agreement of the land owner and the township planning commission or zoning administrator, as appropriate. Incidental and minor variations of the approved site plan with written approval of the zoning administrator shall not invalidate prior site plan approval.
 - f. *Denial for specific requirements.* In instances where specific dimensional or area requirements mentioned in the zoning ordinance are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the township zoning board of appeals. Requirements not met are grounds for denial.
- (6) *Record to be maintained.* The record relating to any approved site plan shall be maintained by the zoning administrator with the records pertaining to the zoning permit for said project. This record shall include an official copy of the site plan as it was approved by the planning commission, dated and signed by the permit holder, the planning commission chairperson and the zoning administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence of the satisfaction of same, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the 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. (The township does not have jurisdiction over the construction and occupancy of mobile home parks. This is assigned by state law to the department of commerce. Thus, once a special use permit has been granted, all subsequent records relating to a mobile home park should consist of correspondence to or from the department.)
- (7) *Site plan review standards.* All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions contrary to the intent and objectives of this chapter, said lack is sufficient justification for denial of the site plan.
- a. *District regulations.* The project must comply with all applicable district regulations, as found in Article III of this chapter. When the site plan review is part of the special use permit process it may be presumed that the proposed activity on the site conforms to the requirements of the uses table.

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- b. *Supplementary regulations.* The project must comply with any and all of the supplementary regulations which may apply to it, as identified by Article IV of this chapter.
 - c. *Special use standards.* If the site plan review is being conducted for a proposed special use permit, special use standards for the proposed use, as identified by Article VII of this chapter, must also be satisfied.
 - d. *Transportation.* Transportation facilities must provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to public streets, driveway design and location, circulation within the parcel, parking, snow removal, public transit, pedestrian circulation, emergency vehicle access, and handicapped access. When the adequacy of public streets is in question, the input of the agencies having jurisdiction over same shall be sought. Setbacks from public rights-of-way shall be measured from the centerline of the road in distance noted in the site plan review checklist.
 - e. *Utilities.* Water, sewer and storm drainage facilities must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Such private utilities as electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any utility service is in question, the input of the appropriate utility provider shall be sought.
 - f. *Fire protection.* The proposed project must comply with applicable fire safety regulations. Current township fire department personnel and equipment should be sufficient to serve the project. Provision of fire hydrants must be adequate to serve fire suppression needs. (State mobile home commission rules provide fire regulations for mobile home parks.)
 - g. *Environment.* Natural features should be retained wherever practicable. Any features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the parcel boundaries. Further, the project shall comply with applicable environmental findings per the zoning administrator. (Mobile homes may not be placed in a floodway, and mobile homes placed in a floodway fringe must be anchored.)
 - h. *Consistency with chapter intent.* The site plan should be generally consistent with the purpose and objectives of this chapter, as stated in section 66-3, and with the purpose of the zoning district in which it is located, as expressed in the intent and purposes table in Article III of this chapter.
- (8) *Appeals.* The applicant shall have the right to appeal from the decision of the township planning commission or administrative site plan review to the township board, whose decision will be final.
 - (9) *Expiration.* Planning commission approval of a site plan shall expire after one year if earnest construction of an approved structure has not commenced. The zoning administrator, in his discretion, may approve an extension of up to one year.
- (d) *Site plan review standards.* All site plan reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions contrary to the intent and objectives of this chapter, said lack is sufficient justification for denial of the site plan.
 - (1) *District regulations.* The project must comply with all applicable district regulations, as found in article III of this chapter. When the site plan review is part of the special use permit process it may be presumed that the proposed activity on the site conforms to the requirements of the uses table.

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- (2) *Supplementary regulations.* The project must comply with any and all of the supplementary regulations which may apply to it, as identified by article IV of this chapter.
 - (3) *Special use standards.* If the site plan review is being conducted for a proposed special use permit, special use standards for the proposed use, as identified by article VII of this chapter, must also be satisfied.
 - (4) *Transportation.* Transportation facilities must provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to public streets, driveway design and location, circulation within the parcel, parking, snow removal, public transit, pedestrian circulation, emergency vehicle access, and handicapped access. When the adequacy of public streets is in question, the input of the agencies having jurisdiction over same shall be sought. Setbacks from public rights-of-way shall be measured from the centerline of the road in distance noted in the site plan review checklist.
 - (5) *Utilities.* Water, sewer and storm drainage facilities must be adequate to serve the proposed Use, or sufficient provisions shall be made to provide these services on the site. Such private utilities as electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any utility service is in question, the input of the appropriate utility provider shall be sought.
 - (6) *Fire protection.* The proposed project must comply with applicable fire safety regulations. Current township fire department personnel and equipment should be sufficient to serve the project. Provision of fire hydrants must be adequate to serve fire suppression needs. (State mobile home commission rules provide fire regulations for mobile home parks.)
 - (7) *Environment.* Natural features should be retained wherever practicable. Any features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the parcel boundaries. Further, the project shall comply with applicable environmental findings per the zoning administrator. (Mobile homes may not be placed in a floodway, and mobile homes placed in a floodway fringe must be anchored.)
 - (8) *Consistency with chapter intent.* The site plan should be generally consistent with the purpose and objectives of this chapter, as stated in section 66-3, and with the purpose of the zoning district in which it is located, as expressed in the intent and purposes table in article III of this chapter.

(Ord. of 5-30-2000, § 906; Ord. No. 2011-02T, § I, 6-27-2011; Ord. No. 2012-03, § I, 11-12-2012; Ord. No. 2016-01, § I, 6-27-2016)

State law reference(s)—Submission and approval of site plans, MCL 125.3501.

Sec. 66-281. Review of subdivision plats.

- (a) *Zoning.* All plats shall be subject to the provisions of the zoning district in which they are located. Any zoning district changes which may be necessary to accommodate a proposed plat shall be made according to the amendment procedure prescribed in section 66-278. No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within the plat equal or exceed the minimum area and dimension requirements for the applicable zoning district.
- (b) *Plat approval process.*
 - (1) *Submission of plat.* When a preliminary or final plat has been submitted to the township board for its approval, the township clerk shall forward a copy of said plat to the zoning administrator. Since the township board must act on the plat within the time period required by section 112 of Public Act No.

288 of 1967 (MCL 560.112), the zoning administrator and planning commission chairperson shall convene a special meeting of the planning commission, if needed, to provide a recommendation to the township board.

- (2) *Planning commission review and recommendation.* The planning commission shall review said plat to determine if it complies with all provisions of this chapter, and any other applicable township chapters, at an open public meeting. A public hearing is not required. However, any member of the public wishing to address the planning commission regarding the proposed plat shall be permitted to do so. The planning commission shall recommend approval of the plat to the township board if all standards are met. If standards are not met, the planning commission shall recommend denial of the plat, noting which standards were not met.

(Ord. of 5-30-2000, § 907)

Sec. 66-282. Actions summary table.

The following table is a summary of basic requirements for various administrative actions under this zoning chapter. It supplements the preceding text, but is not a substitute for it.

ACTIONS TABLE

SUMMARY OF PROCEDURAL REQUIREMENTS FOR ZONING DECISIONS

| Type of Action | Parties Who May Initiate Action | Body Making Decision | Is a Public Hearing Required? | Published Notice; Number of Days Before Hearing | Mailed Notice to all Owners and Occupants Within 300 Feet; Days Before Hearing | Body to Which Applicant May Appeal a Denial |
|--|---|---|---|---|--|---|
| Variance | Applicant or zoning administrator | Zoning board of appeals | Yes | MCL 125.3604 | MCL 125.3604 | Circuit court |
| Interpretation | Applicant or zoning administrator | Zoning board of appeals | Yes | MCL 125.3604 | MCL 125.3604 | Circuit court |
| Administrative Review, Including Appeal of Administrator's Site Plan | Any aggrieved party or any state, county or township officer, board, bureau or department | Zoning board of appeals | Yes | MCL 125.3604 | MCL 125.3604 | Circuit court |
| Site Plan Review Only | Applicant or zoning administrator | Planning commission | If requested by any party | Not required | Not required | Circuit court |
| Special Use Permit, Including Planned Unit Development | Applicant or zoning administrator | Planning commission | Yes | MCL 125.3502 | MCL 125.3502 | Circuit court |
| Rezoning or Text Change (Amendment of zoning chapter Text or Map.) | Applicant, zoning administrator, planning commission or township board | First step—Planning commission recommends to township board | Yes | MCL 125.3306 | MCL 125.3306 | No appeal until after township board action |
| | | Second step—Township board adopts amendment | If requested by any party up to one week before meeting | MCL 125.3401 | MCL 125.3401 | Circuit court, or may resubmit after one year |
| Fee Waiver | Applicant | Township board | No | Not required | Not required | None |

(Ord. of 5-30-2000, § 908)

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(Supp. No. 8)

Sec. 66-283. Conditional rezoning.

- (a) *Conditional rezoning request.* Carrollton Township will not require nor imply that conditional zoning or zoning agreements are a necessity or a condition for approval.
- (1) A request for conditional zoning or a zoning agreement shall be submitted, in writing, to the zoning administrator, chairman of the planning commission and the township supervisor. The request shall be required prior to any application for rezoning or appearance before the planning commission.
 - (2) Upon receipt of the request, the zoning administrator will prepare a memo to the planning commission and the township board detailing that a request has been received, from whom and the area proposed for rezoning. The applicant will receive a copy as well. The zoning administrator, the township supervisor and the chairman of the planning commission will arrange for an informal meeting with the developer to discuss the specific request or requests.
 - (3) Informal review process. An informal meeting will be held with the zoning administrator, the township supervisor and chairman of the planning commission and the proposed developer or developers. During the meeting the developer should be prepared to provide the following information, in writing:
 - a. The zoning district desired.
 - b. The specific use proposed.
 - c. A conceptual layout. A full site plan is not needed at this time.
 - d. Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
 - (4) From this informal meeting, the township will provide a follow-up letter to the developer and copied to the planning commission and township board which details the following:
 - a. The proposed use of the parcel and the desired zoning district.
 - b. A discussion of all related zoning requirements included within the existing zoning ordinance.
 - c. A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
 - d. A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
 - e. An overview of the discussion, including any relative buffering or other such items which may be considered by the planning commission in terms of surrounding uses, intensity of surrounding uses and the purpose and intent of the zoning regulations and the adopted master plan and any other policy documents or guide so adopted by the township.
 - (5) *Formal review process.* Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional zoning or zoning agreement shall be:
 - a. At a minimum, a site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - b. An elevation of the proposed structure.
 - c. The rezoning request must be submitted in accordance with the township's rezoning policy, which requires submission at least 30 days prior to the next regularly scheduled planning commission meeting.

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- It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as approved by the township may result in a loss of the status of the conditional zoning.
- (6) All public notifications, reviews and hearings will be scheduled and advertised as set forth in the zoning ordinance and as typically practiced in the township for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
 - (7) The township will draft a zoning agreement for execution by the township and the developer.
 - (8) Any and all conditions imposed as part of the conditional zoning or zoning agreement process must meet the following criteria:
 - a. Conditions such as building appearance, landscaping, setbacks in an amount more than what is required by the current zoning ordinance; screening or buffering in an amount more than what is required by the current zoning ordinance, etc., shall be directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding properties or properties in general.
 - b. Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
 - c. Conditions limiting the specific use of the property are permitted, however, the planning commission and township board should be mindful of being too specific. For example, limiting a use to a "professional office" may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
 - d. The planning commission will forward their recommendations to the township board for consideration.
 - (9) If the planning commission recommends, and the township board approves a conditional zoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay district and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case, the zoning approval and specific conditions and the ordinance number.
 - (10) *Final zoning agreement.* A zoning agreement shall be drafted and executed by the township. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement.
 - a. The developer, the chairman of the planning commission and the township clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the township.
 - b. A copy will be recorded at the Saginaw County Register of Deeds office.
 - (11) *Enforcement.* By approving the conditional zoning or zoning agreement, the township grants rezoning and; then subsequently or concurrently, site plan approval. The specific conditions imposed and agreed to by the developer and the township become part of the approval.
 - (12) Should the developer not meet the conditions as specified, they will be considered in violation of the township zoning ordinance and will be pursued as such.

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- (13) Any change to the conditions shall require a rezoning and shall follow the same procedure as identified in Section 66-283.
 - (14) Should the developer not complete the proposed project within 18 months, the property shall revert to the previous zoning classification.
 - (15) Should the developer abandon the specific use and it is vacant and/or abandoned for a period of 18 months, the parcel shall convert to its previous zoning classification.
 - (16) A property that reverts from conditional zoning will be considered a legal nonconforming use and subject to all applicable zoning regulations. Reversion of the subject property shall require:
 - a. The original developer, the current property owner (if different) and the occupant(s) of the property shall be notified of the pending reversion by certified mail. The township board and planning commission shall receive the same notice. The notice will provide a 30-day period for which the developer/owner can seek an extension of the time frame or begin construction.
 - b. If, after the 30 day time frame, no action or formal request has been made, the property in question and so legally described and noted, will be published as a rezoning. The same notice and publication requirements followed for a typical rezoning process shall be followed. The notice will include a time and date for a public hearing at which comments related to the reversion will be held.

(Ord. No. 2015-06, § I, 6-8-2015)

State law reference(s)—Zoning Amendments, MCL 125.284.

Secs. 66-284—66-312. Reserved.

ARTICLE X. ARTERIAL STREET ACCESS DRIVEWAY REGULATIONS

Sec. 66-313. Intent and purpose.

- (a) This article is intended to recognize the unique and disparate functions of major and minor arterials which include long distance traffic movement as well as land access to individual traffic generators. It is the purpose of this article to serve the public interest by minimizing operational difficulties caused by these generally incompatible traffic functions.
- (b) The regulations of this article strive to promote the efficient use of public thoroughfares, protect the public investment in long distance traffic carrying facilities, diminish hazardous traffic conditions, minimize accidents and property damage, and avoid future degradation of arterial street traffic capacity. Simultaneously, the regulations strive to protect the right of abutting landowners to reasonable access, while maintaining and promoting the economic viability of uses along the corridor.
- (c) These regulations are in effect in all communities that abut the Tittabawassee Road Corridor, as defined in section 66-315. The presence of this language in each municipality's zoning chapter is intended to promote the consistent and continued intent and purpose of this chapter.

(Ord. of 5-30-2000, § 1001)

Sec. 66-314. Applicability.

- (a) The regulations set forth in this chapter will apply to the Tittabawassee Road Corridor from M-47 (Midland Road) to the Saginaw River and as designated on the official municipal zoning map. These regulations shall apply as an overlay district to the general chapter, as shown on the official township zoning map.
- (b) These regulations will only apply when the average daily bidirectional traffic volumes on Tittabawassee Road, for one-half-mile east or west of the proposed access point, exceed 13,000 vehicles for one-half-mile east or west of the proposed access point.
- (c) As an overlay zone, these regulations will apply in addition to those regulations presently in force. Where there are actual or implied conflicts between regulation in the overlay zone and the base zoning district, the Tittabawassee Road Corridor Overlay Zone regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along any public street, road or highway shall require issuance of an access permit from the planning commission and the county road commission.
- (d) The county road commission will count and determine the average daily traffic count of Tittabawassee Road for purposes of this article.

(Ord. of 5-30-2000, § 1002)

Sec. 66-315. Description of access control overlay zone.

The overlay zone in the township will be along the frontage of Tittabawassee Road from the Saginaw River to M-47 (Midland Road), for a depth of 600 feet. Intersecting road frontages will also be included in the overlay zone for a distance of 600 feet.

(Ord. of 5-30-2000, § 1003)

Sec. 66-316. Performance standards.

It shall be unlawful to construct or utilize any direct access driveway which does not meet the following criteria:

- (1) Any driveway design utilized must allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through street traffic.
- (2) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the planning commission.
- (3) There must be sufficient on-site storage to accommodate at least five queued vehicles waiting to park, or exit without utilizing any portion of the street right-of-way or in any other way interfering with street traffic.
- (4) Provisions for circulations between adjacent parcels should be provided through coordinated or joint parking systems, or other methods, determined at the time of site plan review.
- (5) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (6) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

-
- (7) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar, according to the following schedule:

| <i>Road Design Speed (mph)</i> | <i>Sight Distance (feet)</i> |
|--------------------------------|------------------------------|
| 30 | 220 |
| 35 | 225 |
| 40 | 275 |
| 45 | 325 |
| 50 | 350 |

- (8) Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. In addition, an exiting vehicle turning right must be able to enter traffic utilizing only the first through traffic lane available without encroachment into the adjacent through lane.

(Ord. of 5-30-2000, § 1004)

Sec. 66-317. Permit application.

- (a) All applications for driveway approach permits shall be made on a form prescribed by and available from the county road commission.
- (b) Permit applications shall be accompanied by clear, scaled drawings (minimum of one inch equals 20 feet, in triplicate showing the following items:
- (1) Location and size of all structures proposed on the site.
 - (2) Size and arrangement of parking stalls on aisles.
 - (3) Proposed plan of routing motor vehicles entering and leaving the site.
 - (4) Driveway placement.
 - (5) Property lines.
 - (6) Right-of-way lines.
 - (7) Intersecting roads and streets within 300 feet either side of the property on both sides of the street.
 - (8) Width of right-of-way.
 - (9) Width of road surface.
 - (10) Type of surface and dimensions of driveways.
 - (11) Proposed turning radii.
 - (12) Proposed treatment of right-of-way adjacent to driveway and between the right-of-way line and property line. Show all proposed landscaping, signs, etc.
 - (13) Traffic analysis and trip generation survey results, obtained from a licensed engineer.
 - (14) Design dimensions and justification for any alternative or innovative access design.
 - (15) Dumpster location.
 - (16) Adjacent parcel information.

(Ord. of 5-30-2000, § 1005)

Sec. 66-318. Permit review process.

- (a) Application for an access permit may be obtained from the county road commission.
- (b) The completed application must be received by the township zoning administrator at least 14 days prior to the planning commission meeting where the permit will be reviewed.
- (c) The applicant, the road commission and the zoning administrator or planning commission representative may meet prior to the planning commission meeting to review the application and proposed access design.
- (d) The planning commission shall review and recommend approval, or denial, or request additional information. They also shall forward the access application to the county road commission for their review.
- (e) The county road commission shall review the access permit application and conclusions of the planning commission. One of three actions may result:
 - (1) If the planning commission and the road commission approve the application as submitted, the access permit shall be granted.
 - (2) If both the planning commission and the road commission deny the application, the permit shall not be granted.
 - (3) If either the planning commission or road commission, requests additional information, approve with conditions, or do not concur in approval or denial, there shall be a joint meeting of the administrative staff of the county road commission, township planning commission and the applicant. The purpose of this meeting will be to review the application to obtain concurrence between the planning commission and the road commission regarding approval or denial.

No application will be considered approved, nor will any permit be considered valid unless both above mentioned agencies have indicated approval.

- (f) The zoning administrator shall keep a record of each application for an access permit which has been submitted, including the disposition of each one. This record shall be public record.
- (g) An access permit remains valid for a period of one year from the date it was issued. If the permit holder fails to begin earnest construction authorized by the access permit by the end of one year, the permit is automatically null and void. Any additional rights which have been granted by the planning commission or the zoning board of appeals, such as special use permits, or variances, expire together with the access permit.
- (h) Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the township. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.
- (i) The permit may be extended for a period not to exceed one year. The extension must be requested, in writing by the permit holder before the expiration of the initial permit period. Administrative staff of the township may approve a permit extension provided there are no deviations from the original access permit present on the site or planned, and there are no violations of applicable chapters. If there is any deviation or cause for question, the administrative staff of the township shall consult a representative of the county road commission for input.
- (j) Reissuance of an access permit which has expired requires a new access application form to be filled out and processed independently of previous action.
- (k) The permittee shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.

- (l) Where a permit has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.
- (m) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
- (n) When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be made to comply, with all design standards as set forth in this chapter prior to the issuance of a zoning or occupancy certificate.
- (o) The township and the county road commission acting jointly may require a performance bond or cash deposit in any sum not to exceed \$5,000.00 for each such approach or entrance to ensure compliance with all of the terms of the permit. Such bond shall terminate and deposit be returned to the permittee when the terms of the permit have been met or when the permit is canceled or terminated.

(Ord. of 5-30-2000, § 1006)

Sec. 66-319. Driveway spacing.

- (a) Driveway spacing will be determined as a function of current or planned arterial road operating speeds. Spacing will be determined according to the following schedule:

TABLE 1
DRIVEWAY SPACING

| Posted Road Speed (mph) | Minimum Spacing (feet) |
|-------------------------|------------------------|
| 25 | 105 |
| 30 | 125 |
| 35 | 150 |
| 40 | 185 |
| 45 | 230 |
| 50 | 275 |

(Standards are derived from the American Association of State Highway Transportation Officials, Geometric Design of Highways and Streets, Table of Stopping Sight Distance.)

- (b) These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe stopping distances and traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the landowner have the following options:
 - (1) The adjacent landowners may agree to establish a common driveway. In such case, the driveway midpoint may be the property line between the two parcels or be located on either parcel. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rate of both land uses in question. A joint easement agreement must be entered into prior to an access permit being granted.
 - (2) If a common driveway cannot be established, for reasons beyond the property owners (both the proponent and adjacent landowner's) control, the proponent can seek a variance from the zoning board of appeals from minimum spacing. For example, on a 40 miles per hour arterial requiring a 185-

foot spacing, the distance may be reduced to no less than 150 feet which is the standard for a 35 miles per hour facility.

(Ord. of 5-30-2000, § 1007)

Sec. 66-320. Number of driveways per parcel.

- (a) A maximum of one driveway opening is permitted to a particular site from Tittabawassee Road and one abutting street. Wherever feasible, access must be obtained from an abutting street.
- (b) When in the opinion of the township or the county road commission traffic engineer, and in the views of the permittee it is in the interest of good traffic operation, the board may permit one additional driveway entrance along a continuous site frontage if there is a demonstrated need based on trip generation and road traffic data.
- (c) Where a dual service driveway, as depicted in figure 5, is used it will be considered, for purposes of this section, to be only one direct access driveway.
- (d) In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one pair of one-way drives may be used per street frontage.

(Ord. of 5-30-2000, § 1008)

Sec. 66-321. Design criteria.

- (a) The design features described and illustrated in this section shall be used by the applicant in dimensioning a proposed driveway or driveway system or plans accompanying the driveway permit application. Figure 1 in section 66-327 depicts the standard minimum driveway design. Every driveway constructed along and within a public right-of-way must at least meet the listed design criteria.
- (b) If projected driveway traffic volumes exceed 750 vehicles per day, for all traffic using the driveway, a departure from the standard design may be required. The township, in conjunction with the county road commission, may specify a driveway system which will accommodate vehicle movements normally expected without creating undue congestion or hazard on the road.
- (c) The applicant may also request a particular alternative design as part of the site plan submitted accompanying the driveway application permit.
 - (1) The following figures (1 through 8) and tables (2 through 4) depict driveway standards and reasonable working ranges for each standard.

FIGURE 1

STANDARD TWO-WAY DRIVEWAY
PERMITTED BY RIGHT

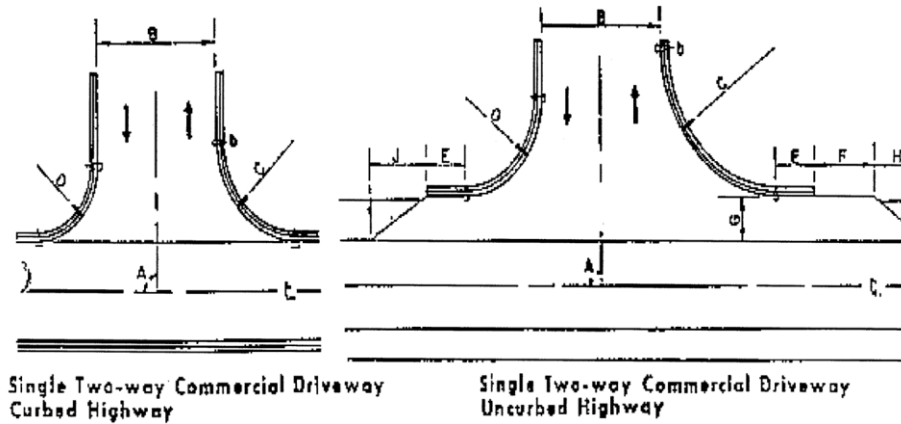


TABLE 2

TWO-WAY DRIVE

STANDARDS FOR DESIGN

| <i>Design Features</i> | | <i>Curbed Road</i> | | <i>Uncurbed Road</i> | |
|------------------------|-------|--------------------|-------------|----------------------|-------------|
| Standard | Range | Standard | Range | | |
| Intersecting Angle | A | 90 deg. | 80-100 deg. | 90 deg. | 80-100 deg. |
| Driveway Width | B | 24 ft. | 20-36 ft. | 24 ft. | 20-36 ft. |
| Entering Radius | C | 20 ft. | 15-35 ft. | 25 ft. | 15-35 ft. |
| Exiting Radius | D | 15 ft. | 15-35 ft. | 20 ft. | 15-35 ft. |

The standard shall be used unless the zoning administrator in consultation with the Saginaw County Road Commission determines that another dimension within the range is more suitable for a particular site or special condition and is approved by the appropriate road authority and municipality.

- (2) Right turn lanes and tapers will be required when:
 - a. Expected right turn ingress movements meet or exceed 50/hour during a typical weekday peak traffic period.
 - b. When driveway volumes are expected to meet or exceed 1,000 vehicles per day.
 - c. When the county road commission or the township engineer can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.
- (3) Center left turn lanes in conjunction with tapers will be required when existing traffic volume or traffic generated by any new development or change to an existing development causes any bidirectional hourly volume to exceed 825 vehicles for one-half-mile east or west of the proposed access point. The required storage length for left turn lanes shall be according to the federal highway administration's standards for left turn storage lanes, available in the county planning office.

FIGURE 2
RIGHT-TURN LANE AND TAPERS
(ENTERING TAPERS)

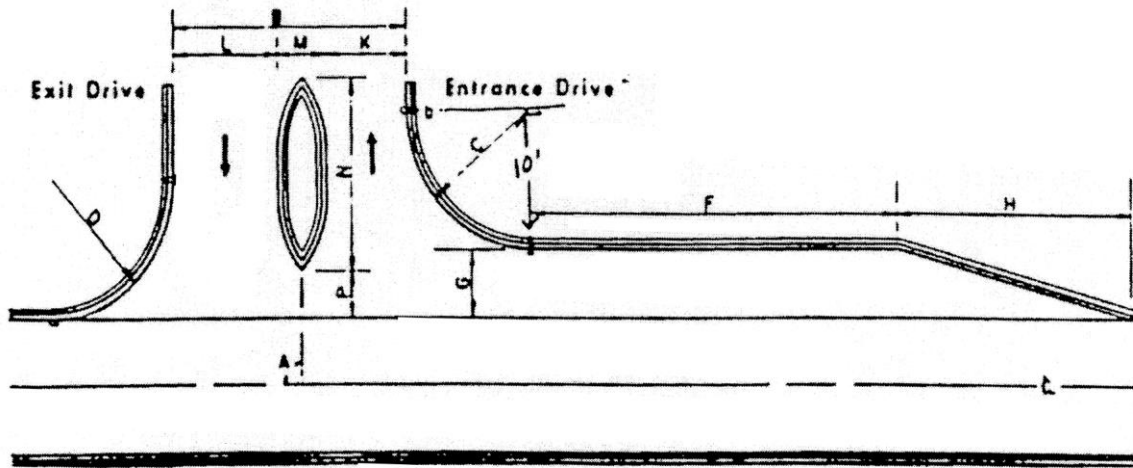


FIGURE 3
RIGHT-TURN LANE AND TAPERS
(EXITING TAPERS)

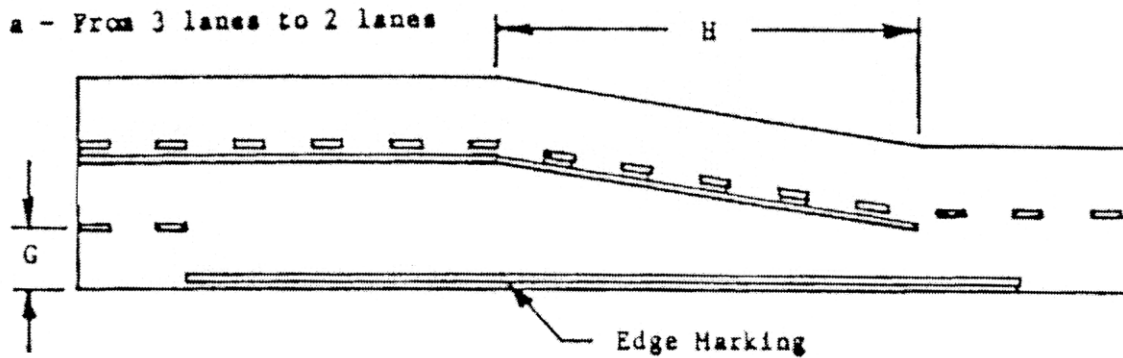


TABLE 3
RIGHT-TURN LANE AND TAPERS
STANDARDS FOR DESIGN

| Design Features | | Curbed Road | | Uncurbed Road | |
|------------------------|-------|--|-------|---------------|----------|
| Standard | Range | Standard | Range | | |
| Curb Ending | B | Not Applicable | | 10 ft. | No range |
| Right-turn Lane Length | F | length of lane = width of lane x speed | | | |

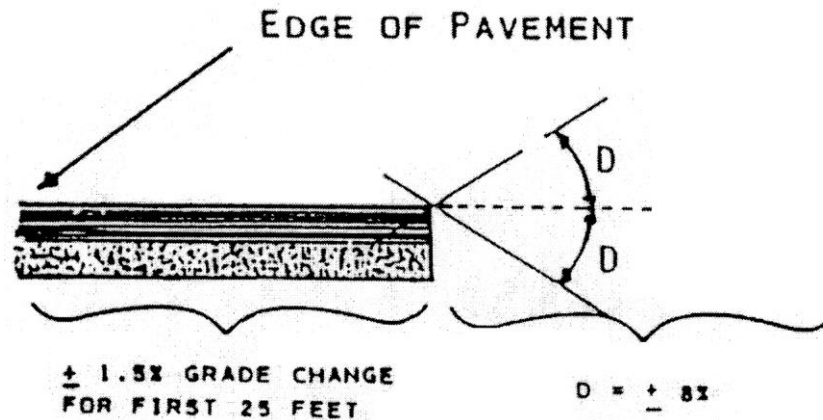
| | | | | | |
|-----------------------|---|----------------|------------|---------|------------|
| Right-turn Lane Width | G | 12 ft. | 10-15 ft. | 12 ft. | 10-15 ft. |
| Entering Tapers | H | 150 ft.* | 50-150 ft. | 150 ft. | 50-150 ft. |
| Exiting Tapers | H | 150 ft.* | 50-150 ft. | 150 ft. | 50-150 ft. |
| Exiting Radius | D | Not Applicable | | 50 ft. | 50-150 ft. |

*If a right-turn lane is used, the entering or exiting taper standard shall be 150 feet. Without a right-turn lane, the entering or exiting taper standard shall be 150 feet.

This standard shall be used unless the zoning administrator in consultation with the traffic engineer determines that another dimension within the range is suitable for a particular site or special condition.

- (4) Driveway profile. Driveway profiles shall be determined using the following criteria:
- a. The grade of a two-way, one-way or divided commercial driveway shall not exceed 1.5 percent for minimum distance of 25 feet from the edge of the pavement. Beyond this distance the grade shall not exceed eight percent.
 - b. If the road is curbed and if the sidewalk is ten feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation. If that grade would exceed the maximums specified in subsection (a) of this section, the sidewalk shall be either tilted or inclined.
 - c. If the road is uncurbed, the grade of the driveway between the road edge of pavement and the edge of the shoulder shall conform to the lope of the shoulder to the edge of the driveway approach. From that point the dimensions specified in this section will apply.
 - d. For a driveway on an upgrade towards the road, a grade of 1.5 percent for a distance of 100 feet from the edge of the pavement is required. Beyond this distance, the grade shall not exceed 40 percent and the difference in grades where there is a change of grade shall not exceed three percent.
 - e. Vertical curves with a minimum length of 15 feet shall be provided at a change of grade of four percent or more.
 - f. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one foot vertical for every 24 feet horizontal.
- (5) Drainage. A driveway shall be constructed so that it does not adversely affect the road drainage. The drainage and the stability of the road subgrade shall not be altered by driveway construction or roadside development.
- (6) Drainage from adjacent parking or storage areas on private property in excess of existing drainage shall not be discharged into the road drainage system.

FIGURE 4
STANDARD PROFILE DESIGN



- (7) Surfacing and curbing along curbed roads. A driveway shall be paved and curbed to either the right-of-way line or to the point of curvature between the driveway edge and the larger radius, point b) in figure 1, as determined by the engineer.
- (8) Surfacing and curbing along uncurbed roads. A driveway shall be paved and curbed to either the right-of-way line or to the point of curvature between the driveway edge and the larger radius, point b) in figure 2. The curb ending adjacent to the driveway shall be located at least 13.5 feet from and parallel to the edge of the pavement.
- (9) Surface materials and thickness. The surface of a paved driveway, excluding right-turn lanes, shall be concrete, bituminous or equivalent surfacing material. The thickness of the surface and the base to be used shall be sufficient to provide the bearing capacity needed to carry the proposed traffic loads. A 2½-inch, 250 pounds per square yard, bituminous mix on eight inches of compacted gravel, eight inches of nonreinforced concrete or equivalent surfacing material which meets current MDOT Standard Specifications for Construction is acceptable for normal driveway traffic loads over stable soil. These specifications are minimum requirements and apply to the driveway only.
- (10) Surfacing of right-turn lanes and tapers. The pavement of a right-turn lane and accompanying tapers shall match the road pavement, unless the authority permits the use of an equivalent pavement.
- (11) The cross slope of a right-turn lane and tapers shall be:
 - a. A continuation of the cross slope of the roadway if the road is curbed.
 - b. Equal to the shoulder slope if the road is uncurbed.
- (12) Shoulders. The surface of the shoulder adjacent to a right-turn lane and tapers shall be of the same material as the shoulder and conform to the current Michigan Department of Transportation Standard Specifications for Roadway Construction.
- (13) If the distance between two paved commercial driveways serving the same property is less than ten feet, measured between adjacent ends of the curb endings, the applicant shall pave the shoulder between the driveways.
- (14) Driveway curb details. The driveway curb shall either match the existing curb or shall conform to the current standards for curb and gutter.

(Ord. of 5-30-2000, § 1009)

Sec. 66-322. Corner clearance.

Intersecting streets and direct access driveways shall be spaced according to the same regulations for distances between direct access driveways, as listed in section 66-319, with the exception of the following. Direct access driveways must be at least 400 feet from the intersections of M-84 (Bay Road) and Mackinaw Road.

(Ord. of 5-30-2000, § 1010)

Sec. 66-323. Consistency with comprehensive plan.

In some cases, on a particularly congested arterial, the municipal plan may call for specific innovative treatment of access control. Examples may include service drives, continuous right turn lanes, access off of collector streets, commercial parks, and combined, coordinated parking access systems. In such cases, any innovative design meeting the spirit and intent of these regulations, and performance standards, may be considered through site plan review.

(Ord. of 5-30-2000, § 1011)

Sec. 66-324. Temporary driveway permits.

Temporary driveway permits are intended to allow existing driveways and new driveways, necessary to access sites remote from adjacent access, to remain in use until such time as the conditions specified on the permit are met.

- (1) A temporary permit may be granted for:
 - a. Existing driveways that access existing development or are necessary to service farm fields and are only used for that purpose. Existing driveways are legal nonconforming driveways and may exist without a temporary permit under the conditions specified in section 66-325, nonconforming driveways.
 - b. New driveways necessary to access new development where the new development is remote from adjacent access drives development.
- (2) Conditions upon which the temporary permit will expire may include:
 - a. Adjacent development within 115 feet of the site where the temporary driveway is located is planned. At this time, joint access provisions with the adjacent property owner must take place.
 - b. The use of the site for which the temporary permit was granted has ceased for six months or more or the use of the site or the driveway has changed such that the use of the driveway is increased to any degree.

(Ord. of 5-30-2000, § 1012)

Sec. 66-325. Nonconforming driveways.

- (a) Driveways that do not conform to the regulations in this chapter, and were constructed before the adoption of the ordinance from which this chapter is derived, shall be considered legal nonconforming driveways.

-
- (b) Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
 - (c) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this article.
 - (d) Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in such a way that impact the use of the driveway. At this time, the driveway must be made to conform with all aspects of the article.
 - (e) Driveways that do not conform to the regulations in this article and have been constructed after adoption of the ordinance from which this chapter is derived, shall be considered illegal nonconforming driveways.
 - (f) Illegal nonconformities must be cited as violations of this article, made to cease use of the driveway and correct any nonconforming aspects of the driveway. Driveways constructed in illegal locations must be closed and all evidence of the driveway removed from the right-of-way and site on which it is located.
 - (g) Nothing in this article shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways.

(Ord. of 5-30-2000, § 1013)

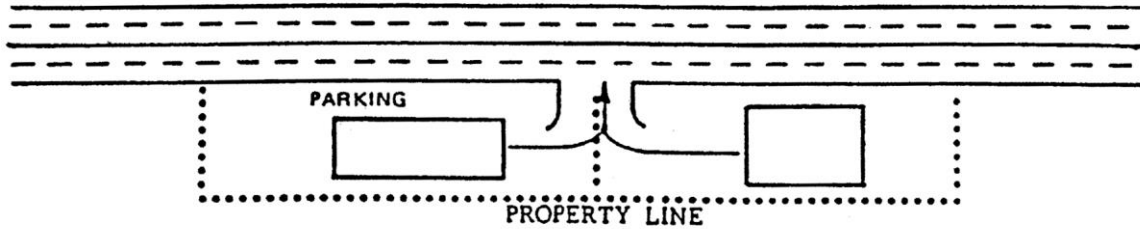
Sec. 66-326. Variances for driveway designs.

- (a) The applicant may apply for a variance from the standard driveway designs, under the following conditions:
 - (1) When driveway volumes are expected to meet or exceed 1,000 vehicles per day.
 - (2) When expected turning ingress or egress movements meet or exceed 50 miles per hour during a typical weekday peak traffic period as determined by a traffic study or generally accepted trip generation table, approved by the planning commission, such as the institute of transportation engineers trip generation manual.
 - (3) When in the judgment of the Saginaw County Road Commission or municipal traffic engineer, specific site conditions require alternative design treatments to provide for safe and efficient driveway operation.
 - (4) When a joint or coordinated access-parking system is being used. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus. The total road frontage normally required will each be reduced by ten percent for both landowners. (Site circulation and safety standards will still be enforced.)
 - (5) When a permittee seeks a variance for an innovative method for access design or operations.
- (b) Variances should be granted only where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of the article. Variances may not be granted for financial hardship or in any instance where the intent of the article can be met by abiding by the standard in this article.
- (c) The township zoning board of appeals and one representative of the Saginaw County Road Commission shall hear and decide all requests for a variance, interpretation or administrative review of access control regulations.

(Ord. of 5-30-2000, § 1014)

Sec. 66-327. Sample driveway design allowed by variance.

**FIGURE 5
DUAL SERVICE DRIVE**



SHARED ACCESS ON PROPERTY LINE

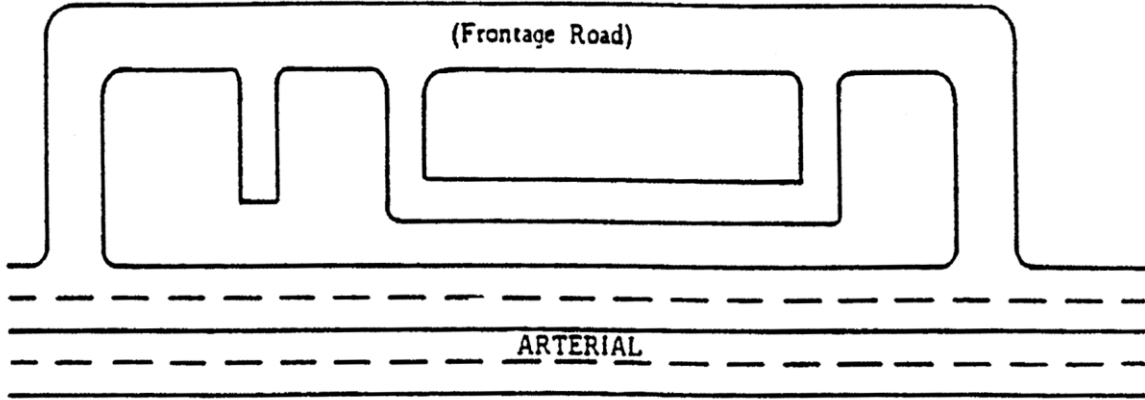
**TABLE 4
DESIGN STANDARDS
DUAL SERVICE DRIVE**

| Design Features | | Curbed | | Uncurbed | |
|----------------------------|-------|----------|-------------|----------|---------------------|
| Standard | Range | Standard | Range | | |
| Intersecting Angle | AR | 60 deg. | 45-90 deg. | 60 deg. | 45-90 deg. |
| Entering Radius | CR | 20 ft. | 15-35 ft. | 25 ft. | 15-35 ft. |
| Exiting Radius | DR | 10 ft. | 5-25 ft. | 5 ft. | 5-25 ft. |
| Intersecting Angle | AL | 120 deg. | 90-135 deg. | 120 deg. | 90-135 deg. |
| Entering Radius | CL | 10 ft. | 5-25 ft. | 5 ft. | 5-15 ft. |
| Exiting Radius | DL | 15 ft. | 5-50 ft. | 20 ft. | 5-50 ft. |
| Driveway Width | B | 24 ft. | 20-36 ft. | 24 ft. | 12-15 ft. 20-36 ft. |
| Distance Between Driveways | S | 20 ft. | 10-150 ft. | 20 ft. | 10-150 ft. |

(Ord. of 5-30-2000, § 1015)

The standard shall be used unless the zoning administrator in consultation with the Saginaw County Road Commission and Carrollton Township Planning Commission determines that another dimension within the range is more suitable for a particular site or special condition.

FIGURE 6
SAMPLE COORDINATION ACCESS PARKING SYSTEM



INDUSTRIAL PARK WITH FRONTAGE ROAD

FIGURE 7
SAMPLE SERVICE DRIVES

*Design standards based upon site plan review

Illustrations of the various sample service drives are available upon request in the township clerk's office.

FIGURE 8
CONTINUOUS RIGHT LANE

