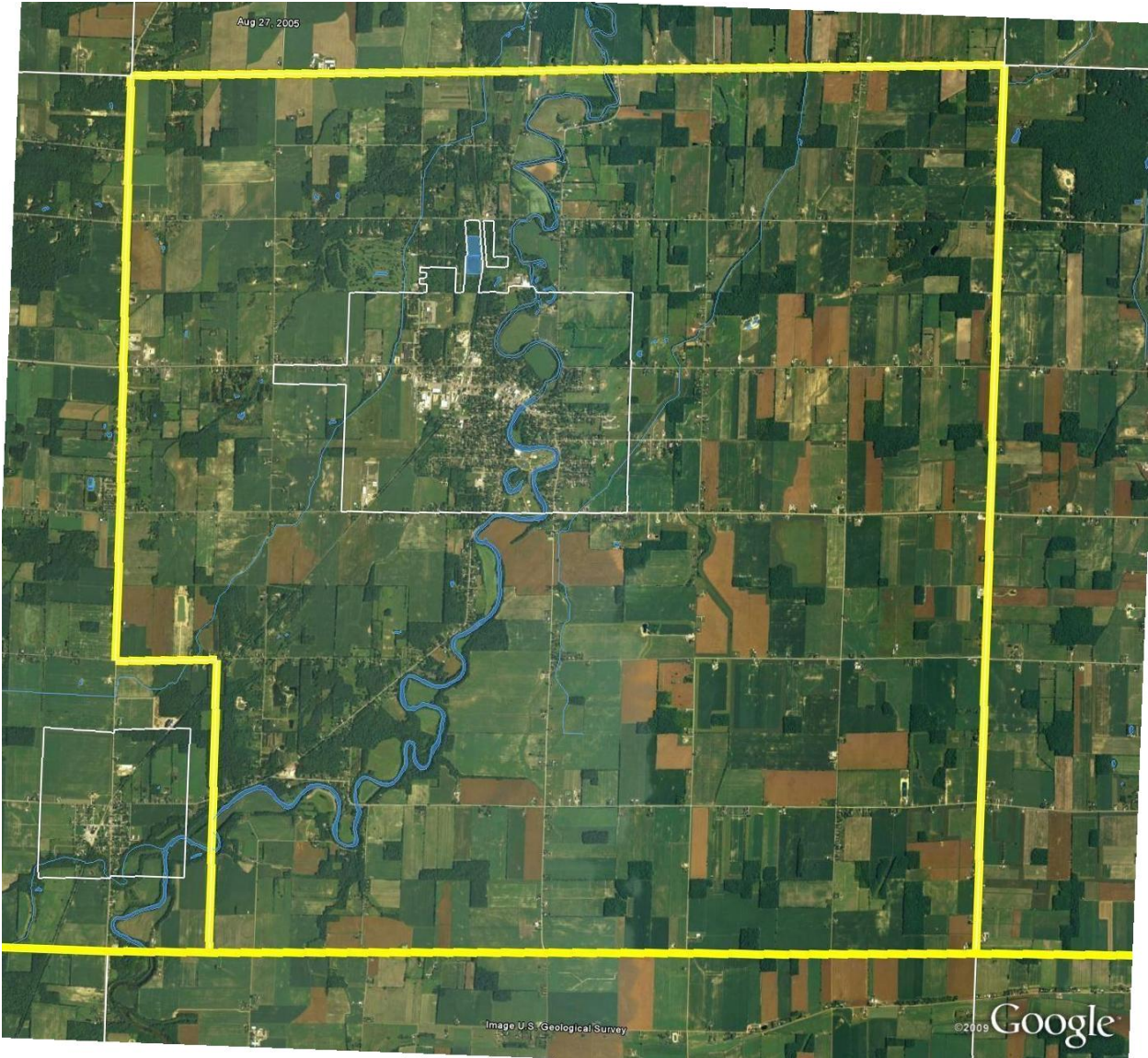


Chesaning Township

Zoning Ordinance

May 2010

Saginaw County, Michigan



Amended & Adopted: May 6, 2010

Effective: May 23, 2010

Acknowledgements

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Acknowledgements

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Chapter
1

General Provisions

SECTION 101. PREAMBLE.

An Ordinance 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, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said Ordinance.

SECTION 102. SHORT TITLE.

This Ordinance shall be known as the Chesaning Township Zoning Ordinance.

SECTION 103. PURPOSE AND OBJECTIVES.

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- (1) Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- (2) Protect the Community's quality of life and enhance the social and economic stability of the Township.
- (3) Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.

- (4) Guide efforts to provide public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- (5) Establish standards to guide physical development of each Zoning District and of the Township as a whole, and provide for enforcement of said standards.
- (6) Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- (7) Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.
- (8) Carry out the objectives of the Chesaning Township Master Plan.

SECTION 104. INTERPRETATION.

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings. Nor is this Ordinance intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this Ordinance shall control. Where provisions of any other Ordinance or regulation of Chesaning Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

SECTION 105. SEVERABILITY.

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

SECTION 106. REPEAL.

The existing zoning regulations of Chesaning Township, as amended, are hereby repealed. However, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to accrue. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

SECTION 107. EFFECTIVE DATE.

The Ordinance shall take effect on May 23, 2010, the date specified by the Chesaning Township Board at its meeting of May 6, 2010.

SECTION 108. LEGAL BASIS.

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

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Chapter

2

Definitions

SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- (1) Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "structure" includes the word "building."
- (4) The word "lot" includes the words "plot," "tract," or "parcel."
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (6) The words "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."
- (7) Any word or term not herein defined shall be used with a meaning of common standard use.
- (8) The term "he" shall be read as he, she, or they.

SECTION 202. DEFINITIONS.

ABUT. To physically touch or border upon; to share a common property line.

ACCESSORY OCCUPATION. An accessory occupation is an occupation carried on within the walls of an accessory building and not visible or noticeable in any manner or form from outside the accessory structure, also known as a home occupation.

ACCESSORY STRUCTURE: A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, residential swimming pools, recreational vehicles, and outdoor mechanical heating devices (“outdoor furnaces”).

ACCESSORY UNIT. A complete, separate dwelling unit that has a separate kitchen (sink, stove, refrigerator) and a separate bathroom (sink, toilet, shower stall) which is located in the main dwelling unit.

ACCESSORY USE. An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

ACTIVITY. See "Use."

ADJACENT. A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

ADULT BUSINESS. For the purposes of this Ordinance, the following definitions shall apply:

(A) **ADULT BOOKSTORE.** An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, video tapes, photographs, motion picture films, compact discs, or video discs which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined by this Ordinance. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement, or other device, audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said materials.

(B) **ADULTS-ONLY BUSINESS.** Any business, club, or other organization wherein one or more persons display "Specified Anatomical Areas" or engage in "Specified Sexual Activities" as defined by this Ordinance, either in person or by photograph, motion picture, television, or other type of image. Further, this definition includes the following terms as defined by this Ordinance: "Adult Book Store", "Adult Theater", "Massage Parlor".

(C) **ADULT THEATER.** Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing, or

relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined by this Ordinance for observation by patrons or customers.

(D) MASSAGE PARLOR. An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock or breasts. The term "Massage Parlor" does not include medical or therapeutic massage services or any state licensed practitioners of medical or related services such as chiropractors or physical therapists.

(E) SPECIFIED ANATOMICAL AREAS. Human genitals, pubic region, buttock, or any portion of the areola of a female breast when less than completely and opaquely covered, also human genitals in a discernibly turgid state, even if completely and opaquely covered.

(F) SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of stimulation or arousal; acts of human masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, public region, buttock or female breast; bestiality; fellatio or cunnilingus; and human excretory functions.

ADULT FOSTER CARE HOME: A private home licensed by the State of Michigan for the care of sick, elderly, or handicapped adults. An "Adult Foster Care Family Home" is further defined as having six (6) or fewer adults, an "Adult Foster Care Small Group Home" as having twelve (12) or fewer adults, and an "Adult Foster Care Large Group Home" as having at least thirteen (13) but not more than twenty (20) adults. This definition does not include the care of persons released from or assigned to adult correctional institutions.

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be used by the public.

AGRICULTURAL BUSINESS. An establishment primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

AGRICULTURAL OPERATIONS. Operations associated with the growing and harvesting of crops and timber, and raising of livestock including such activities as lumbering, plowing, planting, scarifying soils, construction and cleaning of irrigation ditches, construction of roads, buildings and stock ponds within farm or ranch boundaries.

AGRICULTURE. The science, business and art of cultivating the soil, producing crops, and raising livestock.

ALLEY. 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: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

AMORTIZATION. The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of this Code at the end of a specified period of time.

ANIMATED SIGN. 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.

APPURTENANCES (Structural). The visible, functional, or ornamental objects accessory to and part of buildings.

ATTACHED WIRELESS COMMUNICATION FACILITY (Attached WCF). An Attached WCF is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall included by 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. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

AUTOMOBILE SALES AND REPAIR SHOP. An auto sales or repair business is an establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks, or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.

AUTOMOBILE SERVICE STATION. An auto service business is any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, or performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans or pickup trucks.

BANK. See "Financial Business."

BAR/COCKTAIL LOUNGE. A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

BARN. A large farm or ranch building used for storing agricultural products and equipment, storing feed and for sheltering livestock.

BASE AREA. The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

BASE FLOOD ELEVATION. The expected elevation for the 100-year flood at a particular location, depicted on the Federal Emergency Management Agency's Flood Insurance Rate map.

BASEMENT: That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2-1).

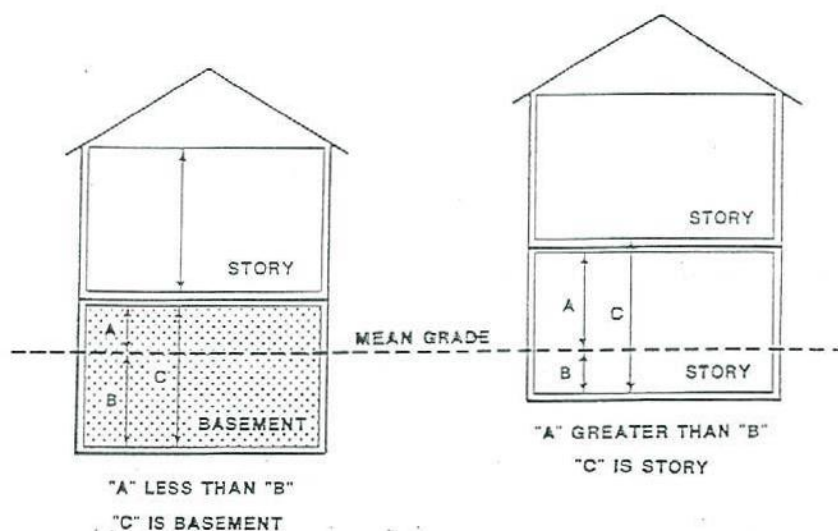


Figure 2-1: Basement.

BED AND BREAKFAST. A one-family dwelling unit which is owner occupied where short term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.

BERM: An earthen buffer that obscures sight, traffic and sound.

BUFFER: A buffer may be open green space, landscape areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUFFER STRIP: A vegetated area that treats sheet flow and/or interflow by removing sediment and other pollutants. The area may be grass-covered, forested or of mixed vegetative cover, depending on the amount of pollutants to be removed and the size of the buffer strip.

BLOCK. 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.

BUILDING. Any structure erected on-site, a mobile home or mobile structure, a manufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front 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: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2-2).

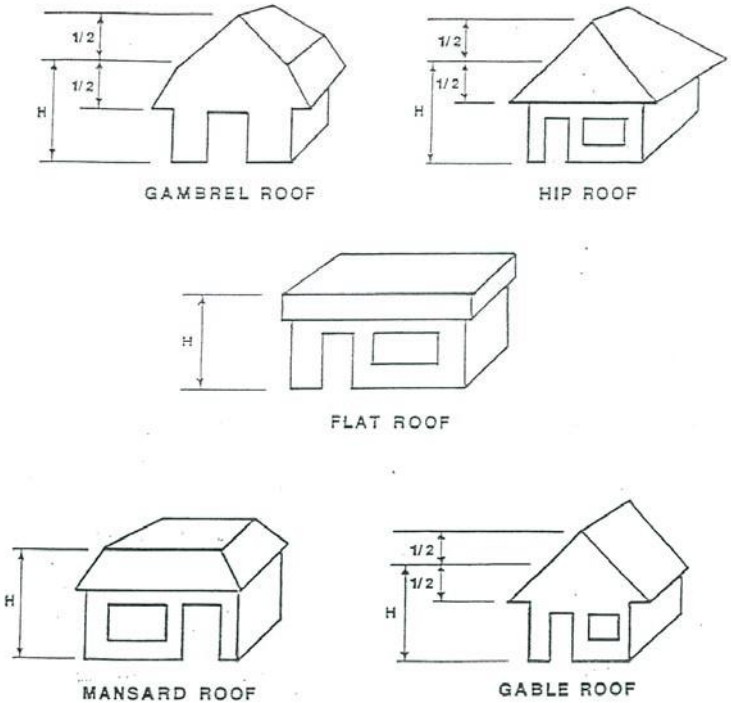


Figure 2-2: Building height.

BUILDING CODE. The Uniform Building Code as adopted by the Chesaning Township Board.

BUILDING LINE. A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

Building-Mounted Wind Turbine: Equipment that converts wind energy into electricity that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A Building-Mounted Wind Turbine is attached to a structure’s roof, walls, or other elevated surface. The total height of a BuildingMounted Wind Turbine must not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which it is located.

BULK STATION. A place where crude petroleum, gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6000) gallons.

BUSINESS. When used to determine the number of free-stand signs permitted on parcel, a business is any nonresidential occupant of separately secured space in a Building, having been issued its own employer identification number by the State of Michigan, which may reasonably be expected to open said space to the public during two (2) or more days of a typical week.

BUSINESS SERVICES. A business service establishment 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 Recreational Vehicle Park.

CARWASH, AUTOMATIC. 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. 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.

CEMETERY: Property used for interring of the dead.

CHILD CARE CENTER (DAY CARE CENTER): A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. A child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools, play group, or drop-in center.

CHILD CARE, HOME. The use of a residence for the care of ~~six~~ or fewer children other than the occupant's own children for a periods of less than 24 hours a day. Classified as a home occupation.

CLEAR VISION AREA. An area unobstructed by accessory structures or plantings within thirty (30') feet of any public street right-of-way for a sight distance of one hundred (100') feet along the near edge of the pavement in either direction.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by physicians, dentists or similar professionals.

CLUB. 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. Collocation/Site Sharing shall mean use of a common Wireless Communication Facility (WCF) or common site by two or more wireless license holders or by one wireless license holder for more than one type of communication technology and /or placement of a WCF on a structure owned or operated by a utility or other public entity.

COMMERCIAL RECREATION. Commercial recreational facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.

COMMERCIAL SCHOOL. A commercial school is a private educational facility not operated as a nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

COMMUNICATION TOWERS. A facility for the provision of communication as defined by the Telecommunications Act.

COMMON LAND. 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.

CONDOMINIUM ACT: MCL Act 59 of 1978, as amended.

CONDOMINIUM, EXPANDABLE: A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

CONDOMINIUM SETBACKS shall be measured as follows:

- A. FRONT YARD SETBACK: The distance between the street centerline and the unit site.
- B. SIDE YARD SETBACK: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.
- C. REAR YARD SETBACK: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

CONDOMINIUM SUBDIVISION: See SUBDIVISION, as defined in this chapter.

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

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

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

CONSOLIDATING MASTER DEED: The final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

CONTRACTABLE CONDOMINIUM: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

CONVALESCENT OR NURSING HOME. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

CONVENIENCE STORE. A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhood residents on a day-to-day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

CONVERSION CONDOMINIUM: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

CONVERTIBLE AREA: A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

COVERAGE, LOT. That percent of the plot or lot covered by the building area.

CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

CREMATORY (ALSO “CREMATORIUM”): A licensed facility where deceased human bodies are consumed by incineration and the ashes collected for burial or storage elsewhere.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DEGREE OF NONCONFORMANCE. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

- (A) **USE.** In the USES table from the DISTRICT REGULATIONS chapter of this Ordinance, the number of changes in Zoning Districts required to move FROM the District in which a use would be permitted as a use by right TO the District in which it is located.
- (B) **SETBACK.** The square footage of a building which lies within a required setback area.
- (C) **AREA.** The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- (D) **WIDTH OR DEPTH.** The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.
- (E) **PARKING.** The number of off-street parking spaces which a parcel lacks to conform with the requirements of Supplementary Off-Street Parking Regulations and with the TABLE OF OFF-STREET PARKING REQUIREMENTS.

DENSITY: The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as

rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

DEPTH. For the purposes of interpreting the Dimensions Table, depth is the distance from a property line to a structure.

DETENTION FACILITY: A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT RIGHT. An interest in the land that included the right to construct a building or structure, improve the land for development, to divide a parcel for development, or to extract minerals incidental to a permitted use.

DIVISION: See “Land Division”

DOMESTICATED ANIMAL: An animal that has been housed and fed by a human owner and has learned to depend on human provision so completely that it has little ability to survive if returned to a natural habitat. Typically includes animals like dogs and cats used as pets, and not animals on farms as part of an agricultural or farming operation.

DRAINAGEWAYS AND STREAMS: Existing permanent or intermittent water courses.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway 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. 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, except that so called drive-thru facilities of financial institutions are not subject to limitations on drive-thru business due to their low frequency and low intensity of business.

DRIVEWAY: An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

DWELLING. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities and bathroom facilities.

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:

SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit only and complying with the regulations of Chapter 5.

TWO FAMILY DWELLING is a building containing not more than (2) dwelling units and complying with the regulations of Chapter 5.

MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of Chapter 5.

DWELLING UNIT. One or more rooms including a single kitchen, in a dwelling designed for occupancy by one family for living and sleeping purposes.

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

ELECTRICAL OR PLUMBING SUPPLY. 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. All materials are stored inside the Principal Building or fully enclosed in Accessory Structures.

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

EQUIPMENT FACILITY. An equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, expansion of an existing structure, pedestals, and other similar structures.

ENTERTAINMENT. For the purposes of this Ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

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

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

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

EXOTIC PET (OR EXOTIC ANIMAL): An unusual creature kept as a pet, sometimes for the express purpose of having a pet which is unique. Includes any unique- or wild-looking pet, such as common domestic animals like the ferret and the domestic rat. Alligators, wolves and wolf/dog hybrids, wild cat cubs (lions, tigers, ocelots, etc.), snakes, tortoises, spiders, scorpions, and rare birds are among the species typically considered as exotic pets. The term is also used for a species which is non-indigenous to the owner or prospective owner's locale.

FAMILY. An individual, or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit, or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

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

FARM. A tract of land which is directly devoted to agricultural purposes, provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, and apiaries; but establishments keeping fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with bonafide farm operations on the same contiguous tract of land.

FARMING, GENERAL. The practice of agriculture on a farm as defined above.

FARM ANIMAL, LARGE. Any livestock creature which, at maturity, exceeds one hundred (100) pounds. This includes, but is not limited to, the following: cattle, horses, llama, sheep, hogs, ostriches, and goats.

FARM ANIMAL, SMALL. All farm animals not included in the Farm Animal, Large definition that are four footed, fowl or non-domestic animals.

FAST FOOD RESTAURANT. See Drive-In.

FEEDLOT. A small, confined area for fattening cattle or holding them temporarily for shipment.

FIELD SPORTS: Any outdoor recreational activity that consists primarily of the utilization of natural physical features as the basis for said use. Structures, improved surfaces, and any artificial or manufactured apparatus may also be associated with the outdoor recreational activity. Activities typically considered as Field Sports, but not limited to, are tennis courts, basketball courts, soccer fields, and similar recreational activities. Activities not considered Field Sports includes any activity utilizing motors, engines, or batteries to power a vehicle operated by a person to travel across terrain or an area for the purposes of personal amusement, leisure, or as a competition.

FINANCIAL BUSINESS. Any institution managing funds on deposit for its customers and /or lending funds to borrowers. This includes, but is not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

FLEA MARKET. A shop or open market doing periodic sales in antiques, used household goods, curios, and the like.

FLOOD, 100-YEAR. A flood which has a one percent (1%) chance of occurring in any given year.

FLOODPLAIN. The land area expected to be inundated by the flood waters of a 100-Year Flood.

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

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

FRUIT ORCHARD. A planting of fruit trees for the purpose of harvesting fruit.

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

GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.

GROSS FLOOR AREA. 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, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

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

HALF STORY. A space under a sloping roof, the walls of which intersect the roof decking not more than three (3) feet above the top floor level, having not more than two-thirds (2/3) of its floor area finished for the Principle Use of the building. A Half-Story containing independent apartments or living quarters is counted as a full story.

HEIGHT FOR WIRELESS COMMUNICATION FACILITY (WCF). 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.

HIGH IMPACT LIVESTOCK OR POULTRY RAISING. Any farm with a sufficient number of animals on the premises to equal or exceed a total of five hundred (500) "Animal Units" in A-1, or twenty (20) animal units in A-2 parcel, as defined below. It is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained over the normal growing season throughout the area where the animals are confined.

(A) **ANIMAL UNITS.** A measure of the relative volume of waste material produced by various types of animals. The Michigan Department of Natural Resources has defined the following standards to be equal to twenty (20) animal units: twenty (20) slaughter or feed cattle, fourteen (14) mature dairy cattle (whether milked or dry), fifty (50) swine each weighing fifty-five (55) or more pounds, ten (10) horses, two hundred (200) sheep or lambs, one thousand one hundred (1100) turkeys, two thousand (2000) laying hens or broilers in a facility having a continuous overflow watering system, six hundred (600) laying hens or broilers in a facility having a liquid manure system, or one hundred (100) ducks or geese. The Michigan Departments of Agriculture and Environmental Quality shall be contacted for standards regarding any species or waste collection techniques not listed here. After such information is obtained, the Board of Appeals shall make a determination regarding Animal Unit equivalencies for that species.

HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises, providing it:

(A) is operated in its entirety within the principal dwelling;

(B) does not have a separate entrance from outside the building;

- (C) does not involve alteration or construction not customarily found in dwellings;
- (D) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- (E) does not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
- (F) does not display, or create outside the structure any external evidence of the operation of the home occupation, except for one (1) unanimated, non-illuminated, sign having an area of not more than six (6) square feet.

HOME-SECTIONAL OR COMPONENT. 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. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

HUB HEIGHT. When referring to a wind turbine, the distance measured from ground level to the center of a wind turbine hub.

INSTITUTIONS, EDUCATIONAL. A school for kindergarten through twelfth grade or any college or university authorized by the state to award degrees.

INSTITUTIONS, HUMAN CARE. 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.

INSTITUTIONS, INCARCERATION. 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.

INSTITUTIONS, RELIGIOUS. A structure or place in which worship, ceremonies, rituals and education pertaining to a particular systems of belief held.

INSTITUTIONS, SOCIAL. Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs, and veteran organizations.

JUNK. Any unusable machinery or parts, all motor and recreational vehicle parts, unusable recreational equipment or parts, unused stoves or similar appliances, remnants of metal or any other material whether or not the same could be put to any reasonable use.

JUNK/SALVAGE YARD. A licensed open area where waste, used, or second-hand 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 Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards that are called “recycling centers,” “scrap yards,” etc., shall be considered as junk/salvage yards.

KENNEL, PRIVATE: Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, or bred for private use and not for remuneration or sale.

KENNEL, PUBLIC: Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

LOADING BERTH/SPACE. An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, 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 public street or alley.

LOT. 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 Ordinance. Every lot shall abut upon and have permanent access to a public street or road as certified by the Saginaw County Road Commission.

LOT AREA. The total horizontal land area within the lot lines of the lot.

CORNER LOT is 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 one hundred thirty five (135) degrees. See Figure 2.3.

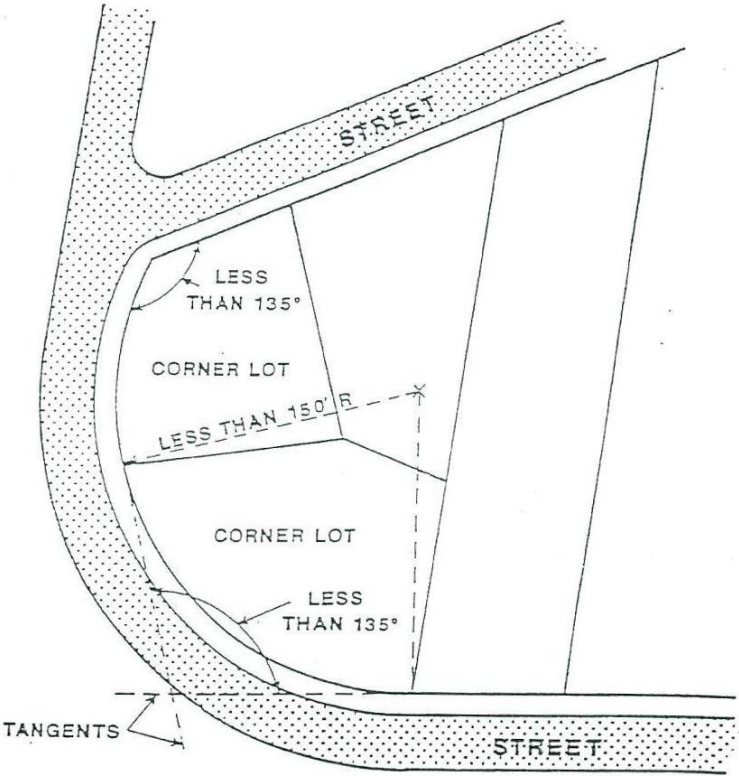


Figure 2-3: Corner Lot.

INTERIOR LOT is a lot other than a corner lot.

LOT LINES:

- A. FRONT LOT LINE: In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-ofway (See Figure 2-4).
- B. REAR LOT LINE: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 2-4).
- C. SIDE LOT LINE: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See Figure 2-4).
- D. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:

- 1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
- 2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

LOT, NONCONFORMING: A lot or record which does not meet the dimensional requirements of this Ordinance.

LOT, THROUGH (ALSO “DOUBLE FRONTAGE LOT”): An interior lot having frontage on two (2) more or less parallel streets.

LOT WIDTH: The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 2-4).

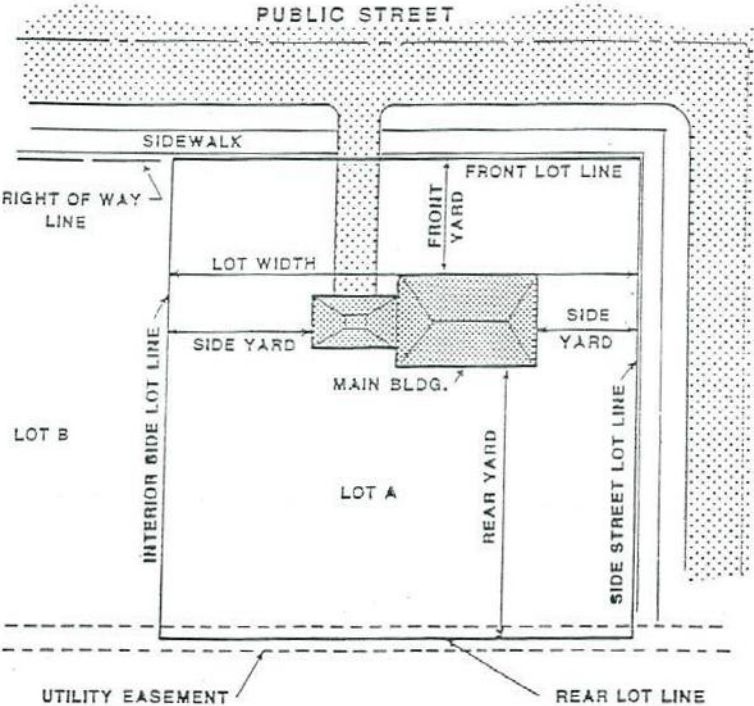


Figure 2-4: Lot lines.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in a common use by County and

Community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LUMBER YARD. A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

MANUFACTURED HOME. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use and connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, included mobile homes and modular homes.

MANUFACTURED HOME SPACE: A plot or parcel of land within the Manufactured Home Park designed to accommodate one (1) manufactured home.

MANUFACTURING: An operation in which raw materials or partially finished material is processed. This processing can include stamping, rolling, forging, plating, heat-treating, forming, molding and assembly.

MASTER DEED: The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

MASTER PLAN: A comprehensive long-range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and future land use.

MEDICAL CLINIC: An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operations.

MINI-WAREHOUSE (ALSO "SELF-STORAGE WAREHOUSE"): A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

MITIGATION. An action which will have one or more of the following effects:

- A. Avoiding, reducing, or eliminating a manmade or natural hazard on a property such that use of the property land will occur with a reasonable expectation of safety.
- B. Reducing impacts from development on a property's natural features.

- C. Preventing impacts from development having an adverse effect either a property's natural features or on the use and enjoyment of neighboring properties
- D. Counterbalancing detrimental effects of development on natural features by: (1) rehabilitating areas which have experienced degradation from previous development (2) improving or enhancing existing plant and animal habitat and creation of new habitat.
- E. Undertaking development in a manner which maintains the vitality of the ecosystem.

MOBILE HOME. A detached single family dwelling unit with all of the following characteristics:

- A. Designed for a long-term occupancy.
- B. 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.
- C. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.

MOBILE HOME PARK. A parcel upon which three (3) or more Mobile Homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, street, equipment, facility used or intended for use incident to occupy Mobile Homes.

MOBILE HOME SPACE. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

MOBILE HOME STAND. That part of a Mobile Home Space which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

MOTEL. A building or group of buildings where individual spaces are offered for occupancy as temporary accommodations on a day-to-day basis, with separate bathroom and toilet facilities, and at least one (1) parking space for each unit.

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

MOTORIZED TRACK: A facility, track, or course upon which racing or motor sporting events are conducted including, but not limited to motorcycles, off-road vehicles, all-terrain vehicles, motor scooters, go-carts, and similar uses.

MUDBOGGING: The recreational use of a vehicle powered by a motor, engine, or battery that is operated by a person to travel across terrain or an area that is chosen for such travel because of its wet or muddy characteristics.

NACELLE. The protective casing of a wind turbine, covering the gearbox, generator, blade hub, and other parts.

NONPROFIT ORGANIZATION. The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in Chesaning Township.

NONCONFORMING LOT OF RECORD (“SUBSTANDARD LOT”): A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum requirements of the zoning district in which it is located.

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

NONCONFORMING USE. Any use of building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

NONCONFORMITY. Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

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

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

Occupied Building: A building that has people within its premises or within the structure daily or from time to time. An occupied building may include a home, a business, a pole building, or a building similar in nature.

OFFICE. An office is 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, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business

except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

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

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

OPAQUE. A surface that cannot be seen through and does not allow light to come through.

OPEN AIR BUSINESS: A business establishment operated substantially in the open air and outside of any permanent building, including flea markets and outdoor displays of merchandise, outdoor eating areas, outdoor storage, and similar uses.

OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building.

ORDINARY HIGH WATER MARK: The line, as determined by a Registered Land Surveyor, between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and vegetation.

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

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

PARCEL. A parcel is a continuous piece of land under uniform ownership which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every parcel shall abut upon and have permanent access to a public street or road as certified by the Saginaw County Road Commission. Also "Lot."

PARCEL AREA. The total horizontal land within the Lot Lines of a Parcel.

PARCEL COVERAGE. That percentage of Parcel Area covered by the total ground floor area of all Buildings on a Parcel.

PARCEL DEPTH. The distance between the Front Lot Line and Rear Lot line of a parcel.

PARCEL WIDTH. For a rectangle Interior Lot, Parcel Width is the length of the Front Lot Line. For a Corner Lot, Parcel Width is the length of the shorter Front Lot Line. For an irregular shaped lot, Parcel Width is the length of the line which defines the Front Yard Setback.

PARKING SPACE. A portion of a Parcel at least ten feet (10) wide and twenty feet (20) long, with access to a public street or alley via a driveway and /or aisles, and set aside for accommodation of one (1) motor vehicle.

PERSONAL SERVICE BUSINESS. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

PET. A domesticated animal kept for amusement and/or companionship rather than utilitarian or productive purposes. Animals shall be considered 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 as pets.

PET GROOMING ESTABLISHMENT: Personal service establishment that, for a fee, trims, cleans, or curries domestic pets such as dogs or cats and which may sell pet supplies as an incidental use. This term does not include establishments which board pets.

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

PLANNING COMMISSION: The Chesaning Township Planning Commission as duly created under the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended.

PLAT: A map of a subdivision of land.

POND, DETENTION. 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.

POND, LANDSCAPE. An artificially or naturally confined body of water, excluding pools, for purposes of decorating landscaping that is less than two hundred (200') square feet in size.

POND, RECREATION. An artificially or naturally confined body of water, excluding pools, greater than two hundred (200') square feet in size, for recreation uses.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

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

PRINCIPAL USE, PERMITTED: A use permitted in each zoning district by right.

PRIVATE CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not operated for profit.

PRIVATE ROAD. Any undedicated road, meeting the standards set forth in Section 725 of this Ordinance that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels intended for occupancy by single family dwellings. A private road includes all land within right of way lines. Note that an unimproved private right of way does not constitute a private road.

PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES, AND USES: Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

PUBLIC AREA. For calculating parking and loading requirements, Public Area is 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 OPEN SPACE: Any primary undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

PUBLIC PARK: Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a government agency.

PUBLIC STREET. A public thoroughfare owned and maintained by a public agency and providing motor vehicle access to abutting property. This includes 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. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

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

RECREATION VEHICLE: A vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses.

RECREATIONAL USE, COMMERCIAL: Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are

participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, miniature or putt-putt golf, etc.

RECREATIONAL USE, PRIVATE: A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee. Examples of this are Putt Putt golf, GO Karts, and similar uses.

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

RECREATIONAL VEHICLE, EQUIPMENT: A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by a State in prominent display to be considered licensed.

RECREATIONAL VEHICLE PARK (CAMPGROUND). Any lot or parcel of land upon which two or more recreational vehicles sites are located, established, or maintained for occupancy by the general public as temporary living quarters for recreation or vocation purposes.

RELIGIOUS INSTITUTIONS: A church, synagogue, mosque or temple, or other such place of worship and accessory uses commonly found in connection with such institution.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.

RESTAURANT WITH ENTERTAINMENT: Any restaurant, as defined above, with live presentations of any kind.

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

RETAIL BUSINESS. 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 premise, may include a fenced outdoor sales area of up to ten percent (10%) of the floor area of the Principal Building. A restaurant, bar, or tavern is not considered to be a Retail Business.

RETAIL FOOD: Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

ROADSIDE STAND. A "roadside stand" is a structure for the display of agricultural products, with no space for customers within the structure itself.

Rotor: An element of a wind energy turbine that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

RUBBISH. A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.

SALES AREA. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

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

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

SANITARY LANDFILL. An operation licensed by the Michigan Department of Environmental Quality for the disposal of solid waste in a manner consistent with the criteria established by the Solid Waste Management Act and its administrative rules. Sanitary Landfills are classified as follows:

A. **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 Act 64 of the Public Acts of 1979, the Hazardous Waste Management Act

B. **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.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

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

SEASONAL USE. Vehicle, unit or item is functionally operational and actively used during the intended season for that vehicle, unit, or item.

SECTIONAL HOME. Two or more units, fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.

S.E.V. The State Equalized Valuation of the property in question, as determined by the ownership Assessor. This is presumed to be fifty percent (50%) of the property's true cash value.

SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "Office Business," "Financial Business," "Personal Service Business."

SERVICE DRIVE: A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

SETBACK. The depth, expressed in feet, of any required Yard between a building or structure and lot line, or edge of road right-of-way. A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the rear property line. A side setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback.

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

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

SETBACK FOR WIRELESS COMMUNICATION FACILITIES. Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the Support Structure.

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

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

SHORELINE: The edge of a body of water measured at the ordinary high water mark.

SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance the following sign or sign-related terms are defined:

- (a) AREA, OR SURFACE AREA, OF SIGN. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- (b) BILLBOARD SIGN. A freestanding outdoor sign which advertises something not located on the immediate premises.
- (c) CONSTRUCTION SIGNS. Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.
- (d) ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (e) ELECTRONIC MESSAGE BOARD Video terminal or electronic changeable copy sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously.
- (f) ENTRANCE/EXIT. Signs directing traffic movement to or from a parcel.
- (g) FREESTANDING SIGN. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)

- (h) **GROUND LEVEL.** The elevation to be used for computing the height of signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.
- (i) **HIGH PROFILE SIGN.** A freestanding identity sign intended to announce to travelers the existence of a business located near an expressway interchange so they may react in time to exit safely.
- (j) **IDENTITY SIGN.** A sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement.
- (k) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
- (l) **INSTITUTIONAL BULLETIN BOARD.** A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its services or activities.
- (m) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- (n) **JOINT SIGN.** A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- (o) **LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.
- (p) **LOCATION.** A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- (q) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (r) **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.
- (s) **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel.
- (t) **PROJECTION.** The distance by which a sign extends over public property or beyond the building line.

- (u) PROJECTING SIGN. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- (v) PROPERTY RENTAL SIGNS. Signs on the premises announcing rooms, apartment or house for rent, not to exceed 4 square feet.
- (w) PUBLIC SIGNS. Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- (x) REAL ESTATE SIGNS. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.
- (y) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (z) ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- (aa) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the rear property line. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- (ab) SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- (ac) SPECIAL PURPOSE SIGNS. Any other temporary signs.
- (ad) STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission.
- (ae) TEMPORARY SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (af) WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

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

SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.

SITE CONDOMINIUM: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the Master Deed. A condominium unit is not a lot or a parcel as those terms are used in this Ordinance.

SITE PLAN. Site Plans includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Small Tower Wind Turbine: A type of wind turbine that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components. The total height does not exceed 100 feet.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

STABLE, PRIVATE. 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 (3) horses are boarded.

STABLE, PUBLIC (ALSO “COMMERCIAL STABLE”): An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

STATE LICENSED RESIDENTIAL FACILITY. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258

of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home, a hotel or a rooming house; or a residential facility licensed by the State to care for four (4) or fewer minors.

STORAGE. Short term or long term placement of a unit or vehicle for a period greater than seven (7) days.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A halfstory (1/2) containing independent apartments or living quarters shall be counted as a full story.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

STREET, FUNCTIONAL CLASSIFICATION. 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 primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

- A. **PRINCIPAL ARTERIAL.** Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
- B. **MINOR ARTERIAL.** 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 arterial.
- C. **COLLECTOR.** Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- D. **LOCAL.** Serves as direct land access and access to higher systems.

STREET LINE. The legal line of demarcation between a street right-of-way and land for service, benefit or enjoyment.

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

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

SUBDIVISION: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease offer, or development (immediate or future).

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUPPORT STRUCTURE. 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 Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

SWIMMING POOL. An artificially contained body of water for the purpose of swimming, excluding hot tubs. A swimming pool is greater than two (2') feet deep at any point.

TAVERN. An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

TEMPORARY BUILDING, STRUCTURE, OR USE: A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use. Also, a use that is allowed for a specific, limited time period, such as a special event.

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

TEMPORARY WIRELESS COMMUNICATION FACILITY (Temporary WCF). Temporary

Wireless Communication Facility shall means a WCF to be placed in use for ninety (90) or fewer days.

Tip Height: When referring to a wind turbine, the distance measured from ground level to the furthest vertical extension of the rotor.

USE. The employment or occupation of a building structure or land for service, benefit or enjoyment.

USE BY RIGHT. Any use permitted in a zoning district, provided all dimensional requirements, supplementary regulations and administrative procedures of this Ordinance are complied with, identified in the Uses Chapter.

VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

VEHICLE. A motorized, self propelled device intended for propelling a person or persons.

VEHCILE SALE AREA: An area used for the display, sales, and rental of new and used motor vehicles, boats, trailers, recreational vehicles and equipment, farm equipment, construction equipment, or mobile homes, all in operable condition.

VETERINARIAN. One qualified and authorized to treat diseases and injuries of animals.

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

VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation. A visual screen must be continuously maintained, including replacement of dead or diseased plants or replacement of fencing, etc.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as bog, swamp, or marsh and which is any of the following:

- A. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond or a river or stream.
- B. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subdivision shall not be of effect, except for the purpose of inventorying , in counties less than 100,000 population until the Department

of Environmental Quality certifies that it has substantially completed its inventory of wetlands in that county.

C. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Department of Environmental Quality determines that protection of the area is essential to the preservation and the Department of Environmental Quality has so notified the owner; except this subdivision may be utilized regardless of wetland size in a county with subdivision is of no effect for the purpose of inventorying, at the time.

WHOLESALE BUSINESS: A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy turbine.

WIRELESS COMMUNICATIONS. Wireless Communications shall mean 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.

WIRELESS COMMUNICATIONS FACILITY (WCF). A WCF is 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.

YARD:

A. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A **required yard** is measured between the applicable lot line and the nearest foundation line of a building or structure.

B. **FRONT YARD:** A yard extending across the full width of the lot, the depth which is the distance between the front lot line and foundation line of building or structure. In the case of a waterfront lot, the yard on the water side shall be the front yard (See Figure 24).

C. **REAR YARD:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 2-4).

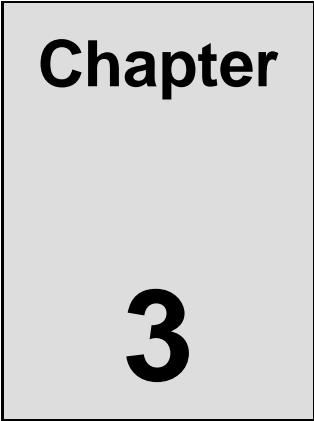
D. **SIDE YARD:** A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 2-4).

ZONE LOT LINE DUPLEX. A two family dwelling where each dwelling unit is located on a separate parcel, with the lot line running through the building.

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

ZONING BOARD OF APPEALS: The Chesaning Township Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

ZONING DISTRICT. Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same. Zoning Districts are identified by Section 501. Their purposes are outlined in the PURPOSES Table, and permitted activities in each Zoning District are identified by the USES Table.



General Requirements

SECTION 301. SCOPE OF REGULATIONS.

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

SECTION 302. SUPPLEMENTARY LAND USE REGULATIONS.

- (1) BUILDING PERMITS REQUIRED. Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.
- (2) PRIOR BUILDING PERMITS. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) TEMPORARY OCCUPANCY PERMIT. A temporary occupancy permit may be issued for a period of up to one (1) year, and may be renewed for a maximum of no more than two (2) years.
- (4) REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES. No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Saginaw County Health Department and applicable State agencies.

(5) ACCESSORY USES. Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- (A) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
- (B) Buildings or structures necessary for provision of essential services.
- (C) Gardens, garden ornaments and usual landscape features within required yard space.
- (D) Fences within required yard space, provided they meet the standards cited in subsection 6, below.
- (E) Retaining walls.
- (F) Public playgrounds.
- (G) Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one (1) ton rated capacity.
- (H) Home Occupations
- (I) Use of premises as a voting place.
- (J) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which is located.

(6) INOPERATIVE OR DISMANTLED VEHICLES. The storage of more than one dismantled, wrecked and/or un-licensed vehicle, including recreational equipment, in any Zoning District is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one week. Note that the storage period may be extended with written permission of the Zoning Enforcement Officer. Any violation of this provision shall be enforced according to Section 907 of this Ordinance.

(7) FENCES, WALLS, AND SCREENS

- (A) No Fence, wall, or structural screen, other than plant materials, shall exceed six (6) feet in height in any Residential Zoning District.
- (B) In any Zoning District, fences, walls, or structural screens shall not exceed four (4) feet in height in any required front yard setback area and must be chain link or constructed in such a way that the fence can be seen through for its entire length.

- (C) No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line.
- (D) If Fencing is located less than two (2) feet from a lot line, it shall be installed with the finished (“good”) side facing toward adjacent properties.

(8) **PARKING OF LICENSED RECREATIONAL EQUIPMENT.** Parking of recreational equipment including travel trailers, campers, snowmobiles, boats, and similar items in any Agricultural/Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage.

(9) **HEAVY TRUCKS.** Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District.

SECTION 303. SUPPLEMENTARY DWELLING REGULATIONS.

(1) **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards", then the state or local standard shall apply.

(2) **MOBILE HOME INSTALLATION.** In the event that a dwelling is a mobile home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.

(3) **ONE SINGLE FAMILY DWELLING PER PARCEL.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes except for approval of a Special Use Permit for an Accessory Unit as described in Chapter 6.

(4) **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.

(5) **AESTHETICALLY COMPATIBLE.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with a roof overhang

of not less than six (6) inches on all sides and contain steps connected to said exterior door areas where a difference of elevation requires the same.

The compatibility of design and appearance shall be determined initially by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to an Appeals Board. Any determination of compatibility shall be based on the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings, located outside of mobile home parks, and within two thousand (2000) feet of the subject dwelling where such area has at least twenty (20) percent of lots developed; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard home design.

- (6) MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time, by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (7) USE OF MOBILE HOME FOR TEMPORARY DWELLING. A temporary dwelling may be authorized to house family members as provided in Section 303(3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to the degree that it cannot be occupied.

Any mobile home intended for temporary use as a dwelling must meet the standards of this Ordinance and the Township Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling for any length of time unless authorized by the Planning Commission by the issuance of a temporary occupancy permit as provided for by Section 302 of this ordinance. Temporary dwelling structures may not be occupied by more than one family. The permit is for one (1) year, renewable for a maximum of no more than two (2) years.

- (8) STORAGE AREA. Every dwelling unit must contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas, or in a separate structure which meets all requirements of the Township Building Code.
- (9) 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 such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- (10) DIMENSIONS. All single family dwellings must have a minimum width across front, side, and rear elevations of twenty-four (24) feet and comply in all respects with the Township Building Code, including minimum heights for habitable rooms.

- (11) ROOF. All one or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6) inches beyond the walls.
- (12) EXTERIOR DOORS. Every single family dwelling must have exterior doors on not fewer than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (13) GARAGE AND YARD SALES. Sales of used material from a single-family dwelling may occur twice a year for a period not to exceed three (3) days for each occurrence.
- (14) AUTO REPAIR. Repair of vehicles not owned by a resident of the parcel on which such activity is occurring is expressly prohibited in any Residential Zoning District.
- (15) GARAGES IN RESIDENTIAL ZONING DISTRICTS. Garages for any dwelling unit in any Residential Zoning District may provide storage for no more than the number of vehicles noted below.
- (A) SINGLE FAMILY DWELLINGS. Three (3) vehicles, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
 - (B) ALL OTHER DWELLINGS. Two (2) vehicles per dwelling unit, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
- (16) ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in any Zoning District is to be used as a dwelling, with the exception of an approval as stated in Section 606.
- (17) HOUSE NUMBERS REQUIRED. Any dwelling which derives its principal access from a public street or a private road shall display a house number in a manner so that the number is at all times readily visible from the public street or private road. The house numbers shall be a minimum of three inches (3") in height.
- (18) HOME OCCUPATIONS. Home occupations are permitted, subject to the following standards:
- (A) The home occupation must be conducted within the principal dwelling.
 - (B) The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.

- (C) The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
- (D) Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
- (E) There may not be more than one (1) employee not living at the dwelling.
- (F) There may be one (1) non-lighted, wall-mounted sign not to exceed six (6) square feet in area.

SECTION 304. SUPPLEMENTARY PARCEL REGULATIONS.

(1) **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required width. "Flag lots" are not permitted. Lots fronting on a cul-de-sac may be reduced to sixty (60) feet at the front lot line, as long as the lot meets the minimum width requirement at the minimum front yard setback line.

(2) **ACCESS TO A STREET.** Any parcel created after the effective date of this Ordinance shall have improved access to a public street. Parcels intended for use only as building sites for single family detached dwellings may be accessed by a private road meeting all of the requirements of Section 625 of this Ordinance.

A building permit shall not be issued for any dwelling which derives its access from a private road unless the construction and all other requirements of the special use permit for said private road have been completed, or the developer(s) of said private road have provided Chesaning Township with cash or an irrevocable letter of credit in an amount determined by the Township to insure completion of the private road in accordance with the special use and building permits for said private road within one (1) year from the issuance of said permits. Any such letter of credit shall contain a provision that Chesaning Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.

(3) **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 Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.

(4) **ADDITIONAL FRONT SETBACK.** Where the current right-of-way width of an arterial or collector street is less than its future right of way width as determined by the Saginaw County Road Commission, an additional front yard setback from said street is required. The front yard

setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right of way width from the centerline of the current right of way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

(5) ZONING DISTRICT BOUNDARY EXCEPTIONS. The degree of restrictiveness for the Zoning Districts proceeds from greatest to least in the following sequence. (CG, A, R-1A, R-2, R-3, B, and M.)

When a Zoning District boundary line divides a parcel, any use permitted as a use by right in the less restrictive portion of the parcel may be extended to the entire parcel if both of the following conditions are met.

(A) One-half (1/2) or more of the area of said parcel shall be in the less restrictive Zoning District.

(B) Any part of a less restricted use extending into the more restrictive Zoning District shall be confined entirely within an enclosed building which conforms to the applicable yard and area requirements of the more restrictive Zoning District.

SECTION 305. SUPPLEMENTARY STRUCTURE REGULATIONS.

(1) PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as described in Section 507 (Dimensions Table), must be adhered to, as must also any requirements listed herein.

(A) Open porches, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.

(1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.

(2) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story.

(3) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6) feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.

- (B) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2 1/2) feet.
- (C) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5) feet.
- (D) Signs, subject to provisions of Chapter 8.

(2) PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to the height limitations described in Section 507 (Dimensions Table). These permitted exceptions shall not be for human occupancy or dwelling. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.

(A) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Commercial Zoning District and sixty (60) feet in any Manufacturing Zoning District.

(B) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175) feet in the A Zoning Districts or in any Manufacturing Zoning District.

(C) Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150) feet in any Zoning District.

(D) Residential television antennas or flagpoles shall be permitted to a maximum height of forty five (45) feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.

(E) Flagpoles in any B or M Zoning District are permitted to a maximum height of sixty (60) feet.

(3) DETACHED CARPORTS, CANOPIES, AND SIMILAR STRUCTURES. Detached carports, canopies, awnings and similar structures that are intended to serve as shelters for vehicles are considered accessory structures and must comply with the minimum setbacks and all other requirements of this ordinance that pertain to accessory structures. This provision shall apply regardless of whether such a structure is erected on a temporary or permanent basis.

(4) OUTDOOR SOLID FUEL HEATING DEVICES AND SIMILAR FURNACE UNITS. An outdoor solid fuel heating device, or similar furnace unit, is a device, structure, or apparatus that is located outside which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building. These devices are considered accessory structures and

shall comply with the minimum setbacks and all other requirements of this ordinance that pertain to accessory structures, and are restricted to side or rear yard locations only. These provisions shall apply regardless of whether such a device is erected on a temporary or permanent basis. Only natural wood, wood pellets, corn, or other fuels approved by the manufacturer of the heating unit may be burned. Burning of treated lumber, shingles, trash, or any other nonapproved fuel is prohibited.

SECTION 306. LANDSCAPE REGULATIONS.

(1) **INTENT.** This section is to promote the public health, safety, and general welfare by: minimizing noise, air, and visual pollution; requiring buffering between incompatible land uses; regulating the appearance of property abutting public right-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preserving soil erosion and soil depletion; and promoting soil water retention.

(2) **APPLICATION.** These requirements shall apply to all uses for which a site plan review is required under Section 910. No site plan shall be approved unless said site plan shall show landscaping and/or green buffers. The Planning Commission shall base their approval of a landscape plan based on the following criteria:

(A) A Good Landscape design should:

- (1) Retain existing plant material and site features where possible.
- (2) Help screen and soften hard edges, such as buildings, parking, and other man-made structures.
- (3) Help tie buildings to the site.
- (4) Soften property lines and blend the proposed development with adjacent land and development.
- (5) Help define entrances and direct vehicular and pedestrian traffic.
- (6) Help provide a visual buffer along street frontage and in visual corridors.
- (7) Help buffer between incompatible land use.
- (8) Enhance the appearance of the site.

(B) Landscape Elements:

- (1) **Quality.** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Saginaw

County, conform to the current minimum standard of the American Association of Nurserymen.

- (2) Composition. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

Special consideration shall be given to re-vegetation disturbed areas with perennial grasses, herbaceous plants, and trees and shrubs native to Michigan, and reducing the size of grassed areas.

- (3) Existing Trees. If existing plant material is labeled “To Remain” on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the edge of the root zone of the plant material shall be installed during construction. (Root zone is likely to extend beyond drip line of a tree, and consultation with an urban forester or landscape architect can help establish an effective protective zone). No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.

In the even that healthy trees which were designated to be saved or planted to meet the design qualifications listed in Section 306(2)(A) are cut down, destroyed, damaged, or excavated at the drip line, the contractor shall replace them with trees that meet the requirements of this Ordinance.

(3) INSTALLATION AND MAINTENANCE.

- (A) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in sound workmanlike manner and according to accepted good planting and grading procedures.
- (B) The owner or contractor of the property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonable healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a ready available and acceptable water supply.

- (C) All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or a performance bond as stated in Section 913 shall be required in the amount of the cost of landscaping to be released only after landscaping is completed.
- (D) The following is a list of the minimum size requirements for planting to be accepted by the Planning Commission to insure the intent of this Section is followed.

Evergreen Trees: 5 foot high, spaced 15 feet apart
 Deciduous Trees: 2 inch caliper, spaced 15 to 30 feet apart

Evergreen Shrubs: 18 inch spread, spaced 5 feet apart
 Large Deciduous Shrubs: 3 feet high, spaced 6 feet apart
 Small Deciduous Shrubs: 18 inches high, spaced 5 feet apart

All plantings shall be native to the area.

SECTION 307. BUFFERYARDS.

(1) INTENT. The bufferyard is a designated unit of open space, 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.

The bufferyard 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.

(2) LOCATION. Bufferyards shall be located on any parcel of land where conflicts of land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the bufferyard will be 100% within the boundaries of the new land use. These bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way.

Bufferyards are required between changes of Zoning Designation (Conservation, Agricultural, Residential, Business, Manufacturing, and Public Land Use). Bufferyards are also required if a new land use could negatively impact an established land use on the same parcel, (ie. auto repair operation and a daycare operation). Bufferyards between a new use and the right-of-way are also required if the new land use is aesthetically unappealing (Industrial operations, junk yard, etc). The Planning Commission **shall** require said bufferyard when they review the site plan or special use application in these types of examples.

(3) DEVELOPMENT STANDARDS. The strip of land between uses shall equal the size of the required front yard setback. The bufferyard is in addition to the required setback.

The plantings must achieve at least seventy-five (75%) percent obscuring value. Deciduous and Evergreen Trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet apart. Deciduous and Evergreen shrubs shall be planted not more than six (6') feet nor less than five (5') feet apart. Where planting materials are planted in two (2) or more rows, planting shall be staggered. All planting height shall comply with Section 306(3)(D).

Existing plant material may be counted as contributing to the total bufferyard requirement. Berming of land shall be a minimum of three (3) feet in height measured from the average grade at the base to the top of the berm with a slope not greater than three (3) feet of run for each one (1) foot of rise.

(4) FENCES. The Planning Commission may require a fence in lieu of a bufferyard if it is determined that a bufferyard would not sufficiently mitigate the negative visual or safety impacts.

SECTION 308. SOLID WASTE COLLECTION FACILITIES.

The following rules are intended to prevent unhealthful or unsightly conditions regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.

(A) ENCLOSURE. Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence or masonry wall at least as high as the container. The fourth side of said enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.

(B) PAVING. Said enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.

(C) SITING. Said enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Said enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

SECTION 309. LIGHTING.

(1) All outdoor lighting fixtures including but not limited to pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as porch or low level lawn lights, shall be subject to the following regulations:

(A) Lighting shall be designed and construed in such a manner to:

- (1) Insure that direct or directly reflected light is confined to the area needing it and that it is not directly off the property.
- (2) That all light sources and light lenses are shielded.
- (3) That any light sources or light lenses are not directly visible from beyond the boundary of the site.
- (4) That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

(B) Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angle above the horizontal plane, as may be certified by photometric test.

(C) Unless as otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.

(D) Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

(E) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon lights are not permitted.

(F) 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.

(G) Parking lots shall not be lit between the hours of 9:00 am and 4:00 pm, unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

SECTION 310. OPEN SPACE PRESERVATION PROVISIONS.

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

- (1) To provide optional open space preservation provisions for residential development, as required by Section 506 of the Michigan Planning Enabling Act, PA 110 of 2006, as amended.

- (2) To encourage greater flexibility and efficiency in the design of single-family residential developments.
- (3) To conserve open space and other important elements of the Township’s rural character. Examples of these elements include important farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.

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

- (1) All lots created after the effective date of this ordinance in the zoning districts where residences are permitted by right at a density of two (2) dwellings units per acre or less: R-1A R-2 A
- (2) All site condominium and planned unit development (PUD) projects, if such projects are permitted elsewhere in this ordinance. However, if these types of development projects are permitted only by Special Use Permit, they must also meet all special use requirements as specified in Chapter 6.

c. Submission Requirements. An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 9 Administration Section of 910 Site Plan Review and the following additional requirements.

- (1) Density Concept. One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to the lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.

- (2) Open Space Concept. The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan.

“Undeveloped state” shall have the same meaning as specified in the Michigan Planning Enabling Act, PA 110 of 2006, as amended; that is a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

(3) Project Narrative. The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan.

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

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

SECTION 311. SMALL WIND TURBINE REGULATIONS.

- (1) Purpose and Intent. The purpose of this section is to establish siting guidelines for small wind energy turbines in Chesaning Township that:
 - (A) Promotes the development of a clean renewable energy resource,
 - (B) Establishes safe, effective, and efficient use of small wind energy turbines,
 - (C) Minimizes potential adverse impacts between land uses, and
 - (D) Establishes standards and procedures for the siting, design, engineering, installation, operation, and maintenance of small wind energy turbines.
- (2) Permitted Uses. A Building-Mounted Wind Turbine (Building Mounted) and a Small Tower Wind Turbine (Small Tower) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this section unless a zoning permit has been issued to the Owner(s) or Operator(s).

All **Building Mounted** and **Small Tower** turbines are subject to the following minimum siting and design requirements:

- (A) Visual Appearance

1. A Building Mounted or Small Tower turbine, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the Building Mounted or Small Tower turbine.
 2. A Building Mounted or Small Tower turbine shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 3. Building Mounted or Small Tower turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
- (B) Ground Clearance: The lowest extension of any blade or other exposed moving component of a Building Mounted or Small Tower turbine shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Building Mounted or Small Tower turbine.
- (C) Noise: Noise emanating from the operation of a Building Mounted or Small Tower turbine shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a Building Mounted (s) or Small Tower turbine shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- (D) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a Building Mounted or Small Tower turbine is located.
- (E) Guy Wires: Guy wires shall not be permitted as part of the Building Mounted or Small Tower turbine.
- (F) **Building Mounted Turbines.** In addition to the Siting and Design Requirements listed previously, the Building Mounted turbine shall also be subject to the following:
1. Height: The height of a Building Mounted turbine shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

- 2. **Setback:** The setback of the Building Mounted turbine shall be a minimum of forty (40) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the Building Mounted turbine is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of forty (40) feet. The setback shall be measured from the furthest outward extension of all moving parts.
- 3. **Location:** The Building Mounted turbine shall not be affixed to the wall on the side of a structure facing a road.
- 4. **Quantity:**
 - a) In the Agricultural Farmland Preservation (A) district, no more than one (1) Building Mounted turbine is allowed to be affixed to each principal building and accessory building.
 - b) For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural Farmland Preservation (A) district, no more than one (1) Building Mounted turbine shall be installed on any parcel of property.
 - c) In all other zoning districts except the Agricultural Farmland Preservation (A) district, no more than three (3) Building Mounted turbines shall be installed on any parcel of property.
- 5. **Separation:** If more than one Building Mounted turbine is installed, a distance equal to the height of the highest Building Mounted turbine must be maintained between the base of each Building Mounted turbine.

(G) **Small Tower Turbines.** In addition to the Siting and Design Requirements listed previously, the Small Tower turbine shall also be subject to the following:

- 1. **Height:** The Total Height of a Small Tower turbine shall be equal to the distance from the location of the Small Tower turbine to the nearest property line, or up to one hundred (100) feet, whichever is smaller.
- 2. **Location:** Small Tower turbines shall only be located in a rear yard of a property that has an occupied building.
- 3. **Occupied Building Setback:** The setback from all occupied buildings on the applicant’s parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

- 4. Other Setbacks: The setback shall be equal to the Total Height of the Small Tower turbine, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer’s certification that the wind turbine is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.

 - 5. Quantity:
 - a) In the Agricultural Farmland Preservation (A) district, no more than five (5) Small Tower turbines shall be installed on any parcel of property.

 - b) For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural Farmland Preservation (A) district, no more than one (1) Small Tower turbine shall be installed on any parcel of property.

 - c) In all other zoning districts except the Agricultural Farmland Preservation (A) district, no more than three (3) Small Tower turbines shall be installed on any parcel of property.

 - 6. Separation: If more than one Small Tower turbine is installed on a parcel of property, a distance equal to the height of the highest Small Tower turbine must be maintained between the bases of each Small Tower turbine.

 - 7. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

 - 8. Rotor Diameter: A Small Tower turbine may have a rotor diameter that does not exceed fifteen (15) feet.
- (3) Anemometers. The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable small wind turbine regulations.

- (A) The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- (B) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- (C) An anemometer shall be permitted for no more than thirteen (13) months for a Building Mounted or a Small Tower wind turbine.

(4) Permit Application Requirements.

- (A) Name of property owner(s), address, and parcel number.
- (B) A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the Building Mounted or Small Tower turbines, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- (C) The proposed type and height of the Building Mounted or Small Tower turbine to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- (D) Documented compliance with the noise requirements set forth in this section.
- (E) Documented compliance with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- (F) Proof of applicant's liability insurance.
- (G) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (H) Other relevant information as may be reasonably requested.
- (I) Signature of the Applicant.

- (J) In addition to the Permit Application Requirements previously listed, the Application shall also include the total proposed number of Building Mounted turbines, if applicable, or in the case of a Small Tower turbine, a description of the methods that will be used to perform maintenance on the Small Tower turbine and the procedures for lowering or removing the Small Tower turbine in order to conduct maintenance.

(5) Safety Requirements.

- (A) If the Building Mounted or Small Tower turbine is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility’s then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- (B) The Building Mounted or Small Tower turbine shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- (C) A clearly visible warning sign regarding voltage shall be placed at the base of the Building Mounted or Small Tower turbine.
- (D) The structural integrity of the Building Mounted or Small Tower turbine shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, “Wind Turbine Safety and Design” and/or IEC 614002, “Small Wind Turbine Safety,” IEC 61400-22 “Wind Turbine Certification,” and IEC 61400-23 “Blade Structural Testing,” or any similar successor standards.

(6) Signal Interference. The Building Mounted or Small Tower turbine shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(7) Decommissioning.

- (A) The Building Mounted or Small Tower turbine Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the Building Mounted or Small Tower turbine, and for a good cause, the Chesaning Township Board of Trustees may grant a reasonable extension of time. The Building Mounted or Small Tower turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months as evidenced by the appearance of missing turbine parts, poor aesthetics, or a deteriorated condition. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).

- (B) If the Building Mounted or Small Tower turbine Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Chesaning Township Board of Trustees may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises.
- (C) In addition to the Decommissioning Requirements listed previously, the Small Tower turbine shall also be subject to the following:
 - 1. Decommissioning shall include the removal of each Small Tower turbine, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 - 2. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

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Chapter

4

Non-Conforming Uses

SECTION 401. INTENT.

It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is contrary to the best interests of the citizens of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired, or reconstructed only as prescribed by this Section.

SECTION 402. HISTORIC PROPERTIES

Any nonconforming property in Chesaning Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

SECTION 403. LEGALITY OF NONCONFORMITIES

Legal nonconformities are presumed to have existed before the adoption of zoning regulations in Chesaning Township, and illegal nonconformities to have been developed in conflict with zoning regulations through oversight or error.

Nonconforming properties or uses will be considered to be Legal Nonconformities if they meet each applicable criterion, listed as "a" through "d", below. Note that temporary signs are not considered to be legal nonconforming structures.

- (A) The nonconformity existed before the effective date of this Ordinance.

- (B) The use, parcel, building or structure in question meets one of the following standards.
 - (1) It complied with the District Regulations of the previous zoning ordinance at any point in time.
 - (2) The nonconformity was allowed under the previous zoning ordinance due to granting of a variance or special use permit.
 - (3) It had been recognized as a "legal nonconforming use" under the previous zoning ordinance.
 - (4) (Applies to Nonconforming Setback or Lot Size only) The nonconformity resulted from land acquisition by a government agency, such as a road right of way
 - (5) (Nonconforming Parcels only) Area, width, and depth of parcel, and the number of off-street parking spaces provided, are at least ninety percent (90%) of minimum requirements for its zoning district.

- (C) (Applies to Nonconforming Uses only) The use has not been discontinued for any six month period.

- (D) (Applies to Nonconforming Buildings or Structures only) The building or structure does not extend into a public right of way, over a neighboring property line, or exceed lot coverage limits for its zoning district by over 50 percent.

SECTION 404. INVENTORY OF NONCONFORMITIES

The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Chesaning Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers.

- (A) All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.
- (B) Properties shall be added to or deleted from the Inventory as circumstances change or as Township officials become aware of previously unlisted situations.
- (C) Each listing in the Inventory of Nonconformities shall include the following information.

- (1) Parcel identification number.
- (2) Property address (if one is assigned).
- (3) Current owner(s).
- (4) Property description.
- (5) Parcel dimensions.
- (6) Sketch showing dimensions and setbacks of any structures, and parking areas on the parcel.
- (7) Current zoning district.
- (8) Current use of property.
- (9) Number of off-street parking spaces provided.
- (10) Description of all nonconformities.
- (11) Criteria met by the property allowing its listing as a legal nonconformity. (12) (Uses only) Base area of nonconforming use.
- (13) (Uses only) Any expansion of the base area of use made since the effective date of this Ordinance.

SECTION 405. REDUCTIONS OF THE DEGREE OF NONCONFORMANCE

A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

SECTION 406. PRIOR CONSTRUCTION APPROVAL

Nothing in this Section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that all terms of the permit are fully complied with.

SECTION 407. DISTRICT CHANGES

Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any user's properties that become nonconforming as a result of the boundary changes.

SECTION 408. ELIMINATION OF NONCONFORMITIES

It should be recognized that state laws permit the Chesaning Township Board to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the

Township. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.

SECTION 409. RECONSTRUCTION AND RESTORATION

Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its appraised value, exclusive of foundations, as determined by the assessing officer. Provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

SECTION 410. REPAIR

Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.

SECTION 411. CHANGING USES

If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

SECTION 412. REGULATION OF NONCONFORMITIES

(A) TABLE. The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by officials.

(B) INTERPRETATION. Should any question arise concerning the interpretation of any provision of the REGULATION OF NONCONFORMITIES TABLE, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

Determine the situation (columns), type of nonconformity (rows), and the point where they meet is the action to be taken.

<i>Type</i>	If Discontinued for 6 Months	If Damaged More Than S.E.V.	If Damaged Less Than S.E.V.	Change in Use (Including New Buildings)	Expansion of Nonconforming Use or Building	Remodeling, Maintenance, Code Work
Legal Nonconforming Parcel	Not Applicable.	Not Applicable.	Not Applicable.	Change or construction permitted.	Not Applicable.	Property must be kept in safe condition.
Legal Nonconforming Use of Land	May not be resumed.	Not Applicable.	Not Applicable.	Permitted, but must be reduced degree of nonconformance.	Requires a Variance.	Property must be kept in safe condition.
Legal Nonconforming Use of Building or Structure	May not be resumed.	May rebuild if plans meet ALL OTHER district regulations.	May repair to pre-damage status.	Permitted, but must reduce degree of nonconformance.	Requires a Variance.	Permitted so long as use is not expanded.
Legal Nonconforming Dimensions or Setback or 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.	Permitted, but may not create any greater degree of nonconformance.
Illegal Nonconforming Parcel	Not applicable.	Not applicable.	Not applicable.	Needs Variance. All other District Regulations apply.	Not applicable.	Property must be kept in safe condition.
Illegal Nonconforming Use of Land	May not be resumed.	Not applicable.	Not applicable.	Must adhere to All District regulations.	NOT PERMITTED	Property must be kept in safe condition.

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Illegal Nonconforming Use of Building or Structure	May not be resumed.	Use must stop and may not be resumed.	Repairs allowed if use is not expanded.	Must adhere to All District regulations.	NOT PERMITTED	Permitted so long as use is not expanded.
Illegal Nonconforming Dimensions or Setback of Building	Not applicable.	Building must be rebuilt to fully comply with applicable district regulations.	May repair, but must remove any part of building in right-of-way, over a lot line, or exceeding zoning district coverage limit.	New use and new building must adhere to All District regulations.	Building must be changed to fully comply with All Dimension regulations.	Permitted, but may not create 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 district regulations. (May need to be removed).	Structure must be rebuilt to comply with All district regulations. (May need to be removed).	Structure must be rebuilt to comply with All district regulations. (May need to be removed).	Permitted, but may not create any greater degree of nonconformance.

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Chapter

5

District Regulations

SECTION 501. DIVISION OF THE TOWNSHIP.

For the purposes of this Ordinance, all land within Chesaning Township, excepting streets and alleys, is divided into the following Zoning Districts. The districts as listed here are presumed to be in ascending order of permissiveness and land use intensity, or in descending order of restrictiveness as one proceeds from top to bottom.

- CG Conservation Greenbelt
- A Agricultural Farmland Preservation
 - R-1A Single Family Residential R-1
 - Single Family Residential
 - R-2 Medium Family Residential
- B Commercial
 - M Manufacturing

SECTION 502. OFFICIAL ZONING MAP.

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Chesaning Township Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 503. 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) Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of said roadways.
- (2) Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- (3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

SECTION 504. SCOPE OF REGULATIONS.

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 Ordinance, including the regulations for the Zoning District in which it is located.

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.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. 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.

SECTION 505. DISTRICT REGULATIONS TABLES.

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for each Zoning District. These tables do not include general requirements of this Ordinance. Thus, the reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Chesaning Township.

- (1) **TABLES FOR EACH ZONING DISTRICT.** Tables for each Zoning District are provided under Section 506. Permitted activities are identified for each Zoning District, followed by a statement of purpose. These brief statements form the objectives to be accomplished by regulations for each Zoning District. 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 Ordinance. Uses permitted by Special Permit are subject to the process described by Chapter 6 - Special Use Permit Requirements.

- (2) DIMENSIONS TABLE. This table appears under Section 507, with some notes on the following page. It specifies parcel dimensions, and setback requirements for parcels in each Zoning District, and also specifies requirements for building dimensions.

SECTION 506. PERMITTED ACTIVITIES FOR ZONING DISTRICTS.

Conservation Greenbelt (CG)	
Purpose: To protect public health, welfare and safety by preventing intensive development of environmentally sensitive areas. To promote appropriate uses of flood prone land or wetlands, preserve natural resources and minimize potential losses from flood hazards.	
Minimum Lot Area: Five (5) acres.	
Uses By Right	Uses By Special Use Permit
<u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Forestry <input checked="" type="checkbox"/> Sod farming <input checked="" type="checkbox"/> Outdoor plant nursery not selling at retail on the premises <input checked="" type="checkbox"/> Field crops <input checked="" type="checkbox"/> Horticultural <input checked="" type="checkbox"/> Orchard <input checked="" type="checkbox"/> Vineyard <input checked="" type="checkbox"/> Apiary	<u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Accessory building. (Section 603) <input checked="" type="checkbox"/> Ponds – 1 Acre or more. (Section 620)
<u>Residence</u> <input checked="" type="checkbox"/> None	<u>Residence</u> <input checked="" type="checkbox"/> Addition to, or Accessory Structure for any Single Family Dwelling built before adoption of this Ordinance. (Section 606)

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<p><u>Business</u> <input checked="" type="checkbox"/> Home occupation on an existing structure. <input checked="" type="checkbox"/> Roadside stand as an accessory use.</p>	<p><u>Business</u> <input checked="" type="checkbox"/> None</p>
<p><u>Industry</u> <input checked="" type="checkbox"/> None</p>	<p><u>Industry</u> <input checked="" type="checkbox"/> Soil Resource Extraction (Section 620)</p>
<p><u>Other</u> <input checked="" type="checkbox"/> Nature Preserve <input checked="" type="checkbox"/> Hunting area <input checked="" type="checkbox"/> Fishing Area <input checked="" type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311.</p>	<p><u>Other</u> <input checked="" type="checkbox"/> Boat launch (Section 603) <input checked="" type="checkbox"/> Accessory building for use by right-only if there is no alternative to locating it in this zone (Section 606) <input checked="" type="checkbox"/> Golf courses (Section 611) <input checked="" type="checkbox"/> Private airstrip (Section 605) <input checked="" type="checkbox"/> Communication towers (Section 623) <input checked="" type="checkbox"/> Outdoor court and field sports facilities (630) <input checked="" type="checkbox"/> Motorized tracks for motorcycles, off-road vehicles, mud bogging, and similar uses (632)</p>

<p>Agricultural Farmland Preservation (A)</p>	
<p>Purpose: To preserve and promote the use of land for food and fiber production. To reinforce the continued agricultural use of property, as encouraged by the Farmland and Open Space Preservation Act.</p>	
<p>Minimum Lot Area: Two (2) acres.</p>	
<p>Uses By Right</p>	<p>Uses By Special Use Permit</p>

<p><u>Agriculture and Open Space</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Forestry <input checked="" type="checkbox"/> Sod farming <input checked="" type="checkbox"/> Outdoor plant nursery not selling at retail on the premises <input checked="" type="checkbox"/> Field crops <input checked="" type="checkbox"/> Horticultural <input checked="" type="checkbox"/> Truck farming <input checked="" type="checkbox"/> Orchard <input checked="" type="checkbox"/> Vineyard <input checked="" type="checkbox"/> Apiary <input checked="" type="checkbox"/> Pasture <input checked="" type="checkbox"/> Grazing <input checked="" type="checkbox"/> Low impact livestock or poultry raising <input checked="" type="checkbox"/> Keeping or boarding of Large Farm Animals shall conform to Michigan’s generally accepted agriculture and management practices (GAAMPs). 	<p><u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Greenhouse not selling at retail on the premises (603) <input checked="" type="checkbox"/> Outdoor agricultural product storage, when it conforms to the Michigan Department of Agriculture’s Generally Accepted Agricultural Management Practices (GAAMPs) (603) <input checked="" type="checkbox"/> High impact livestock or poultry raising (over 500 Animal Units), when it conforms to GAAMPs. (614) <input checked="" type="checkbox"/> Ponds 1 Acre or more (620)</p>
<p><u>Residence</u> <input checked="" type="checkbox"/> Cluster Development <input checked="" type="checkbox"/> Single-family dwelling <input checked="" type="checkbox"/> Family Child Care Home <input checked="" type="checkbox"/> Adult foster care family home (six (6) or fewer adults) <input checked="" type="checkbox"/> Accessory structure for any single family dwelling</p>	<p><u>Residence</u> <input checked="" type="checkbox"/> Accessory unit (Section 606) <input checked="" type="checkbox"/> Private road to serve single family dwellings only (625) <input checked="" type="checkbox"/> Group Child Care Home (610) <input checked="" type="checkbox"/> Recreational vehicle (RV) Park. Allowed only with approved wastewater treatment facilities. (619) <input checked="" type="checkbox"/> Bed and breakfast (608)</p>
<p><u>Business</u> <input checked="" type="checkbox"/> Home occupation <input checked="" type="checkbox"/> Roadside stand as an accessory use <input checked="" type="checkbox"/> Kennel, private</p>	<p><u>Business</u> <input checked="" type="checkbox"/> Driving range (611) <input checked="" type="checkbox"/> Veterinary hospital or clinic (613) <input checked="" type="checkbox"/> Kennel, public (627) <input checked="" type="checkbox"/> Riding stable (603) <input checked="" type="checkbox"/> Grain elevator (603)</p>
<p><u>Industry</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> None 	<p><u>Industry</u> <input checked="" type="checkbox"/> Soil resource extraction. (620)</p>
<p><u>Other</u> <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> None · Utility substation <input checked="" type="checkbox"/> Industrial or trade school · Small Wind Turbines, when conforming to the requirements of Section 311. 	<p><u>Other</u> <input checked="" type="checkbox"/> Nature preserve (611) <input checked="" type="checkbox"/> Fishing area (611) <input checked="" type="checkbox"/> Hunting area (611) <input checked="" type="checkbox"/> Shooting club (611) <input checked="" type="checkbox"/> Private airstrip (605) <input checked="" type="checkbox"/> Communication Towers (623) <input checked="" type="checkbox"/> Water towers & public utility substations (631) <input checked="" type="checkbox"/> Motorized tracks for motorcycles, off-road</p>
	<p>vehicles, mud bogging, and similar uses (632)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Boat launch (631) <input checked="" type="checkbox"/> Park (631)

- Cemetery (631)
- Golf course (611)
- Outdoor court or field sports (630)
- Church (613)
- School (613)
- Meeting Hall (613)
- Airport (605)
- Campground (619)

Single Family Residential (R-1A)	
Purpose: To encourage and preserve attractive rural neighborhood environments consisting of single family dwellings on individual lots, and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.	
Minimum Lot Area: One (1) acre.	
Uses By Right	Uses By Special Use Permit
<u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Forestry <input checked="" type="checkbox"/> Sod farming <input checked="" type="checkbox"/> Outdoor plant nursery not selling at retail on the premises <input checked="" type="checkbox"/> Field crops <input checked="" type="checkbox"/> Horticulture <input checked="" type="checkbox"/> Truck farming <input checked="" type="checkbox"/> Orchards <input checked="" type="checkbox"/> Vineyards <input checked="" type="checkbox"/> Low impact livestock or poultry raising (under 20 Animal Units) <input checked="" type="checkbox"/> Keeping or boarding of Large Farm Animal- one (1) animal on sites having at least two (2) acres (each additional animal requires one (1) additional acre)	<u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Accessory structure for a use by right (606) <input checked="" type="checkbox"/> Greenhouse not selling at retail on the premises (603) <input checked="" type="checkbox"/> Ponds – ½ Acre or more (620)

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<p><u>Residence</u> <input type="checkbox"/> Single-family dwelling <input type="checkbox"/> Family Child Care Home</p> <p><input type="checkbox"/> Accessory structures for any single family dwelling</p> <p><input type="checkbox"/> Adult foster care family home (six (6) or fewer adults)</p>	<p><u>Residence</u> <input type="checkbox"/> Two family dwelling (603) <input type="checkbox"/> Accessory units (606)</p> <p><input type="checkbox"/> Private road to serve single family dwellings only (625)</p>
<p><u>Business</u> <input type="checkbox"/> Home occupation <input type="checkbox"/> Kennel, private</p>	<p><u>Business</u> <input type="checkbox"/> Driving range (611)</p> <p><input type="checkbox"/> Group Child Care Home (610)</p> <p><input type="checkbox"/> Kennel, public (627)</p>
<p><u>Industry</u></p> <p><input type="checkbox"/> None</p>	<p><u>Industry</u></p> <p><input type="checkbox"/> None</p>
<p><u>Other</u> <input type="checkbox"/> Boat launch <input type="checkbox"/> Park</p> <p><input type="checkbox"/> Unlighted outdoor court or field sports <input type="checkbox"/> Fishing area <input type="checkbox"/> Cemetery</p> <p><input type="checkbox"/> Water tower or utility substation</p> <p><input type="checkbox"/> Church <input type="checkbox"/> School</p> <p><input type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311.</p>	<p><u>Other</u> <input type="checkbox"/> Golf course (611) <input type="checkbox"/> Private club (618) <input type="checkbox"/> Lighted outdoor court or field sports (630)</p> <p><input type="checkbox"/> Meeting halls (613) <input type="checkbox"/> Kennels, public (627) <input type="checkbox"/> Communication Towers (623)</p> <p><input type="checkbox"/> Outdoor court & field sports facilities (630) <input type="checkbox"/> Motorized tracks for motorcycles, off-road vehicles, and similar uses (632)</p>

Single Family Residential (R-1)	
Purpose: To encourage and preserve attractive neighborhood environments consisting of single family dwellings on individual lots, and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.	
Minimum Lot Area: One (1) acre.	
Uses By Right	Uses By Special Use Permit

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<p><u>Agriculture and Open Space</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Forestry <input checked="" type="checkbox"/> Sod farming <input checked="" type="checkbox"/> Outdoor plant nursery not selling at retail on the premises <input checked="" type="checkbox"/> Field crops <input checked="" type="checkbox"/> Horticulture <input checked="" type="checkbox"/> Truck farming <input checked="" type="checkbox"/> Orchards <input checked="" type="checkbox"/> Vineyards 	<p><u>Agriculture and Open Space</u> <input checked="" type="checkbox"/> Accessory structure for a use by right (606) <input checked="" type="checkbox"/> Greenhouse not selling at retail on the premises (603) <input checked="" type="checkbox"/> Ponds – ½ Acre or more (620)</p>
<p><u>Residence</u> <input checked="" type="checkbox"/> Single-family dwelling <input checked="" type="checkbox"/> Family Child Care Home</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Accessory structures for any single family dwelling <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Adult foster care family home (six (6) or fewer adults) <input checked="" type="checkbox"/> Cluster development only with off-parcel wastewater treatment for each dwelling 	<p><u>Residence</u> <input checked="" type="checkbox"/> Accessory unit (606)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Private road to serve single family dwellings only (625)
<p><u>Business</u> <input checked="" type="checkbox"/> Home occupation <input checked="" type="checkbox"/> Kennel, private</p>	<p><u>Business</u> <input checked="" type="checkbox"/> Group Child Care Home (610) <input checked="" type="checkbox"/> Kennel, public (627)</p>
<p><u>Industry</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> None 	<p><u>Industry</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> None.
<p><u>Other</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Park <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Unlighted outdoor court or field sports <input checked="" type="checkbox"/> Fishing area <input checked="" type="checkbox"/> Cemetery <input checked="" type="checkbox"/> Water tower or utility substation <input checked="" type="checkbox"/> Church <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311. 	<p><u>Other</u> <input checked="" type="checkbox"/> Golf course (611)</p>

Medium Family Residential (R-2)	
Purpose: To promote variety in housing style, design and cost to meet the needs of Township residents, in areas served by public water and sewer services or in developments served by sewage collection and treatment facilities permitted by the Michigan Departments of Public Health or Environmental Quality.	
Minimum Lot Area: One (1) acre.	
Uses By Right	Uses By Special Use Permit
<u><i>Agriculture and Open Space</i></u> <input checked="" type="checkbox"/> Forestry <input checked="" type="checkbox"/> Sod farming <input checked="" type="checkbox"/> Outdoor plant nursery not selling at retail on the premises <input checked="" type="checkbox"/> Field crops <input checked="" type="checkbox"/> Horticulture <input checked="" type="checkbox"/> Truck farming <input checked="" type="checkbox"/> Orchards <input checked="" type="checkbox"/> Vineyards	<u><i>Agriculture and Open Space</i></u> <input checked="" type="checkbox"/> Accessory structure for a use by right (606) <input checked="" type="checkbox"/> Greenhouse not selling at retail on the premises (603) <input checked="" type="checkbox"/> Ponds – ½ Acre or more (620)
<u><i>Residence</i></u> <input checked="" type="checkbox"/> Single-family dwelling and accessory structures <input checked="" type="checkbox"/> Family Child Care Home <input checked="" type="checkbox"/> Adult foster care family home (six (6) or fewer adults) <input checked="" type="checkbox"/> Cluster development (only with off-parcel wastewater treatment for each dwelling) <input checked="" type="checkbox"/> Two-family dwellings and accessory structures (only with off-parcel wastewater treatment for each dwelling)	<u><i>Residence</i></u> <input checked="" type="checkbox"/> Bed and breakfast (608) <input checked="" type="checkbox"/> Residential building with 3 or 4 dwellings (apartments or condominiums), allowed only with approved wastewater treatment facilities (603) <input checked="" type="checkbox"/> Row houses, allowed only with approved wastewater treatment facilities (603) <input checked="" type="checkbox"/> Mobile home parks, allowed only with approved wastewater treatment facilities (616) <input checked="" type="checkbox"/> Recreational vehicle (RV) parks, allowed only with approved wastewater treatment facilities (619) <input checked="" type="checkbox"/> Accessory unit (606) <input checked="" type="checkbox"/> Private road to serve single family dwellings only (625)
<u><i>Business</i></u> <input checked="" type="checkbox"/> Home occupation	<u><i>Business</i></u> <input checked="" type="checkbox"/> Group Child Care Home. (610)
<u><i>Industry</i></u> <input checked="" type="checkbox"/> None	<u><i>Industry</i></u> <input checked="" type="checkbox"/> None

<p><u>Other</u> <input type="checkbox"/> Water treatment and/or storage facility, including water towers</p> <p><input type="checkbox"/> Utility substation <input type="checkbox"/> Industrial or trade school</p> <p><input type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311.</p>	<p><u>Other</u> <input type="checkbox"/> Golf course (611) <input type="checkbox"/> Private club (618)</p> <p><input type="checkbox"/> Lighted outdoor court or field sports (630)</p> <p><input type="checkbox"/> Meeting hall (613) <input type="checkbox"/> Campground (619)</p>
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<p>Commercial (B)</p>	
<p>Purpose: To accommodate commercial activities that meet the day-to-day convenience shopping and service needs of township residents, including provisions for regional commercial activities that meet the needs of the automobile traveler on major arterial roadways. To promote development of offices in a manner that will complement surrounding neighborhoods. To promote certain residential developments under appropriate conditions.</p>	
<p>Minimum Lot Area:</p>	
<p>Uses By Right</p>	<p>Uses By Special Use Permit</p>
<p><u>Agriculture and Open Space</u></p> <p><input type="checkbox"/> Forestry <input type="checkbox"/> Sod farming</p> <p><input type="checkbox"/> Field crops <input type="checkbox"/></p> <p>Horticulture <input type="checkbox"/> Truck farming <input type="checkbox"/> Orchards <input type="checkbox"/></p> <p>Vineyards</p>	<p><u>Agriculture and Open Space</u> <input type="checkbox"/></p> <p>Ponds – ½ Acre or more (620)</p>
<p><u>Residence</u> <input type="checkbox"/> Mixed use facilities that combine residential units with small scale businesses, such as: retail sales, offices, restaurants, and coin laundry (residences may be on upper level, must have separate entrance and dedicated off street parking).</p>	<p><u>Residence</u> <input type="checkbox"/> Multiple dwellings (apartments or condominiums)</p> <p>(603) <input type="checkbox"/> Recreational vehicles (RV) parks (619) <input type="checkbox"/> Bed & breakfasts (608)</p> <p><input type="checkbox"/> Business operating outside the hours of 8:00 am - 9:00 pm (603)</p>

<p><u>Business</u> <input type="checkbox"/> Retail <input type="checkbox"/> Office <input type="checkbox"/> Restaurant <input type="checkbox"/> Financial services <input type="checkbox"/> <input type="checkbox"/> Funeral home <input type="checkbox"/> Coin laundry <input type="checkbox"/> Commercial school <input type="checkbox"/> Temporary outdoor use <input type="checkbox"/> Veterinary hospital or clinic <input type="checkbox"/> Kennel, private <input type="checkbox"/> Retail nursery or greenhouse <input type="checkbox"/> Electrical or plumbing supply <input type="checkbox"/> Shopping center <input type="checkbox"/> Hotel or motel <input type="checkbox"/> Skating rink <input type="checkbox"/> Bowling alley <input type="checkbox"/> Arcade <input type="checkbox"/> Theater <input type="checkbox"/> Lumberyard <input type="checkbox"/> Truck stop <input type="checkbox"/> Business services <input type="checkbox"/> Drug store <input type="checkbox"/> Hardware <input type="checkbox"/> Temporary outdoor use <input type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311.</p>	<p><u>Business</u> <input type="checkbox"/> Kennel, public (627) <input type="checkbox"/> Any business with a drive-thru (624) <input type="checkbox"/> Gas station (607) <input type="checkbox"/> Bus station (603) <input type="checkbox"/> Farm equipment sales and repair (603) <input type="checkbox"/> Wholesale businesses, except fuel dealer (603) <input type="checkbox"/> Bar or nightclub (618) <input type="checkbox"/> Industrial, commercial or construction equipment sales and repair (603) <input type="checkbox"/> Drive-in theater (617) <input type="checkbox"/> Farm supply (603) <input type="checkbox"/> Truck terminal (603) <input type="checkbox"/> Grain elevator (603) <input type="checkbox"/> Adults-only business (604) <input type="checkbox"/> Ministorage (615) <input type="checkbox"/> Non-automatic car wash (609) <input type="checkbox"/> Auto service (607) <input type="checkbox"/> Auto or mobile home sales and repair (607)</p>
<p><u>Industry</u> <input type="checkbox"/> None</p>	<p><u>Industry</u> <input type="checkbox"/> Warehouse (612) <input type="checkbox"/> Printing and publishing (612) <input type="checkbox"/> Bottling plant (612) <input type="checkbox"/> Machine shop under 5,000 square feet (612)</p>
<p><u>Other</u> <input type="checkbox"/> Library <input type="checkbox"/> Museum or gallery <input type="checkbox"/> Meeting hall <input type="checkbox"/> Private club <input type="checkbox"/> Government office <input type="checkbox"/> Police or fire service facility <input type="checkbox"/> Water towers <input type="checkbox"/> Utility substation</p>	<p><u>Other</u> <input type="checkbox"/> School (613) <input type="checkbox"/> Hospital (603) <input type="checkbox"/> Park (631) <input type="checkbox"/> Church (613) <input type="checkbox"/> Meeting halls (613) <input type="checkbox"/> Campgrounds (619) <input type="checkbox"/> Communication Towers (623) <input type="checkbox"/> Crematory (628) <input type="checkbox"/> Motorized tracks for motorcycles, off-road vehicles, and similar uses (632) <input type="checkbox"/> Private club (618) <input type="checkbox"/> Nursing home (603) <input type="checkbox"/> Arena or stadium (617) <input type="checkbox"/> Racetrack (632) <input type="checkbox"/> Incarceration facility (613)</p>

Manufacturing (M)	
Purpose: To encourage attractive industrial development that is in keeping with the Township’s rural character. To permit manufacturing, processing, assembling, packaging, or treatment of products when these activities take place only inside a building. To permit compatible sales or service uses. To prohibit residential or intensive retail uses in industrial locations.	
Minimum Lot Area: One (1) acre.	
Uses By Right	Uses By Special Use Permit

Chesaning Township Zoning Ordinance

<p><u>Agriculture and Open Space</u> <input type="checkbox"/> Forestry <input type="checkbox"/> Sod farming <input type="checkbox"/> Field crops <input type="checkbox"/> Horticulture <input type="checkbox"/> Truck farming <input type="checkbox"/> Orchard <input type="checkbox"/> Vineyard</p>	<p><u>Agriculture and Open Space</u> <input type="checkbox"/> Ponds – ½ Acre or more (620)</p>
<p><u>Residence</u> <input type="checkbox"/> None</p>	<p><u>Residence</u> <input type="checkbox"/> None</p>
<p><u>Business</u> <input type="checkbox"/> Grain elevator <input type="checkbox"/> Industrial, commercial or construction equipment sales and repair <input type="checkbox"/> Truck terminal <input type="checkbox"/> Building supply yard <input type="checkbox"/> Wholesale businesses- Except Fuel Dealer <input type="checkbox"/> Landscape contractors</p>	<p><u>Business</u> <input type="checkbox"/> Bar or restaurant (618) <input type="checkbox"/> Fuel Dealer (603)</p>
<p><u>Industry</u> <input type="checkbox"/> Manufacturing, processing, or research which does not store raw materials, finished products, work in process, waste, scrap, coal, equipment, or containers out of doors. <input type="checkbox"/> Warehouse</p>	<p><u>Industry</u> <input type="checkbox"/> Contractors’ yard (612) <input type="checkbox"/> Outdoor storage of equipment or material that will not burn, explode, be dispersed by wind, dissolve in or contaminate water, or harm humans, plants or animals (612) <input type="checkbox"/> Junk yard (612) <input type="checkbox"/> Soil resource extraction (620) <input type="checkbox"/> Concrete or asphalt plant (612) <input type="checkbox"/> Industrial park (612)</p>
<p><u>Other</u> <input type="checkbox"/> Water treatment and/or storage facility, including water towers <input type="checkbox"/> Utility substation <input type="checkbox"/> Industrial or trade school <input type="checkbox"/> Small Wind Turbines, when conforming to the requirements of Section 311.</p>	<p><u>Other</u> <input type="checkbox"/> Roadway or utility service yard (612) <input type="checkbox"/> Rail freight yard (612) <input type="checkbox"/> Type III Land fill (622) <input type="checkbox"/> Airport (605) <input type="checkbox"/> Incarceration facility (613) <input type="checkbox"/> Licensed Type II Landfill (622) <input type="checkbox"/> Resource recovery or incinerator (622) <input type="checkbox"/> Municipal sewage treatment/disposal facility (622) <input type="checkbox"/> Cell tower (623) <input type="checkbox"/> Kennel, public (627)</p>

Chesaning Township Zoning Ordinance

SECTION 507. DIMENSIONS TABLE.

Zoning District	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Back Yard Setback	Side Yard Setback	Maximum Lot Coverage	Corner Lots		Minimum Structure Area (square feet)	Maximum Height *	Maximum Stories	Ponds
							Corner Yard Setback	Remaining Side Yard Setback				
CG	5 acres	330 feet	40 feet	40 feet (20) feet	20 feet (20)	None	20 feet (20) feet	20 feet (20) feet	1040 sq ft	40 (30) [85] feet	3.5 (1)	**
A	2 acres	200 feet	40 feet	40 feet (20) feet	15 feet (15)	None	25 feet (25) feet	15 feet (15) feet	1040 sq ft	35 (30) [85] feet	2.5 (1)	**
R-1A	1 acre	125 feet	40 feet (30) feet	40 feet (5) feet	15 feet (8)	25%	25 feet (25) feet	15 feet (8) feet	1040 sq ft	35 (30) feet	2.5 (1)	**
R-1	1 acre (well & septic) 12,000 sq ft (water & sewer)	100 feet (well/septic) 75 feet (water/sewer)	30 feet (25) feet	40 feet (5) feet	10 feet (8)	35%	25 feet (25) feet	15 feet (8) feet	1040 sq ft	35 (30) feet	2.5 (1)	**
R-2	1 acre (well & septic) 9,000 sq ft (water & sewer for 1 family) 18,000 sq ft (water & sewer for 2 family)	100 feet (well/septic) 75 feet (water/sewer)	30 feet (25) feet	40 feet (5) feet	12 feet (8)	35%	25 feet (25) feet	12 feet (8) feet	400 - 0 bedroom, 650 - 1 bedroom, 750 - 2 bedrooms, 850 - 3 bedrooms	35 (30) feet	2.5 (1)	**
B	1 acre (well & septic) 12,500 sq ft (with offparcel wastewater treatment)	75 feet	30 feet (30) feet	20 feet (20) feet	8 feet {20} feet	40%	30 feet (30) feet	8 feet (8) feet {20} feet	None	40 (30) feet	3 (1)	**
M	1 acre	150 feet	40 feet	10% of lot depth & width, at least 40'	10% of lot depth & width, at least 40'	None	10% of lot depth & width, at least 40'	10% of lot depth & width, at least 40'	None	45 (35) feet	3.5 (1)	**

Regulations for Accessory Setbacks are shown in parentheses.

Notes to the Dimensions Table:

[] represents Agricultural Operations - Other non-residential permitted structures may have increased height, if front, side and rear setbacks are increased one foot for every one foot increase in building height.

{ } represents the required setback on the side of a lot that abuts a residential district, in which case there shall be a side yard of not less than twenty (20) feet.

* Cell towers are exempted from the Height Regulations table if a Special Use Permit is granted by the Township.

** Ponds or excavation shall be located no closer than 75 feet from any lot lines, septic fields, septic tanks, feedlots, farmstands, corrals, power lines, and road right-of-way. Berms of spread soil shall terminate no closer than 25 feet from any lot lines. Additional requirements are in Chapter 7, Section 720.

Chapter

6

Special Use Permit Requirements

SECTION 601. INTENT.

(1) INTENT. In contrast to the clear cut and 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. The Special Uses which are designated for a particular Zoning District, are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration for the welfare of adjacent properties and the community as a whole.

(2) PURPOSE. This Chapter provides procedures and standards for regulating activities identified as uses "Uses By Special Use Permit" for each Zoning District in the USES Tables found in Chapter 5 of this Ordinance. 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.

(3) PROCESS. Regulation of Special Uses includes a two step process. First is the review of the Site Plan for the proposed use. Second is the decision of whether or not a Special Use Permit will be granted.

(A) STANDARDS. During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements which must always be met.

(B) CONDITIONS. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.

(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 chapter. 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.

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 establishing conditions, which must be met by a special use. Locations where neighbors are more sensitive to a the special use 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, such as increased landscaping or buffering. 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.

(D) PERMANENCE. Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as noted in Section 602(C).

SECTION 602. PERMIT PROCEDURES.

(1) SUBMISSION OF APPLICATION. The application package is to be submitted to the Chesaning Township Zoning Administrator.

(A) CONTENTS. The application package consists of a Zoning Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township and a site plan meeting the requirements of Section 910.

(B) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.

(2) SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:

(A) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.

- (B) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
- (C) STANDARDS. All standards required by this Ordinance shall be observed for each action.
- (D) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

(3) PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting:

- (A) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Section 910 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.

- (1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.

- (2) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.

- (B) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered. Requirements for the public hearing are described in Section 909. If a site plan for a Special Use has been denied, the applicant may ask for consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.

- (C) CONSIDERATION OF SPECIAL USE PERMIT. Following the public hearing, the

Planning Commission Chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it. The decision on a Special Use Permit shall incorporate a statement containing the findings and conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions recommended.

(1) OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.

(2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.

(3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.

(4) RE-APPLICATION. An application for a Special Use Permit which has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.

(5) TERMS OF PERMIT. A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use that is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of said permit are described by Section 902(2). If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.

(6) REVOCATION. The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in paragraph (5), the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.

(A) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within

thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

(B) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.

(C) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission's meeting will occur before the thirty (30) day period of the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

(D) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.

(E) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

SECTION 603. PERMIT STANDARDS.

(1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations from Chapter 5, the Site Plan Review Standards from Section 910, the following general standards included in this section, and any specific standards for particular uses described elsewhere in this chapter. Each proposed special use shall meet the following general standards:

(A) The special use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

- (B) The special use shall not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
- (C) The special use shall be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and/or schools.
- (D) The special use shall not create excessive additional requirements at public cost for public facilities and services.
- (E) The special use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (F) The special use shall be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.

(2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's Minutes and communicated to the applicant in writing.

(3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 602(C).

SECTION 604. ADULTS-ONLY BUSINESS

(1) **INTENT.** In the development and execution of this Ordinance, it is understood that there are some uses which, because of their very nature, have serious objectionable operational characteristics. Particularly when several of them are concentrated in certain circumstances, a deleterious effect on adjacent areas results. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. These special regulations are itemized in this section. 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.

(2) **DISTANCE RESTRICTIONS.**

(A) The following listed uses shall not be permitted to be established within one thousand five hundred (1,500) feet of each other:

- (1) Adult related businesses
- (2) Adult book stores
- (3) Adult motion picture theaters

- (4) Adult mini motion picture theaters
- (5) Exotic cabarets
- (6) Massage parlors
- (7) Public baths
- (8) Taxi dance halls

(B) It shall be unlawful hereafter to establish an adult-related business within one thousand (1000) feet of any residentially-zoned property, or within one thousand (1000) feet of any religious or educational institution, public park, or recreational land use.

(3) SIGNAGE AND EXTERIOR DISPLAY. Window displays, signs, and/or decorative or structural elements of buildings shall not include or display specific examples of actual adult uses, and are limited to the signage provisions stated in Chapter 8 of this Ordinance.

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, 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 element, or other opening.

(4) PRECAUTIONARY NOTE TO THE BOARD OF APPEALS. When considering any appeal from an adults-only business for reduction of spacing or separation standards established herein, the Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

(A) ORDINANCE INTENT. The proposed use shall not be contrary to the intent and purpose of this Ordinance, or be injurious to nearby properties.

(B) BLIGHTING INFLUENCE. The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.

(C) NEIGHBORHOOD CONSERVATION. The proposed use shall not be contrary to any program of neighborhood conservation, revitalization, or renewal.

(D) OTHER STANDARDS. The proposed use and its principal building shall comply with all other regulations and standards of this Ordinance.

SECTION 605. AIRPORT/AIRSTRIP

(1) REGULATIONS. Prior to the approval to the construction or modification of an airport or airstrip, all applicable State and Federal Regulations must be complied with.

(2) DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

- (A) Setbacks. For Airports, the end of the runway must be 750 feet from the property line. For Airstrips, the end of the runway must be 500 feet from the property line.
- (B) Site Coverage. 10% or what the zoning district permits, whatever is less. For airstrips, what the zoning district permits.
- (C) Access. Airports must access off of a County Primary Road or a State Highway Road.
- (D) Parcel Size/Width. Airports must be located on parcels that are 180 acres or more (with a 1,500 foot parcel width), and airstrips must be on parcels that are 30 acres or more (with a 500 foot parcel width).

SECTION 606. ACCESSORY UNITS

- (1) INTENT. This section encompasses the rental Accessory Apartment, the “Mother-in-Law” unit or Extended Living area, and the Caretaker Unit. All of these uses require the same building code, design standards, and function very similarly.
- (2) DEFINITIONS. An accessory unit is a complete, separate dwelling unit that shall be within the original single family dwelling structure. An accessory unit shall have a separate kitchen (sink, stove, refrigerator) and a separate bathroom (sink, toilet, shower stall).
 - (A) Accessory apartment- an accessory unit that is rented for monetary funds.
 - (B) Extended Living area (“mother-in-law” apartment) - an accessory unit that is exclusively occupied by family members (related by blood, marriage, or adoption) to the primary family. This occupancy is on a non-rental basis.
 - (C) Caretaker Unit- an accessory unit that is occupied by a person/persons employed by the primary family for household duties (maintenance, cleaning, lawn care, child care, etc).
- (3) DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
 - (A) The residence is the principle single family detached dwelling unit on the property and must be owner-occupied at all times.
 - (B) Only one accessory unit shall be created within a single-family dwelling unit and said area shall be clearly a subordinate part of the dwelling.
 - (C) The accessory unit shall be designed so that the appearance of the building remains that of a single family residence, including retention and enhancement of landscaping.

- (D) It shall be prohibited to install separate utility meters, separate addresses and mailboxes, etc.
- (E) All new entrances shall be located on the side or in the rear of the building so that it still appears that the building is a single family home.
- (F) In no case shall an accessory unit comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms.
- (G) The design and size of the accessory unit shall conform to all applicable standards in the Fire, Building, and Health Codes. If the applicant is unable to comply, the request for special use permit shall be denied.
- (H) Occupancy for the accessory unit shall be one person per 300 square feet.
- (I) At least three off-street parking spaces shall be available for use by the owneroccupant(s). All parking shall be upon hard surface (concrete, asphalt, brick, etc). No tandem parking is permitted.
- (J) Any other appropriate or more stringent conditions deemed necessary for accessory units in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Planning Commission.

SECTION 607. AUTOMOBILE SALES AND SERVICE

(1) INTENT. 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% or more of the vehicular traffic of the establishment.

- (A) SITE LOCATION. The proposed site shall have at least one (1) property line on a major or minor thoroughfare.
- (B) PARCEL SIZE. A minimum parcel size of 15,000 square feet with a minimum of one hundred and fifty feet (150') in road frontage is required.
- (C) BUILDING SETBACK. The service station buildings, canopies, pump islands, and service drives shall conform to the yard requirements for the distance in which it is located, but shall in no case be closer than fifty (50') feet to any proposed line of a residential district or use unless separated by a public street.

(D) HYDRAULIC HOSTS, PITS. Hydraulic hoists, pits and all lubrication, greasing automobile washing, and repair equipment shall be entirely enclosed within a building.

(E) ACCESS DRIVES. No more than two (2) driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35') feet in width at the property line. In no case shall a service station have more than two (2) drives. If the service station or permitted buildings site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practical, but no less than fifty (50') feet.

No driveway or curb cut for a driveway shall be located within ten (10') feet on an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within an R-District as extended to the curb or edge of pavement.

(F) 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 (7") inches in height shall be installed along the perimeter of all paved areas including street access drives.

(G) FENCING. A solid fence or wall four (4') feet in height shall be erected along all property lines abutting any lot within a residential district.

(H) MAJOR VEHICLE REPAIR. All outdoor storage must be screened from adjacent less intensive uses. No more than fifteen (15) vehicles may be stored outside and must be screened. Storage shall be paved.

(I) BUFFER. A tree buffer, that has site plan approval from the Planning Commission, shall be developed around the site in the required yard areas IF the Planning Commission determines that it is needed to mitigate against any negative impacts.

SECTION 608. BED AND BREAKFASTS

(1) INTENT. Due to the increasing popularity of bed and breakfast establishments in a single family dwelling unit, it is important to address any potential negative impacts prior to their occurrence.

(2) DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

(A) The residence is the principle single family detached dwelling unit on the property and is owner-occupied at all times.

- (B) The rooms utilized for the sleeping area are part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
- (C) The maximum stay for any occupants of a bed and breakfast operations shall be fourteen (14) days.
- (D) Paved parking shall be provided at a ratio of spaces to bedrooms as set by the zoning administrator.
- (E) Occupancy of any bed and breakfast operation is limited to ten (10) or fewer guests, and the use is further limited to not more than four (4) rental sleeping rooms.
- (F) 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.
- (G) One sign identifying the bed and breakfast operation is permitted on the property, and it shall not exceed two (2) square feet.
- (H) Bed and breakfast operations shall not be permitted on any premises where there exists any violation of a Township Ordinance or in any building or on any parcel of land which does not conform to the requirements of the Township Zoning Ordinance and adopted Construction Codes.

SECTION 609. CAR WASH

- (1) LOCATION. Car Washes must be located on an arterial or collector road, street, or highway.
- (2) DRAINAGE. Adequate provisions shall be made to keep all the water from the washing operations on the site. Where mechanical or manual drying is not done, a mechanical device shall be provided to insure that each vehicle shall wait on the site a minimum of sixty (60) seconds following the end of each washing operation.
- (3) 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 fifty (50%) percent of the maximum hourly capacity of the washing facility. In determining the number of vehicles waiting spaces available to meet requirements, the number of vehicles normally accommodated within the building can be counted.
- (4) BUILDING EXIT. The building exit shall be no closer than two hundred thirty (230') feet to the nearest street intersection, measured according to how a vehicle would be forced to travel. If there is no drying operation associated with the car wash, either mechanical or hand operated, no minimum footage from a street intersection is required.

SECTION 610. GROUP CHILD CARE HOME.

- (1) Minimum Lot Area and Other Dimensional Requirements
 - (A) Must meet district requirements for lot area and dimensions.
- (2) Other Requirements
 - (A) Must be licensed by State of Michigan for Group Child Care, regulated by Public Act No. 116 of the Public Acts of 1973, as amended.
 - (B) Location shall be an owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision.
 - (C) Must provide adequate off-street parking for all employees.
 - (D) All outdoor play areas shall be enclosed by a fence at least 6 feet in height.

SECTION 611. OUTDOOR COMMERCIAL RECREATION.

- (1) INTENT. These land uses are more intense than the permitted uses and require special security by the Planning Commission. These uses include Hunting Area, Shooting Club, Driving Range, Golf Course, Mini-Golf Course, Skateboard Parks, Flea Market, Farm Market, or anything that is similar in nature- an area where people recreate or participate in an outdoor activity that is not classified as an Assembly.
- (2) SAFETY. It is up to the Planning Commission to decide that no public health, safety and/or welfare issues exist. If they do, then the permit can be denied.
- (3) BUFFER. A tree buffer, that has site plan approval from the Planning Commission, shall be developed around the site in the required yard areas.
- (4) DEVELOPMENT STANDARDS. Setbacks for these uses must be doubled. Since the uses differ so much, required acreage must be determined by the Planning Commission at site plan approval. The minimum acreage permitted for these uses is one (1) acre.

SECTION 612. INDUSTRIAL PARK/INDUSTRIAL BUILDING.

- (1) INTENT. Locations for uses primarily involved with research and/or manufacturing activities.

(2) DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

- (A) Setbacks. No building shall be located on any one or more nearer to the front lot line or nearer to the side lot line than the minimum setback as outlined in the Dimensions Table in Chapter 5.
- (B) Site Coverage. Maximum building coverage of fifty (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 site.
- (C) Building Height. The maximum building height shall be forty-five (45') feet.
- (D) 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 lots is specifically approved and consented to by the Township of Chesaning in writing.
- (E) Building Construction and Materials. All buildings shall create an acceptable appearance on all four sides. Buildings, including ancillary buildings, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units shall be screened from view from any public street. At least thirty-five (35%) percent of the wall area on the front of the building shall be facing brick, stone, exposed aggregate or of other architectural masonry of equal standard.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

- (F) Signage. All signs on the site and buildings will need to be reviewed for compliance with the municipality’s zoning ordinance.
- (G) Truck loading and unloading areas shall be shielded from the main road servicing the facility.
- (H) All equipment, electrical substations, and mechanical devises shall be shielded from view from the main road.
- (I) The outdoor storage of goods or materials shall be shielded from the main road.
- (J) Accessory buildings, when such are required for the function of the principal use(s), are permitted provided that all such accessory buildings comply with all setbacks, screening and facade design as are required for principal buildings.

- (K) The grade level of all proposed structures shall be oriented for safe pedestrian access.
- (L) All electrical, telephone, telecommunications, and other service lines shall be underground and comply with local codes.
- (M) A greenbelt planting screen is required between the main service road and the planned facility. Such greenbelt being at least 50 feet wide and shall contain at least two (2) straight or staggered rows of deciduous or evergreen trees, spaced not more than 30 feet apart and at least 2 rows of deciduous or evergreen shrubs which will grow to approximate height of 6 feet planted not more than 6 feet apart. Landscaped islands are required in parking lots as stated in Chapter 7. Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition. The Planning Commission will review the landscape plan to insure it meets the intent of Section 306.
- (N) No land, use, or structure in the district shall be used or occupied in a manner which creates dangerous, injurious, noxious or otherwise objectionable conditions which may affect any other property.
- (O) On-street parking is not acceptable. Required off-street parking shall be provided on the parcel of use served, or on a contiguous parcels or within eight hundred (800') feet of the subject parcel.
- (P) 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 principle structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (Q) All employee, public, and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard.

SECTION 613. INSTITUTIONS.

- (1) INTENT. This section applies to the following uses in Zoning Districts where they are identified as Special Uses. These uses include: Religious, Social, Educational, Incarceration Institutions, and Veterinary Hospitals.
- (2) FENCES. The Planning Commission shall require fences or other methods of secure enclosure which it deems appropriate for the type of facility being considered and for the nature of the area surrounding the site.

(3) STATE GUIDELINES. Applicable guidelines for siting and construction of facilities, from either the Michigan Department of Corrections or the Michigan Department of Mental Health, shall be carefully followed for any proposed incarceration facility.

(4) Veterinary Hospitals. All animals must be kept in a fenced area that they can not escape from. A minimum of five acres (5) is required. No buildings or animal runs shall be less than one hundred and fifty (150') feet from a lot line abutting a residential district.

(5) BUFFER. A landscape buffer which will help to mitigate the impact of use, shall be developed around the site in the required yard areas. This landscape plan will need approval from the Planning Commission at the time the special use permit is heard to insure the requirements in Section 306 are met.

SECTION 614. HIGH IMPACT LIVESTOCK/POULTRY RAISING.

(1) INTENT. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(2) 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.

(3) ACTIVITY RESTRICTIONS. All pastured animals shall be maintained at least fifty (50) feet from any dwelling on adjacent premise, structures associated with the livestock operation shall be located no closer than one hundred and fifty feet to a public right-of-way or any adjacent property.

(4) MANURE MANAGEMENT. An application for High Impact Livestock of Poultry Raising shall include sufficient detail from the operation’s application to the Michigan Department of Agriculture to determine location and operational details of the manure management and other aspects of the proposed use. These will be considered by the Planning Commission in determining whether additional buffering is necessary for protection of adjacent uses. This could become an additional condition for a Special Use Permit. The following items are of particular interest.

(A) Location and size of facilities for the collection, storage, treatment, transfer and utilization of the manure and other byproducts.

(B) Facilities for collection, transfer, storage and treatment of runoff and leachate from manure and feed.

- (C) An operation and maintenance plan for all structural components of the manure management system including inspection frequency, areas to address, regular maintenance, and record keeping.
- (D) Technology and management practices to minimize odor.
- (E) An emergency plan, identifying actions needed and contacts to be made in the event of a spill.

SECTION 615. MINI-STORAGE/INDIVIDUAL STORAGE FACILITIES

- (1) **DEVELOPMENT REQUIREMENTS.** Setbacks are the same as required in the zoning district. The maximum height permit is limited to one story and 15 feet. Multiple buildings on one site must be a minimum of fifteen (15') feet apart. All internal circulation must be on hard surfaces, at least fifteen (15') feet in width.
- (2) **ACCESS.** No access adjacent to residential zoned property is permitted.
- (3) **STORAGE.** All items must be entirely contained within the building and in no way visible or otherwise apparent from outside the building. No retail commercial or manufacturing on site is permitted inside or outside of the building. 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.
- (4) **BUFFER.** A landscape buffer which will help to mitigate the impact of use, shall be developed around the site in the required yard areas. This landscape plan will need approval from the Planning Commission at the time the special use permit is heard.

SECTION 616. MOBILE HOME PARK.

- (1) **STATE PERMIT COORDINATION.** The Michigan Mobile Home Commission has issued comprehensive rules regulating safety, licensing, construction, business practices and other aspects of Mobile Home Parks under the authority of Section 11(2) of the Mobile Home Commission Act (Public Act 96 of 1987). Special Use Permit approval for a mobile home park constitutes “preliminary local zoning approval” as provided by said Act. A construction permit and license for operation of the mobile home park must be obtained from the Michigan Mobile Home Commission after special use permit approval.
- (2) **EXCEPTIONS TO STATE STANDARDS.** The Michigan Mobile Home Commission’s Rules establish basic standards to be met in any Michigan community when constructing a mobile home park. Overall, these standards are hereby adopted, by this reference, as the standards for local zoning approval, with the exceptions noted below.

Chesaning Township is generally a rural community, but includes concentrations of population and intensive land uses surrounding the Village of Chesaning. The village has developed an active tourism based economy which results in greater activity levels, traffic congestion and environmental stresses in areas of Chesaning Township than might be expected for a similarly sized community. Thus, some of Chesaning Township’s standards for residential development, including mobile home parks, need to be higher than those for other communities. The following items are required.

- (3) **DIMENSIONAL REQUIREMENTS REFERENCED.** Such items as setbacks, open space, and the square footage of mobile home spaces are addressed by the Michigan Mobile Home Commission’s rules. These must be met before Special Use Permit approval can be granted.

- (4) **INTERIOR ROADWAYS.** Roadways within a mobile home park must meet the Mobile Home Commission standards (Rules 920 through 923). Due to the extremely level topography of Chesaning Township, the improved drainage afforded by curb and gutter is necessary and mandatory, not optional.

- (5) **PEDESTRIAN CIRCULATION.** A pedestrian walkway is required parallel to each section of the vehicular circulation system which provides access between 30 or more mobile home spaces and any entrance to the mobile home park from a public street. Said walkway(s) shall comprise a coordinated pedestrian circulation system meeting the requirements of Michigan Mobile Home Commission Rule 928.

- (6) **COMMERCIAL MOBILE HOME SALES OPERATION PROHIBITED.** The selling of new and/or used mobile homes as a commercial operation on the same parcel and in connection with the operation of a mobile home park is prohibited. New or used mobile homes located on mobile home spaces within the park, to be used and occupied within the park, may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the park, provided the park’s management permits the sale.

- (7) **SEWAGE COLLECTION.** Sewage collection and disposal or treatment facilities for a mobile home park must be approved by the Michigan Department of Public Health. Note that sewage retention or treatment facilities are accessory uses for mobile home parks, and must be placed inside any required greenbelt.

SECTION 617. OUTDOOR ASSEMBLY.

- (1) **INTENT.** These uses include Outdoor Amphitheater, Drive-In, Concert Hall, any other uses that are similar in nature to an outdoor area where people congregate for a specific reason.

- (2) **ACCESS.** All ingress and egress traffic shall be from an arterial or collector road or State Highway. Local traffic movement shall be accommodated within the site so that entering

and existing vehicles will make normal left or right turns into or out of the major thoroughfares. Acceleration and deceleration lanes shall be provided at points of ingress and egress.

(3) SETBACKS. The minimum front yard requirement is one hundred feet (100'). In addition to the yard requirements in the district regulations, all building must be set back a minimum of two hundred feet (200') from any Agricultural or Residential zoning district.

(4) DRIVEWAYS. All points of ingress or egress for motor vehicles shall be located no closer than two hundred feet (200') from the intersection of any two (2) streets or highways.

(5) SIGHT DISTANCE. All vehicles shall have a clear vertical and horizontal sight distance approaching a public street within one hundred feet (100') of the street for a sight distance of five hundred feet (500') in either direction along the street.

(6) ENTRANCE GATE. One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicle. Vehicle standing space shall be provided between the ticket gates and street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.

(7) SCREENS. Picture screens shall not be permitted to face any public street and shall be located as to be out of the view from any major thoroughfare.

(8) BUFFERING. 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 (8') feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively. Landscaping with trees and shrubs shall exist along the fence perimeter, between the fence and any road or neighboring property.

SECTION 618. RESTAURANTS, TAVERNS, AND OTHER EATING OR DRINKING ESTABLISHMENTS.

(1) DESIGN. Shall be aesthetically compatible in design and appearance to the areas where it will be constructed. Emphasis should be placed on individuality and cleanness. Each business shall be landscaped according to Section 306.

(2) LOCATION. Businesses shall not be located in areas where areas of ecological significance such as bogs, swamps, and marches will not be disturbed.

(3) SITE DEVELOPMENT. All applicable setbacks/height/site coverage and other regulations of the of the applicable zoning district applies.

SECTION 619. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.

- (1) TEMPORARY OCCUPANCY ONLY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter arrangements. 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 seven (7) months.
- (2) RESIDENT MANAGER. Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1000) square feet of living area for the manager's family.
- (3) REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Saginaw County Health Department and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance, subject to enforcement action.
- (4) GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four feet (4') high. Further, there shall be a greenbelt planting strip not less than fifteen feet (15') wide around the entire site. Said greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty feet (20') apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six feet (6') planted not more than six feet apart. All individual campsites are to be setback at least seventy five feet (75') from any street right of way or neighboring property line.
- (5) ACCESS AND CIRCULATION. Each park shall be served by not more than one (1) point of access to each abutting street or road. 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 movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred fifty feet (150') in each direction on any abutting road and for twenty five feet (25') on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty four feet (24') wide for two way traffic or twelve feet (12') wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
- (6) PERSONAL CARE FACILITIES. Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one such structure for each twenty (20) camping or RV sites. These facilities shall be kept in good working order and each structure shall be thoroughly cleaned daily.
- (7) OTHER PUBLIC FACILITIES. Each RV park or campground shall provide at least one public telephone for each forty (40) sites. Also, each park shall have waste pump-out

facilities for recreational vehicles which 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. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) 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 insure that said container(s) are never overloaded. Finally, at least fifteen per cent (15%) of the site, not including the required bufferyards described in Section 307, 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.

- (8) INDIVIDUAL CAMPSITE REQUIREMENTS. Each RV parking site or campsite shall be a minimum of two thousand (2000) square feet in area and shall include the following amenities: an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, a metal trash container with a lid and volume of at least two cubic feet which shall be emptied daily by park personnel to the solid waste facility, and a gravel or hard surfaced parking area of at least four hundred (400) square feet.

SECTION 620. SOIL RESOURCE EXTRACTION (man-made water bodies).

(1) INTENT. This Section regulates any extraction, landfilling or repositioning of soil, sand, gravel, clay or other geologic deposit which involves disturbance of more than one thousand (1,000) cubic yards of material. This Section does not apply if such a disturbance of soil is the result of construction of a building, structure, or parking lot which is regulated by other provisions of this Ordinance. The regulations in this section apply to all artificial ponds, regardless of size or how they are created. These regulations must be met whether the creation of the pond is an end in itself or whether the pond is a by-product of another activity, such as mining for sand, gravel or clay. Ponds created by embankments or dams across streams or watercourses are not permitted in Chesaning Township.

(2) ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN. The Site Plan for any activity regulated by this Section must include the following items in addition to other required information:

- A) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in 5 foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
- B) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
- C) A report describing the specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

- D) Shall include engineering features and soils or dirt disposal plan.
- E) Soil erosion and sedimentation permit from Saginaw County Public Works Commission.
- F) Wetland Permit from Department of Environmental Quality DEQ if needed.
- G) Driveway permits from Saginaw County Road Commission.
- H) State Highway Access Permit from Michigan Department of Transportation (MDOT) if on M-57 or M-52.

(3) ADDITIONAL EXCAVATION SITE REQUIREMENTS.

- A) Sites of ecological significance, such as wetlands, should be avoided.
- B) An excavation which will result in creation of a pond should be located to minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
- C) Excavation distances from power lines, lot lines, and road rights-of-way shall be determined by the Planning Commission, but shall not be less than SEVENTY FIVE (75) feet.

(4) CONSTRUCTION AND OPERATION REQUIREMENTS.

- A) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- B) If an excavation results in a pond, its banks shall have a maximum slope of one foot (1') vertical to four feet (4') horizontal extending below the water's surface to a depth of at least eight feet (8').
- C) Average designed water depth of pond must be at least ten (10') to insure proper aeration and circulation of the water.
- D) Conditions of any required environmental permits shall be obeyed at all times. Note that a Soil Erosion and Sedimentation Permit is required for any disturbance of more than one acre of soil or within 500 feet of a lake or stream.
- E) Excavated material not removed from the site shall be spread to a height not exceeding three feet (3') above the original surface with the top of fill graded to a continuous slope which does not exceed one foot (1') vertical to three feet (3') horizontal away from any water body. As an alternative, the material may be

shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve feet (12') to the edge of the water in any pond formed by such an excavation.

- F) At the end of each construction season, the completed portion of any excavation, including any area around it, shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties.
- G) 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.
- (H) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock while a site is being excavated.

SECTION 621. TEMPORARY INDOOR AND OUTDOOR USES.

- (1) **EXEMPTIONS.** School or nonprofit fund raising activities and private garage/yard sales in residential districts are exempt from the special use permit requirements of this section. This section regulates uses that will last longer than 12 hours in a 24 hour period.
- (2) **OWNERSHIP.** 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.
- (3) **LENGTH OF PERMIT.** A temporary permit may be granted by the Zoning Administrator for a maximum of three (3) consecutive months.
- (4) **STRUCTURES.** No permanent structures are permitted with approval of a temporary use permit. Structures are allowed if they are no larger than one hundred and fifty (150) square feet and have no foundation. They must be removed prior to the expiration of the permit.
- (5) **OCCUPANCY.** The temporary structure may not be occupied for more than twelve (12) hours per day. In NO EVENT shall overnight occupation be permitted.
- (6) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities.
- (7) **SITE PLAN.** If the use is for more than thirty days, it must go through site plan approval process with the Zoning Administrator.
 - (A) All development requirements of the zoning district must be complied with.
 - (B) Adequate parking must be provided.
- (8) **FEE.** A fee will be charged.

SECTION 622. WASTE TREATMENT OR DISPOSAL FACILITIES

(1) **INTENT.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(2) **REMOTE FROM RESIDENTIAL SUBDIVISIONS.** No residential subdivisions with officially filed plats should exist within one half mile of the facility.

(3) **BUFFER.** A landscape buffer which will help to mitigate the impact of use, shall be developed around the site in the required yard areas. This landscape plan will need approval from the Planning Commission at the time the special use permit is heard as described in Section 406 of this Ordinance.

(4) **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Health, may be deposited or stored by any use in this group.

5) **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.

(6) **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.

(7) **FENCE REQUIREMENTS.**

(A) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.

(B) **AROUND JUNK YARD OR RESOURCE RECOVERY.** A solid fence or wall at least eight (8) 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. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable

equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.

(C) AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

(8) RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and re-vegetated to promote proper drainage. The restoration shall eliminate all hazards, and be blended with the general surrounding ground form.

SECTION 623. WIRELESS COMMUNICATION FACILITIES.

(1) INTENT. To allow a range of location for wireless communication facilities, to provide clear performance standards addressing the siting of wireless communication facilities, and to enhance the ability of providers of telecommunication services to provide such service to the community quickly, effectively, and efficiently.

(2) ENCOURAGE. The location of wireless communication facilities on existing structures, including utility poles, signs, water towers, buildings, and other wireless communication facilities where feasible; and encourage collocation and site sharing of new existing wireless communication facilities.

(3) APPLICABILITY.

(A) Exclusion for Amateur Radio, Television Antennas and Disks. This ordinance 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.

(B) Relationship to Other Ordinances. This Ordinance shall supersede all conflicting requirements of other codes and ordinances regarding the locating and permitting of wireless communication facilities.

(4) ENGINEERING.

(A) All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.

(B) All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection.

(C) Construction plans for both attached and unattached towers shall be prepared and certified by a registered structural engineer.

(D) 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.

(5) DEVELOPMENT STANDARDS.

(A) SETBACKS. The setbacks to a tower must equal the height of the tower, plus an additional 20 feet. Towers must also be setback 40 feet from any County Drain, Rightof-Way, or public utility. A tower must meet the minimum yard setback requirements for the zoning district in which it is located, except that no portion of any tower, including guywires and support structures, shall be located closer than fifty (50) feet to any property line.

(B) HEIGHT. The maximum height permitted in the Manufacturing Zoning District (M) is 350 feet. The maximum height permitted in the Agricultural Farmland Preservation Zoning District (A) is 225 feet. The maximum height permitted in all the other zoning districts is 175 feet. Attached wireless communication facilities are limited in height to twenty (20') feet from the top of the attachment structure.

(C) ACCESSORY STRUCTURES. All accessory structures must comply with the zoning districts' setbacks and are limited to 15 feet in height. Accessory structures shall not exceed six hundred (600) square feet in area.

(D) LOCATION. The minimum spacing between communications tower locations shall be one (1) mile to prevent a concentration of towers in any single area. Tower height must comply with any Airport Zoning regulations that are in effect.

(E) LANDSCAPING. Wireless Communication Facilities shall be landscaped in accordance with the landscape requirements established by the Planning Commission. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible; provided, however, the vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed. Existing vegetation on site may be used in lieu of required landscaping where approved by the Planning Commission.

(F) AESTHETICS. 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 which is consistent with proper functioning of the Wireless Communication Facility, and the use of compatible or neutral colors.

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.

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. Equipment facilities shall, to the extent practicable, use materials, colors and textures that will blend with the natural setting and built environment.

Wireless Communication Facilities shall not display advertising or identification of any kind, except as required for emergency purposes.

(G) LIGHTING. Wireless Communication Facilities shall not be artificially lighted, except for security and safety lighting of equipment buildings is 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.

(H) FENCING. Wireless Communication Facilities with Support Structures shall be enclosed by a security fence not less than six feet in height and the Support Structures shall be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission may waive such requirements, as it deems necessary to meet other requirements of State and Federal agencies.

(I) RADIO FREQUENCY EMISSIONS. The Federal Telecommunication Act of 1996 (FTA) give the Federal Communication Commission (FCC) sole jurisdiction of the field of regulation of Radio Frequency (RF) emissions and Wireless Communications Facilities which meet the FCC standards, they can not be condition or denied based on their RF impacts. Applicants for Wireless Communication Facilities shall be required to provide information on the projected density of the facility and how this meets FCC standards.

(6) SHARED FACILITIES/CO-LOCATION.

(A) FCC Licensed Wireless Communication providers are encouraged to construct and site their Wireless Communication Facility with a view towards sharing facilities with other utilities, to co-locate with other existing Wireless Communication Facilities and to accommodate additional Wireless Communication Facilities, where technically, practically, and economically feasible.

(B) The Township will work with the telecommunication 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.

(C) 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 co-location site acceptable to engineering standards and that none was practically or economically feasible.

(7) REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES. Any Wireless Communication Facility (WCF) that has not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wireless communication facility shall remove it within ninety (90) days, if not, the Township may remove such WCF at the owner’s expense. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

(8) NON-CONFORMING. Wireless Communication Facilities in existence on the date of the adoption of this ordinance (non-conforming wireless communication facilities are subject to the following procedures:

(A) Nonconforming Wireless Communication Facilities may continue in use for the purpose now, but may not be expanded without complying with this ordinance.

(B) Nonconforming Wireless Communication Facilities may add additional antenna (belonging to the same carrier or other carriers) subject to approval by the Planning Commission.

(C) 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 ordinance.

(D) 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 co-located antennas or facilities, to upgrade the facilities to current engineering, technological or communication standards, without having to conform to the provisions of this ordinance, so long as such facilities are not increased in height by more than ten (10%) percent, provided however they shall not exceed the standard listed in this section.

(9) MODIFICATIONS.

(A) Minor modifications to Wireless Communication Facilities permitted under this ordinance may be approved by the Zoning Administrator as follows: the addition of no more than twenty (20) feet in height to the Wireless Communication Facility; an increase in height Support Structure which is no greater than ten (10%) percent. Co-location of up to two Antenna Array shall be considered a minor modification, provided however no change shall result in exceeding the standards listed in this section.

(B) Major modifications to Wireless Communication Facilities permitted under this ordinance shall be approved by the Township Planning Commission.

(10) Owner shall notify the Township of any change in ownership or operation of a tower, including the addition or removal of any equipment.

(11) The Township may require a performance bond to ensure the proper construction and maintenance of a tower.

SECTION 624. DRIVE-THRUS

(1) INTENT. Accessory drive-ins or drive-thru uses such as financial institutions, fast food businesses, or other uses as may be determined by the Planning Commission.

(2) DEVELOPMENT STANDARDS. The development listed in the zoning districts must be complied with, along with the additional requirements:

(A) The drive designated for drive-thru shall have a minimum width of twelve (12') feet and a minimum length of one hundred (100') feet for stacking of vehicle.

(B) Curbing of at least seven (7") 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.

(E) An opaque fence or wall minimum of six (6') feet in height shall be erected along all property lines where drive-thru lane or associated structure are within forty (40') feet of any residential district or property.

(F) No drive-thru lane may be closer than five (5') 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.

SECTION 625. PRIVATE ROAD – RESIDENTIAL

(1) INTENT. Chesaning Township has determined that it is in the interest of public health, safety and welfare to regulate the construction, improvement, extension, relocation and use

of private roads to assure that said roads are designed with width, surface and grade to assure safe passage and maneuverability of public and private vehicles, including police, fire, ambulance and other safety vehicles; that said roads are constructed of suitable materials to ensure minimal maintenance and safe passage; that said roads will be constructed so as to protect against or minimize soil erosion, runoff or other damage to the environment and natural resources of the Township; and that said roads will be managed by legally incorporated private entities in such a fashion that all of the standards herein expressed will continue to be met without requiring any undue expenditure of public funds to do so. The Township hereby determines that private roads are appropriate only for providing access to single family dwellings, whether said dwellings are part of a site condominium or of a division of land authorized under the provisions of Michigan’s Land Division Act.

(2) GENERAL REQUIREMENTS.

(A) After the effective date of this Ordinance, a private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance. If any additional parcel is proposed adjacent to a private road which may have existed as of the effective date of this Ordinance, that road shall be brought into compliance with the standards of this Ordinance, and the developer of that road must obtain a special use permit as outlined herein. If a private road which may have existed as of the effective date of this Ordinance is proposed to be extended, then the existing portion, as well as any extension, shall be improved to meet the standards of this Ordinance, including paving, and the developer of that road must obtain a special use permit.

(B) Private roads shall not interconnect with the public street network in a manner that will preclude the extension of public streets if necessary to further the logical, orderly and efficient development of the overall public street network. In making such a determination, the Township Planning Commission shall consider the circulation pattern and traffic volumes on nearby public streets, existing and proposed land use in the general area, the recommendations of the Chesaning Township Master Plan, and any plans of the Saginaw County Road Commission and the Michigan Department of Transportation.

(3) DEVELOPMENT STANDARDS.

(A) A private road shall be located within a private road easement. Such easement shall be no less that sixty-six (66) feet in width. At any dead end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.

(B) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.

(C) A private road shall intersect and connect to a public road. The private road easement shall have a minimum of sixty six (66) feet of frontage at its access point to the public road. A private road shall not be approved which accesses a public road or street

by another private road, except that a private road may be designed so that it includes a loop or intersection of separately named private roadways within the overall limitations regarding length and number of parcels which are to be accessed by said private road.

(D) A private road serving two (2) or more parcels shall be given a street name that is not the same or similar to any other street name in Saginaw County. A street sign bearing the street name given to the private road and meeting the Saginaw County Road Commission standards as to design, location and maintenance shall be erected and maintained by the applicant developer and subsequent management entity where such private road intersects any public road or highway. Note that this provision shall also apply to any private road which was in existence prior to the effective date of this Ordinance. A street sign shall be erected within one (1) year of the effective date of this Ordinance.

(E) A new private road is required to be constructed with removal of top soil to the level of solid ground, a minimum of twelve (12) inches of sand placed first followed by eight (8) inches of natural gravel and paved with an asphalt or equivalent dustless surface base of two (2) inches followed by a one and one-half (1 ½) inch top layer. A private road shall have a minimum paved surface width of twenty (20) feet with a six (6) foot shoulder on each side. Shoulder grading shall not exceed a slope of one half (½) inch per foot. The road shall have a minimum of two tenths (0.2) foot crown from the centerline to the edge of the road. The private road surface shall widen at any dead end so there is at least a fifty (50) foot radius turn around. The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table.

(F) A private road shall not exceed a grade of eight (8) percent; provided that within thirty (30) feet of the intersection of a private road with any other private road or with any public road right of way, the private road shall not exceed a grade of one and onehalf (1.5) percent.

(G) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing by bridge, culvert or other structure must be certified by a registered professional engineer that it complies with the applicable requirements of the Saginaw County Public Works Commissioner and any applicable department of the State of Michigan.

(H) In determining the location of a private road, consideration shall be given to the safety of traffic entering and exiting the private road in relationship with the public road. Said intersection shall be the subject of a “driveway permit” issued by the Michigan Department of Transportation or the Saginaw County Road Commission, as applicable.

(4) PRIVATE ROAD MAINTENANCE.

(A). Road Maintenance Agreement. The applicant(s) and/or owner(s) of a proposed private road shall provide to the Township Clerk a recorded road maintenance agreement,

access easement agreement and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve parties having an interest in the private road. These documents shall include the following provisions.

- (1) A method of initiating and financing of such road and/or easements in order to keep the road in a reasonable good and usable condition.
- (2) A workable method of apportioning the costs of maintenance and improvements, including the potential for any future paving or re-paving, if the road is extended. For new private road applications, and for the extension of any private road existing as of the effective date of this Ordinance, the recorded road maintenance agreement and the method of apportioning costs of maintenance and improvements shall provide that any future improvements required or desired shall be completed over the entire length of the private road and any extensions thereto.
- (3) A notice that if the Township Board determines that repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels adjacent to the private road for the improvements, plus an administrative fee of twenty-five (25) percent of the total cost of improvements.
- (4) A notice that no public funds of the Township of Chesaning are to be used to build, repair or maintain the private road.
- (5) Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
- (6) A provision that the owners of any and all of the parcels adjacent to the Private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the parcels having a right to use the road.

(B) Road Maintenance and Improvement Standards.

- (1) Improvements to and maintenance of private roads shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Ordinance throughout the entire length of the private road.

(2) Note that the road maintenance agreements for all private roads existing in Chesaning Township prior to the effective date of this Ordinance shall provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto. The Chesaning Township Zoning Administrator shall review the road maintenance agreements for all existing private roads as of the effective date of this Ordinance and determine whether such agreements provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto. All property owners abutting any private road covered by road maintenance agreements that do not include such a provision shall be notified in writing by the Township Zoning Administrator of the requirements of this section. Said property owners shall be given one (1) year from the date of said notice to amend their road maintenance agreements and to record such amendment with the Saginaw County Register of Deeds.

(5) APPLICATION REVIEW PROCEDURES.

(A) Special Use Permit. A private road is to be treated as a special use in the A, R-1A, and R-2 zoning districts. Application for said private road shall consist of the material required for a special use permit as specified elsewhere in this chapter, but shall include the following pertinent information.

(1) The site plan for a private road shall identify the proposed parcel divisions adjacent to the private road.

(2) The application package shall include a road maintenance agreement, access easement agreement and deed restrictions as described in subsection (4) above.

(3) The application package shall also include a copy of the relevant driveway permit application(s) to the Saginaw County Road Commission and/or Michigan Department of Transportation.

(a) A Letter from a registered professional engineer or the Saginaw County Road Commission that the road has been constructed in compliance with the approved private road plans.

(b) Documentation that the road maintenance agreement, access agreement and deed restrictions have been recorded with the Saginaw County Register of Deeds office.

(c) A driveway permit for the private road from the Saginaw County Road Commission or the Michigan Department of Transportation.

(4) The application package shall include a letter from the Saginaw County Road Commission indicating that there is no known duplication of the proposed private road names.

(6) TOWNSHIP LIABILITY. The applicant(s) and/or owner(s) of a proposed private road agree by applying for and securing a permit to construct the private road that they shall indemnify and save and hold Chesaning Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant.

(B) Review. Application for a special use permit and construction permit for a private road shall be reviewed following the procedures outlined in this chapter for special use permits.

(1) Note that any construction permit for a private road does not, of itself, authorize the construction of any dwellings on parcels abutting the private road. Such construction may be permitted only in accordance with the provisions of Section 304(2) of this Ordinance. The construction permit is valid for one (1) year from the date of approval. If the construction of the private road has not commenced before this date, the permit shall expire, and a new permit shall be required before construction can begin.

(2) Upon completion of construction of the private road, the applicant shall provide the following materials to the Zoning Administrator.

SECTION 626. PRIVATE ROAD – COMMERCIAL & INDUSTRIAL

(1) INTENT. Chesaning Township has determined that it is in the interest of public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads to assure that said roads are designed with width, surface and grade to assure safe passage and maneuverability of public and private vehicles, including police, fire, ambulance and other safety vehicles; that said roads are constructed of suitable materials to ensure minimal maintenance and safe passage; that said roads will be constructed so as to protect against or minimize soil erosion, runoff or other damage to the environment and natural resources of the Township; and that said roads will be managed by legally incorporated private entities in such a fashion that all of the standards herein expressed will continue to be met without requiring any undue expenditure of public funds to do so. The Township hereby determines that private roads also are appropriate for providing access to industrial parks of a division of land authorized under the provisions of Michigan's Land Division Act.

(2) GENERAL REQUIREMENTS.

- (A) After the effective date of this Ordinance, a private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance. If any additional parcel is proposed adjacent to a private road which may have existed as of the effective date of this Ordinance, that road shall be brought into compliance with the standards of this Ordinance, and the developer of that road must obtain a special use permit as outlined herein. If a private road which may have existed as of the effective date of this Ordinance is proposed to be extended, then the existing portion, as well as any extension, shall be improved to meet the standards of this Ordinance, including paving, and the developer of that road must obtain a special use permit.
- (B) Private roads shall not interconnect with the public street network in a manner that will preclude the extension of public streets if necessary to further the logical, orderly and efficient development of the overall public street network. In making such a determination, the Township Planning Commission shall consider the circulation pattern and traffic volumes on nearby public streets, existing and proposed land use in the general area, the recommendations of the Chesaning Township Master Plan, and any plans of the Saginaw County Road Commission and the Michigan Department of Transportation.

(3) DEVELOPMENT STANDARDS.

- (A) A private road shall be located within a private road easement. Such easement shall be no less than sixty-six (66) feet in width. At any dead end of such easement, the easement shall widen such that there is a minimum radius of eighty (80) feet.
- (B) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- (C) A private road shall intersect and connect to a public road. The private road easement shall have a minimum sixty-six (66) feet of frontage at its access point to the public road. A private road shall not be approved which accesses a public road or street by another private road, except that a private road may be designed so that it includes a loop or intersection of separately named private roadways within the overall limitations regarding length and number of parcels which are to be accessed by said private road.
- (D) A private road serving two (2) or more parcels shall be given a street name that is not the same or similar to any other street name in Saginaw County. A street sign bearing the street name given to the private road and meeting the Saginaw County Road Commission standards as to design, location and maintenance shall be erected and maintained by the applicant developer and subsequent management entity where such private road intersects any public road or highway. Note that this provision shall also apply to any private road which was in existence prior to the effective date of this Ordinance. A street sign shall be erected within one (1) year of the effective date of this Ordinance.

- (E) A new private road is required to be constructed with removal of top soil to the level of solid ground, a minimum of twenty-four (24) inches of sand placed first followed by twelve (12) inches of natural gravel and paved with an asphalt or equivalent dustless surface base of three and one-half (3 ½) inches followed by a two (2) inch top layer. A private road shall have a minimum paved surface width of twenty-two (22) feet with a six (6) foot shoulder on each side. Shoulder grading shall not exceed a slope of one half (½) inch per foot. The road shall have a minimum of two tenths (0.2) foot crown from the centerline to the edge of the road. The private road surface shall widen at any dead end so there is at least a eighty (80) foot radius turn around. The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table.

- (F) A private road shall not exceed a grade of eight (8) percent; provided that within thirty (30) feet of the intersection of a private road with any other private road or with any public road right of way, the private road shall not exceed a grade of one and on-half (1.5) percent.

- (G) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing by bridge, culvert or other structure must be certified by a registered professional engineer that it complies with the applicable requirements of the Saginaw County Public Works Commissioner and any applicable department of the State of Michigan.

- (H) In determining the location of a private road, consideration shall be given to the safety of traffic entering and exiting the private road in relationship with the public road. Said intersection shall be the subject of a “driveway permit” issued by the Michigan Department of Transportation or the Saginaw County Road Commission, as applicable.

(4) PRIVATE ROAD MAINTENANCE.

- (A) Road Maintenance Agreement. The applicant(s) and/or owner(s) of a proposed private road shall provide to the Township Clerk a recorded road maintenance agreement, access easement agreement and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve parties having an interest in the private road. These documents shall include the following provisions.
 - (1) A method of initiating and financing of such road and/or easements in order to keep the road in a reasonable good and usable condition.

 - (2) A workable method of apportioning the costs of maintenance and improvements, including the potential for any future paving or re-paving, if the road is

extended. For new private road applications, and for the extension of any private road existing as of the effective date of this Ordinance, the recorded road maintenance agreement and the method of apportioning costs of maintenance and improvements shall provide that any future improvements required or desired shall be completed over the entire length of the private road and any extensions thereto.

- (3) A notice that if the Township Board determines that repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels adjacent to the private road for the improvements, plus an administrative fee of twenty-five (25) percent of the total cost of improvements.
- (4) A notice that no public funds of the Township of Chesaning are to be used to build, repair or maintain the private road.
- (5) Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
- (6) A provision that the owners of any and all of the parcels adjacent to the Private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the parcels having a right to use the road.

(B) Road Maintenance and Improvement Standards

- (1) Improvements to and maintenance of private roads shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Ordinance throughout the entire length of the private road.
- (2) Note that the road maintenance agreements for all private roads existing in Chesaning Township prior to the effective date of this Ordinance shall provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto. The Chesaning Township Zoning Administrator shall review the road maintenance agreements for all existing private roads as of the effective date of this Ordinance and determine whether such agreements provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto. All property owners abutting any private road covered by road maintenance agreements that do not include such a provision shall be notified in writing by the Township Zoning Administrator of the requirements of this section. Said property owners shall be given one (1) year from the date of said notice to amend their road maintenance agreements and to record such amendment with the Saginaw County Register of Deeds.

(5) APPLICATION REVIEW PROCEDURES.

- (A) Special Use Permit. A private road is to be treated as a special use in the B and M zoning districts. Application for said private road shall consist of the material required for a special use permit as specified elsewhere in this chapter, but shall include the following pertinent information.
- (1) The site plan for a private road shall identify the proposed parcel divisions adjacent to the private road.
 - (2) The application package shall include a road maintenance agreement, access easement agreement and deed restrictions as described in subsection (4) above.
 - (3) The application package shall also include a copy of the relevant driveway permit application(s) to the Saginaw County Road Commission and/or Michigan Department of Transportation.
 - (4) The application package shall include a letter from the Saginaw County Road Commission indicating that there is no known duplication of the proposed private road name.
- (B) Review. Application for a special use permit and construction permit for a private road shall be reviewed following the procedures outlined in this chapter for special use permits.
- (1) Note that any construction permit for a private road does not, of itself, authorize the construction of any dwellings on parcels abutting the private road. Such construction may be permitted only in accordance with the provisions of Section 304(2) of this Ordinance. The construction permit is valid for one (1) year from the date of approval. If the construction of the private road has not commenced before this date, the permit shall expire, and a new permit shall be required before construction can begin.
 - (2) Upon completion of construction of the private road, the applicant shall provide the following materials to the Zoning Administrator.
 - (a) A letter from a registered professional engineer or the Saginaw County Road Commission that the road has been constructed in compliance with the approved private road plans.
 - (b) Documentation that the road maintenance agreement, access agreement and deed restrictions have been recorded with the Saginaw County Register of Deeds office.

(c) A driveway permit for the private road from the Saginaw County Road Commission or the Michigan Department of Transportation.

(6) TOWNSHIP LIABILITY. The applicant(s) and/or owner(s) of a proposed private road agree by applying for and securing a permit to construct the private road that they shall indemnify and save and hold Chesaning Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant.

SECTION 627. KENNELS, PUBLIC.

(1) Minimum Lot Area and Other Dimensional Requirements

(A) Minimum lot area required shall be one acre if animals are entirely within an enclosed building; five (5) acres required if an outdoor exercise area is included.

(B) All buildings and outdoor pens or enclosures shall be no closer than 50 feet to any property or road right-of-way line.

(2) Other Requirements

(A) Operation shall include proper control of animal waste, odor, and noise.

(B) Outdoor exercise areas shall be enclosed by a solid wall or chain link fence at least 6 feet high.

SECTION 628. CREMATORY.

(1) Minimum Lot Area and Other Dimensional Requirements

(A) Minimum lot area of two acres required.

(B) Facility must be located 200 feet from adjacent property lines and road right-ofway lines.

(2) Other Requirements

(A) Must obtain and verify compliance with all required state permits, including those pertaining to air quality and emissions.

SECTION 629. SELF-SERVE STORAGE BUILDINGS (MINI-WAREHOUSES).

- (1) Minimum Lot Area and Other Dimensional Requirements
 - (A) Minimum lot area of 43,560 square feet (one acre).
 - (B) Minimum lot width of 150 feet.
- (2) Other Requirements
 - (A) Facility shall be enclosed by a fence that is at least six (6) feet in height.
 - (B) All storage shall be completely enclosed within the storage units.
 - (C) Access shall be from a paved road.

SECTION 630. OUTDOOR COURT & FIELD SPORT FACILITIES.

- (1) Minimum Lot Area and Other Dimensional Requirements
 - (A) Site shall be a minimum of three (3) acres in size.
 - (B) Site shall be at least 100 feet from any residence or residential zoning district.
- (2) Other Requirements
 - (A) Planning Commission may determine the need for fencing and screening.
 - (B) All exterior lighting shall be designed to prevent glare onto adjacent properties. Maximum illumination at any property line shall not exceed 1.0 footcandle.
 - (C) Planning Commission may limit hours of operation and impose other conditions as necessary to control noise & other off-site impacts.

SECTION 631. PUBLIC UTILITIES FACILITIES, INCLUDING WATER TOWERS AND SUBSTATIONS, BUT EXCLUDING COMMUNICATIONS TOWERS AND SIMILAR ANTENNA STRUCTURES.

- (1) Minimum Lot Area and Other Dimensional Requirements.
 - (A) Minimum site area shall be one-half (1/2) acre.

- (B) All buildings and structures shall be set back at least 40 feet from all property lines.
- (2) Other Requirements.
- (A) Grounds may be used for temporary parking of service or maintenance vehicles while employees are on the premises, but shall not be used for storage of equipment, supplies, or operating materials.
 - (B) If any property line abuts a residentially zoned parcel or residential use, the facility shall be screened with a fence, wall, or plant materials, subject to Planning Commission approval.

SECTION 632. MOTORIZED RACE TRACKS FOR MOTORCYCLES, OFF-ROAD VEHICLES, MUD BOGGING, AND SIMILAR USES.

- (1) Minimum Lot Area and Other Dimensional Requirements
- (A) Minimum parcel size required is 40 acres.
 - (B) All structures, including fences, shall be set back at least 100 feet from any public road. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
 - (C) All vehicle entrance and exit points shall be no closer than 200 feet from the intersection of any two roads.
 - (D) Entrances and exits shall be designed so that all vehicles within 100 feet of a public road have clear vertical and horizontal sight distances of 500 feet in either direction along the public road.
- (2) Other Requirements
- (A) Acceleration and deceleration lanes shall be provided at points of entry and exit to the site.
 - (B) Entire periphery of site shall be enclosed with a solid fence at least eight (8) feet in height. Fences shall be painted or otherwise finished attractively and inconspicuously.
 - (C) If the site abuts property within a residential or agricultural zoning district, a buffer strip at least 200 feet wide shall be provided between all operations and structures and the residential or agricultural property. Trees, shrubs, grass and similar plant materials, and structural screens shall be placed within the buffer

strip according to plans approved by the Planning Commission. Fences, as required above in Section 632(2)(B), shall be located two hundred (200) feet from the property line, with the required buffer strip placed between the fence and property line.

- (D) Planning Commission may limit hours of operation and impose other conditions as necessary to control noise, glare & other off-site impacts.

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Chapter

7

Parking and Driveway Regulations

SECTION 701. OFF-STREET PARKING REGULATIONS.

(1) INTENT. This Section is intended to balance the need to avoid clogging of streets by parked cars with the need to avoid wasteful use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

(2) TABLE OF OFF-STREET PARKING REQUIREMENTS.

(A) CALCULATIONS. The following TABLE OF OFF-STREET PARKING REQUIREMENTS is used to compute the required number of off-street parking spaces for a parcel. Add the requirements for each activity existing on, or proposed for, the parcel.

(B) MIXED USES. In the case of mixed uses, each of which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.

(C) TABLE. The total parking required is the sum of spaces for all land uses proposed on the site, plus employee parking as defined below.

Land Use	Parking Spaces	Per Activity Unit
The following uses may have gravel surfaced parking:		
1 & 2 Family Homes	2	Dwelling Unit
Campground/RV Park	1	Campsite
Animal Boarding	1	5 Animal Boarded

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Riding Stable	1	2 Horses Housed on Site
Roadside Produce Stand	5	Stand
Grain Elevator	4	Business
Cemetery	2	Acre
Game Area, Nature Preserve	1	10 Acres
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
General Aviation	1	3 Tie Downs, 1 Hanger Space
Commercial outdoor recreation (other than uses listed in this table)		Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.

The following uses must have paved parking:

Mobile Home Park, Apartments	2	Dwelling Unit
Senior Citizen Housing	1	3 Dwelling Units
Group Child Care Home	1	4 Children
State licensed residential facilities (Adult foster care)	1	One (1) space for each adult in care, plus one (1) for each employee.
Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
Office buildings (for business & professional offices), banks, and financial institutions.	1	200 sq. ft. of Floor Area
Retail sales and personal services.	1	One (1) space for each one hundred square feet of floor area.
Vehicle Sales	1	500 sq. ft. of Public Area

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Vehicle Service/Wash, Gas Station	3	Wash, Still, or Fuel Pump
Truck Stop	5*	Fuel Pump (12'x 70' Truck)
Barber Shop or Beauty Salon	3	Chair
Bar or Restaurant (Not Drive-In)	1	2 Seats
Drive-in & drive-through facilities (in addition to required parking for indoor facilities and employees)	2	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.
Hotel or Motel	1	Guest Room, plus 1 for each employee
Meeting or Bingo Hall, Skating Rink, Community Center, Gymnasium	1	One (1) space for each one hundred (100) square feet of floor area.
Bowling Alley	6	Lane
Funeral homes and mortuaries	1	One (1) space for each twenty-five (25) square feet of floor area in service parlors and chapels, plus one (1) space for each funeral vehicle maintained on the premises.
Furniture sales (retail)	1	One (1) space for each five hundred (500) square feet of floor area.
Wholesale, Industrial	1	1,200 sq. ft. gross floor area
Warehouses, storage buildings, lumber & building supply facilities, and wholesale outlets.	1	One (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each employee.
Church, Theater, Arena, Stadium, Auditorium	1	3 Seats or 6 feet of Bench or Pew Seating
Grade School	1	10 All-Day Students #
High School (Excluding Stadium, Auditorium)	1	5 Students #
College, Technical School	1	3 Full-Time Students #
Hospital, Visitor Parking	1	3 Beds
Hospital, Doctor Parking	1	1 Medical Staff Members
Nursing Home	1	6 Beds
Library, Museum, Gallery, Post Office	1	100 sq. ft. Gross Floor Area
Private Club	1	2 Members
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

(D) **JOINT PROVISION OF OFF-STREET PARKING.** Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this Section.

(E) **REDUCTIONS FOR FURTHER PUBLIC BENEFITS.** In any Commercial or Industrial Zoning District, uses on parcels fronting on County Primary Roads or State Highways, and meeting any three (3) of the following conditions, may reduce the number of parking spaces required by ten percent (10%) in addition to reductions allowed by other provisions of this section.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) The principal building is set back at least one hundred (100) feet from the major road right of way.
- (4) A portion of the parcel equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
- (5) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier-free non-motorized travel.

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

(A) **USES NOT LISTED.** Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the Zoning Administrator.

(B) **EXCLUSIVE USE FOR PARKING.** It shall be unlawful to use any off-street parking areas required by this Ordinance for any purpose other than the parking of licensed vehicles.

SECTION 702. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS

- (1) **HANDICAPPED SPACES.** The number, layout, and design of accessible parking spaces shall comply with the requirements of the Michigan Building Code..
- (2) **DRAINAGE.** Storm water collection, drainage and retention structures meeting all requirements of the Saginaw County Road Commission and the Saginaw County Drain Commissioner shall be installed for all off-street parking areas.
- (3) **HARD SURFACE.** Where the **TABLE OF OFF-STREET PARKING REQUIREMENTS** requires off-street parking areas to be hard-surfaced, they shall comply with either of the following.
 - (A) Six (6) inches of concrete; or,
 - (B) Two (2) inches of asphalt surface laid over a six (6) inch base of compacted crushed stone.
- (4) **SIZE OF SPACES.**
 - (A) **STANDARD.** Parking spaces constructed to meet the requirements of this Ordinance shall be nine (9) feet wide by twenty (20) feet long.
 - (B) **OTHER.** Parking spaces for certain vehicles, such as large trucks or cars with boat trailers, must conform to dimensions as noted in the **TABLE OF OFF-STREET PARKING REQUIREMENTS**.
- (5) **DRIVEWAYS AND AISLES.** Adequate ingress and egress to the parking areas shall be provided by means of clearly marked and limited driveways and aisles. Driveways and aisles for any off-street parking area built to accommodate over twenty (20) vehicles shall comply with the following requirements.
 - (A) **AISLE WIDTH.** Aisles in off-street parking areas shall be at least twenty (20) feet wide.
 - (B) **DRIVEWAY CONFIGURATION.** Each driveway shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety (90) degree angle.

(C) DRIVEWAY SPACING. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line or within fifty (50) feet of a street intersection.

(D) DECELERATION LANE. Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveways opening onto said thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.

(6) LIGHTING. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable Zoning District and shall be so arranged that light is not directed at adjacent properties or public thoroughfares.

(7) SETBACKS. Parking and loading areas shall conform to a twenty (20) foot front yard setback from any street and to side yard setback requirements for accessory buildings. Further, off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.

(8) SCREENING FOR RESIDENTIAL AREAS. Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five feet high and may include a berm.

(9) PERMIT. No parking lot shall be constructed unless and until a Building Permit for it has been issued.

SECTION 703. SUPPLEMENTARY OFF-STREET LOADING REGULATIONS.

(1) INTENT. This Section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and also to minimize traffic interference caused by trucks parked for loading or unloading.

(2) DIMENSIONS OF LOADING SPACES. Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, it must have at least fifteen (15) feet of vertical clearance. Where it is expected that semi-trucks will be making deliveries on a daily basis, or that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.

- (3) **HARD SURFACE.** Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
- (4) **LOCATION OF LOADING SPACES.** Loading spaces must be located within or immediately adjacent to the building to be served and so arranged that queuing or maneuvering of trucks using the space does not take place on a public street.
- (5) **SPACES REQUIRED PER PARCEL.** It is presumed that structures which will generate truck traffic will be provided with enough loading area to efficiently serve the building. However, to insure long range usefulness of structures, the following provisions are required.
- (A) **MULTI-FAMILY RESIDENTIAL.** In buildings where the principal entrances to dwelling units are from a common hallway, one off-street loading space shall be provided for each one hundred (100) dwelling units. Said loading space shall have barrier free access to the ground level common hallway and to an elevator, if one is present.
- (B) **RETAIL.** Buildings used for retail sales or eating and drinking establishments shall include one off-street loading space for every six thousand (6000) square feet of public area, or fraction thereof.
- (C) **OFFICE.** Each office building taller than two stories shall include one off-street loading space.
- (D) **WHOLESALE OR WAREHOUSE.** Each building for such uses shall have at least one (1) off-street loading space for every fifty thousand (50,000) square feet, or fraction thereof.
- (E) **INDUSTRIAL.** Each industrial building shall have one (1) off-street loading space for every twenty thousand (20,000) square feet or fraction thereof.

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Chapter

8

Sign Regulations

SECTION 801. SIGN REGULATIONS BY ZONING DISTRICT

- (1) INTENT. Signs should be readable and simple which use primarily subdued colors. Ground level signs shall be designed to partially blend into the natural landscape and contribute less to visual pollution. Sign sizes shall be limited to a uniform minimum size that can contain a readable message. Sign materials shall reflect the Chesaning landscape and character. Signs shall promote the visual unity of signs and surroundings, and less visual chaos. Signs should provide a planted backdrop when feasible, to make signs easier to see. Merchants should be recognized and rewarded by the community for their restraint and commitment to protecting the character of the community when signs are less intrusive on the landscape.
- (2) GENERAL. The following table presents regulations for permanent signs in each Zoning District identified by this Ordinance. 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 Temporary Signs (Section 802) and Exemptions (Section 803) will be permitted in each Zoning District.
- (3) OMISSIONS. If a new Zoning District is created after the enactment of this Ordinance, no new signs shall be permitted therein until this ordinance shall be amended to include said district.
- (4) SIGN AREA. A sign is defined as the name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure, or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However a “sign” shall not include a sign located completely within an enclosed building.

The area of sign shall be determined by circumscribing the exterior limits of each display erected on one sign structure, including the sign background, but not supporting features or roof like covers with the smallest square, rectangle, triangle, circle, parallelogram, or trapezoid that will connect all extreme points of the sign display and including voids, unused space, or air spaces between multiple display features.

The area of a sign measurement shall be based on one display face, but both sides of the display face may be used for sign purposes without increasing the area of the sign. Signing if not back to back and the back face is separated or angled from the other by more than four (4) feet for parallel faces, and /or angled on the inside more than forty-five (45) degrees, the second face shall be added to the area of the sign.

(5) 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.

(6) TABLE OF REGULATIONS.

Zoning District	Content	Sign Type	Setbacks	No. of Signs per parcel	Total Sign Area Allowed per Parcel	Height
Agriculture Dispersed Residential	Name, Address, Farm Name, Home Occupation	Ground Mounted	10 feet from all property lines	1	32 sq. ft.	6 feet
CG A	On parcels greater than 5 acres- products raised on the premises	Wall Mounted		4	On parcels greater than 5 acres- 64 sq. ft.	Two feet below roof line for Wall Mounted
Residential	Name, Address, Home Occupation	Wall Mounted	Not applicable	1	6 sq. ft.	4 feet
R-1 R-1A R-2	Subdivision Identification			2	64 sq. ft.	6 feet
Commercial B	Identity, Merchandise, or Service Available	Ground Mounted Pole Mounted Wall Mounted Electronic Message Board *	10 feet from front property line, 10 feet from all other property lines See below *	2 See below *	150 square feet 150 square feet 150 square feet 24 square feet	35 feet for Ground and Pole Mounted, Two feet below roof line for Wall Mounted See below *

Industrial M	Identity Only	Ground Mounted	10 feet from all property lines	2	150 square feet	35 feet for Ground and Pole Mounted, Two feet below roof line for Wall Mounted
		Pole Mounted			150 square feet	
		Wall Mounted			150 square feet	

* Only one electronic message board is permitted per parcel. The electronic message board must be integrated within a permitted ground mounted or pole mounted sign. The electronic message board shall not be a stand-alone sign. Total permitted area for the electronic message board shall not exceed twenty-four (24) square feet. Total sign area for a permitted ground mounted or pole mounted sign with an integrated electronic message board shall not exceed 150 square feet. Ground and pole mounted signs with an integrated electronic message board shall conform to the height and setback requirements for ground and pole mounted signs.

(7) M-52/M-57 CORRIDORS. In these two highway corridors the requirements of the State Department of Transportation (MDOT) Sign Ordinance must also be observed.

(7) BUILDING SIGNS. Signs that are inside a building, but visible through a window, are not regulated. Likewise, signs located on the wall of a building, but not visible from any Public Street, are not regulated. In addition, these signs must be out of the front setback. Also, Wall Signs in any commercial or industrial zoning district and located more than 300 feet from a road right of way are not regulated.

(9) INTEGRAL SIGNS. All parcels are permitted one (1) integral sign per building/dwelling unit. Integral signs shall be a maximum of 25 square feet in the B and M districts and ten (10) square feet in Residential zoned areas.

SECTION 802. TEMPORARY SIGNS.

The following Temporary Signs are allowed anywhere within the Township. No permit is required for the display of those temporary signs described in Subsections 1 through 5 below. However, signs described in Subsections 1 through 3, and 5 through 7, shall be confined within private property and shall comply with setback provisions for the Zoning District in which they are located.

(1) CONSTRUCTION SIGNS. Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The sign shall have a maximum area of 20 square feet, and only 1 (one) per parcel is permitted. The sign shall be confined to the site of the construction and shall be removed no more than 14 days after the beginning of the intended use of the project.

- (2) REAL ESTATE SIGNS. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed, up to a total area of 12 square feet. Such signs shall be removed no more than 7 days after the sale, rental, or lease.
- (3) POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data pertinent to an upcoming election, up to an area of 32 square feet for each parcel. These signs may be erected no more than 30 days before, and must be removed no more than 7 days after, the election for which they were made.
- (4) STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission or State Transportation Department. These signs may be displayed during the event being advertised and for no more than 14 days before and 4 days after it.
- (5) AGRICULTURAL DEALER PLOT SIGNS. Dealer signs indicating a particular crop or application at a given site. Such specific signs shall be permitted only during the June 1 through October 31 growing season.
- (6) SPECIAL PURPOSE SIGNS. Any other temporary signs, subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 48 hours.

(a) TABLE OF SPECIAL PURPOSE SIGN REGULATIONS.

ZONING DISTRICT	MAXIMUM SIZE	DURATION OF PERMIT	PERMITS PER PARCEL
Residential (Non-Profit Organization)	32 square feet	14 days	2 per year
Residential (All Other)	32 square feet*	2 days	2 per year
COMMERCIAL	32 square feet*	15 days	4 per year
INDUSTRIAL	32 square feet*	15 days	4 per year

* Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as described in Section 801(6).

- (b) OFF PREMISE. No off premise special purpose signs are allowed
- (c) ILLUMINATION - Illumination of special purpose signs is permitted, but only in accordance with Section 806 of this ordinance.

(7) **GARAGE OR YARD SALE SIGNS.** Two (2) signs not to exceed six (6) square feet in sign area per sign. Garage or yard sale signs shall not be displayed in excess of three (3) days. Garage or yard sale signs may be permitted not more than two (2) times within each calendar year.

SECTION 803. EXEMPTIONS

The following types of signs are exempted from other provisions of this ordinance, but must meet the requirements specified below.

(1) **PUBLIC SIGNS.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.

(2) **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel, and not directed at traffic on abutting roadways.

(3) **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel, and not exceeding 3 square feet.

(4) **TEMPORARY LAND DEVELOPMENT PROJECT SIGNS.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel. Such signs are allowed for a period of two years upon issuance of a permit. Said permit may be extended for two additional years. Total number and size of signs allowed shall be controlled according to the following schedule.

Land Size	Total Number of Signs	Total Signage Area Per Parcel
Less than 1 acre	1	32 square feet
Over 1 but less than 4 acres	1	32 square feet
Over 4 but less than 20 acres	2	64 square feet
Over 20 acres	3	108 square feet

(5) **PROPERTY RENTAL SIGNS.** Signs on the premises announcing rooms, apartment or house for rent, not to exceed 4 square feet.

(6) **HOLIDAY/SEASONAL SIGNS.** Holiday signs and lighting and other decorations may be displayed during a holiday season for the purpose of setting a seasonal ambiance.

(7) **REQUIRED SIGNS.** Signs required by Federal or State agencies in connection with federal or state grant projects or programs.

(8) OFF PREMISE COMMERCIAL SIGNS. Off-premise, freestanding signs (advertising an activity, business, product, or service not sold or conducted on the premises upon which the sign is located) may only be erected adjoining and facing State Highways on parcels zoned for commercial or industrial use, subject to the conditions outlined in this section.

A. Size: In any permitted zones, off-premise commercial signs shall not exceed 672 square feet of total area per sign facing one direction, including border or trim, but excluding ornamental base or apron, supports or other structural members.

B. Height: No off-premise commercial sign shall be less than 20 feet, or more than 50 feet above the edge of the highway pavement at the point nearest to the sign.

C. Spacing: Off-premise commercial signs on the same highway facing the same traffic flow shall not be placed closer together than 2,000 feet on the same side of the highway, or 1,000 feet from an off-premise sign on the opposite side of the highway.

D. Configuration: Within maximum size limitations which apply to each side of a sign structure, off-premise commercial signs may be placed back to back, side to side or in V-type or T-type construction, with not more than 2 sign displays to each side. Any such sign structures shall be considered as one sign for purposes of this section.

E. Setback: Setbacks for off-premise commercial signs shall be 5 feet from any property line and 50 feet from any portion of the highway right of way.

F. Setback From Certain Activities: No off-premise commercial sign may be erected within 200 feet of any public park, recreation ground, lake river, stream, school, church or residential building.

G. Related Zoning Violations: No off-premise commercial sign shall be located on a parcel on which there exists a violation of a Township ordinance or a nonconforming, currently existing sign.

H. Permits Required: Erection of an off-premise commercial sign shall require a sign permit to be issued by the Chesaning Township Zoning Administrator, as well as an annual sign permit from the Michigan Department of Transportation.

SECTION 804. NONCONFORMING SIGNS

Signs not conforming to the provisions of this Ordinance shall be considered to be nonconforming structures and regulated as described in Chapter 4. Note that temporary signs are not considered to be legal nonconforming structures.

SECTION 805. PROHIBITED SIGNS

Signs which violate any of the standards listed below are prohibited in Chesaning Township. Sign permits may not be issued for such signs, and the Zoning Administrator shall have authority to order removal of such signs as described in Section 809. Determination of a sign's compliance with these standards shall be made by the Zoning Administrator. Any party feeling aggrieved by the Zoning Administrator's decision may appeal to the Zoning Board of Appeals.

- (1) Signs may not contain statements, words, or pictures of an obscene, indecent or immoral character, such as would offend public morals or decency.
- (2) Signs may not contain, or be an imitation of, an official traffic sign or signal, nor shall they contain the words: "stop," "go slow," "caution," "danger," "warning," or similar terms.
- (3) Signs may not be of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device, nor may signs hide from view any traffic or street sign or signal.
- (4) Signs may not advertise an activity, business, product or service no longer available on the premises upon which the sign is located.
- (5) Signs may not move in any manner or have a major moving part. Only minor decorative parts may move.
- (6) Signs may not swing or otherwise noticeably move as, a result of wind pressure because of the manner of their suspension or attachment.
- (7) No sign shall project beyond or overhand the wall or any permanent architectural feature. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof.
- (8) A vehicle or trailer can not be used as a sign.

SECTION 806. ILLUMINATION

- (1) Any electrical illumination of a sign shall be done in full compliance with the electrical code as amended and adopted by Chesaning Township.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way, or abutting property.

- (3) No sign, except for electronic message boards as permitted in Section 801, shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color.
- (4) 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.
- (5) Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
- (6) No exposed reflective type bulbs, no strobe lights, and no incandescent lamps which exceed 15 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- (7) Searchlights, lasers or other high-intensity light designed to light the sky for advertising or entertainment purposes. All lighting MUST be placed in a downward figure so that glare to the sky is minimized.
- (8) Beacon lights are prohibited in Chesaning Township.

SECTION 807. STRUCTURAL REQUIREMENTS

All signs and sign structures shall be designed and constructed to meet the requirements of the Chesaning Township Building and Electrical Codes, and shall be constructed to withstand a 30 pound per square foot wind-stress factor. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted. Illumination must meet the requirements of Section 806. All signs shall be made by a commercial sign manufacturer or be of similar professional quality as determined by the Zoning Administrator. All signs shall be completed and erected in a professional, workmanlike manner. The use of natural materials is encouraged.

Any temporary sign must be so constructed that it is not dangerous to the public.

SECTION 808. PERMIT

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Administrator. 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 6 months after the date of the permit.

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.

- (1) REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- (2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

SECTION 809. INSPECTION, REMOVAL, SAFETY

- (1) INSPECTION. Signs may be inspected periodically by the building official to assure compliance with this and other codes of Chesaning Township.
- (2) TAGGING. All signs requiring permits shall display, in a place conspicuous to inspectors, the name of the permit holder and the permit number.
- (3) MAINTENANCE. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) REMOVAL OF SIGN. The Zoning Administrator may order the removal of any sign erected or maintained in violation of this code. Said order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it thirty (30) days to remove the sign or to bring it into compliance. Said order shall be served upon the owner of such sign, or to the owner or manager of the building, structure, or premises on which such sign is located. If the sign is not removed, then it constitutes a zoning violation and Section 907 of this Ordinance applies. The Zoning Administrator may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the Zoning Administrator's opinion that the condition of the sign presents an immediate threat to the safety of the public.
- (5) ABANDONED 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 within 180 days of the termination of business, the Zoning Administrator, or a duly authorized representative, may remove the sign at cost to the property owner. If the sign is not removed, then it constitutes a zoning violation and Section 907 of this Ordinance applies. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.
- (6) 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 Zoning 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. If the sign is not removed, then it constitutes a zoning violation and Section 907 of this Ordinance applies.

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Chapter
9

Administration

SECTION 901. INTRODUCTION

(1) INTENT. The provisions of this ordinance shall be carried out by the Chesaning Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). Each of these entities are related and separate.

SECTION 902. ZONING ADMINISTRATOR

(1). INTENT.

ZONING ADMINISTRATOR. The Chesaning Township Board with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. The Township Board may designate the Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed or volunteered as the Zoning Administrator's Designee. This person(s) will work under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance. Tasks assigned to the Zoning Administrator may be assigned to the designee. For purposes of this ordinance, the term Zoning Administrator means the Zoning Administrator and the Designees.

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

- (A) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use.

When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning Permits, including documentation for each.

- (B) **ISSUE 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 with 5 business days.
- (C) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (D) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (E) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 4.
- (F) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 6.
- (G) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- (H) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- (I) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received.
- (J) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

(2). ZONING PERMIT.

(A) ZONING PERMIT REQUIRED. The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.

- (1) Occupancy and use of vacant land (including parking lot construction).
- (2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building which requires issuance of a Building Permit by the Township Building Inspector. (A Zoning Permit must be obtained before a Building Permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit.
- (3) Any use of land or a building which would be identified as a Use by Special Use Permit by the USES Table in Chapter 5, District Regulations, for the Zoning District in which the parcel is located.
- (4) Any change of a nonconforming use or building.

(B) APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made at least ten (10) business days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.

- (1) APPLICATION FORM. Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
- (2) SUBMISSION WITH BUILDING PERMIT APPLICATION. When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Township Building Inspector also acts as Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplicating it on the Zoning Application Form. The following information is required to be submitted:
 - (a) PARCEL IDENTIFICATION. The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps.
 - (b) OWNERSHIP. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

(c) PLOT PLAN. The Zoning Application Form must also be accompanied by a plot plan drawn at size and scale of 1"=20'. This plot plan **must** clearly identify the exact dimensions of the parcel, all abutting streets, alleys, and easements, and the size, position and height of all existing and proposed buildings or structures thereon.

(d) SITE PLAN. The site plan requirements listed in Section 910 (2)(C) are required at the Zoning Administrator’s discretion.

(e) ADDITIONAL REQUIREMENTS. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

(C) APPLICATION REVIEW PROCESS. On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.

(D) RECORD MAINTAINED. The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

(E) VALIDITY OF ZONING PERMIT. A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1) additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.

(F) VOIDING OF ZONING PERMIT.

(1) If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of the one (1) year extension, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit 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 Zoning Permit.

(2) Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township which were to be covered by the guarantee. 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.

(G) RE-ISSUANCE OF PERMIT. Re-issuance of a Zoning Permit which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and a new fee paid and it shall be processed without consideration of any previous action.

(H) BOND. If the Zoning Administrator feels that a performance guarantee is warranted, then the Zoning Administrator shall go to the Planning Commission for authorization as stated in Section 913.

SECTION 903. PLANNING COMMISSION

(1). INTENT.

(A) ESTABLISHMENT. The Chesaning Township Board has previously authorized the Township's Planning Commission to function as a Zoning Board under Act 168 of 1959, the Township Rural Zoning Act. The Planning Commission is responsible for the following administrative and enforcement activities of this Ordinance.

(B) MEMBERSHIP. The Chesaning Township Planning Commission shall consist of five (5) members. One member shall be a member of the Township Board, the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Planning Commission. Members of the Planning Commission shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

(C) TERMS OF OFFICE. Terms of Planning Commission members shall be for three (3) years, except for members serving because of their membership on Township Board, whose terms shall be limited to the time they are members of said bodies and the 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.

(D) MEETINGS. A simple majority of the membership of the Planning Commission shall constitute a quorum and may conduct any items of business brought before the Commission. All meetings of the Commission shall be open to the public. The Commission may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in

attendance. The Planning Commission will meet at least quarterly in a one year time period.

(E) 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 public records.

(F) DECISIONS. The Planning Commission shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Planning Commission shall not take effect until the expiration of five (5) days after the date of said decision. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

(G) CONFLICT OF INTEREST. A member of the Planning Commission shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

(H) MAJORITY VOTE. The concurring vote of a majority of the members of the Planning Commission present at the meeting shall be necessary to decide upon any issue brought before the Board.

(1) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same, as provided by this Chapter.

(2) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. At that public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application. The Planning Commission may also take any necessary action to revoke a Special Use Permit as provided in Chapter 7.

(3) REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. At the public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Countywide Planning Commission and Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.

(4) PLAT REVIEW. The Planning Commission shall review proposed plats as provided by Chapter 9.

- (5) BOND. In authorizing any approval or approval with conditions, the Planning Commission may require a monetary bond, as described in this Chapter, of ample sum to be furnished to insure compliance with the requirements, specifications, and conditions as stated in the approval. This monetary bond is to insure that the approved construction or use is built/used in the manner that the Planning Commission approved it.

SECTION 904. TOWNSHIP BOARD

(1). INTENT. On recommendations of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of this Township government. The Township Board may take other actions related to this Ordinance, as follows.

- (A) AMEND. The Township Board, upon the advice of the Planning Commission, may amend the text of this Ordinance or the boundaries of Zoning Districts as described in this Chapter.
- (B) FEES. The Township Board, shall by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Zoning Permit applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, or other actions the Board sees fit to add.
- (C) WAIVE FEES. By resolution, the Township Board may waive the fee for any application requesting one or more of the actions listed above.

SECTION 905. ZONING BOARD OF APPEALS

(1) INTENT.

- (A) ESTABLISHMENT. The Township Board, exercising the authority of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.
- (B) MEMBERSHIP. The Chesaning Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or

employee of the Zoning Board of Appeals. 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 or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- (1) The Township Board may appoint not more than 2 Alternate Members as Regular Members to the Zoning Board of Appeals. An Alternate Member may be called as specified to serve as a Member of the Zoning Board of Appeals in the absence of a Regular Member who will be unable to attend 1 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 until a final decision is made. The Alternate Member has the same voting rights as a Regular Member of the Zoning Board of Appeals.
- (C) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the 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.
 - (D) **PER DIEM OR EXPENSES.** The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
 - (E) **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Zoning Board of Appeals shall choose its Chairman, and in the Chairman's absence, an acting chairman.
 - (F) **MEETINGS.** Meetings shall be held at the call of the Chairman and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Zoning Board of Appeals. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

(G) 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 public records.

(H) DECISIONS.

(1) The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights.

(2) No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

(3) An appeal from a decision of a Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.

(I) VOTING. The concurring vote of a majority of the members of the Zoning Board of Appeals present at the meeting shall be necessary to decide upon any issue brought before the Zoning Board of Appeals.

(J) NOT VOTING TWICE ON THE SAME ISSUE. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Board of Trustees shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission or the Board of Trustees. However, the member may consider and vote on other unrelated matters involving the same property.

(K) DUTIES. The Chesaning Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.

(1) ADMINISTRATIVE REVIEW. The Zoning 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, determination, or refusal made by the Zoning Administrator or by any other official or body administering or enforcing provisions of this Ordinance.

- (2) INTERPRETATION. The Zoning Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance as defined by this Chapter.
- (3) VARIANCES. Zoning The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties prevent carrying out the strict letter of this Ordinance. For all variance requests, the appellant shall provide the Zoning Board of Appeals reasonable evidence demonstrating that all of the following conditions exist:
1. That special conditions and circumstances exist which are peculiar to the land, land use, structure, or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the Zoning Board of Appeals procedure.
 2. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 3. The authorization of such variance will not be of substantial detriment to adjacent property and will not naturally impair the intent and purpose of this Zoning Ordinance or the public interest.
 4. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Zoning Ordinance to other lands, structures, or buildings in the same zoning district.
 5. That the reasons set forth in the application for the variance justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

The Zoning Board of Appeals must insure that every one and every property is treated fairly and equally and not arbitrary and capricious. ECONOMIC HARDSHIP IS NOT A REASON TO GRANT A VARIANCE.

- (4) RECURRENT ISSUES. If certain conditions are so widespread as to make similar Variances a frequent issue for the Zoning Board of Appeals, the Zoning Board of Appeals shall suggest a general regulation for such conditions to be considered by the Planning Commission.

- (5) BOND. In authorizing any variance, or in granting any conditional or special approval permits, the Zoning Board Of Appeals may required that a bond of ample sum, as described in this Chapter, be furnished to insure compliance with requirements, specifications, and conditions imposed with the approval.

SECTION 906. VARIANCE, ADMINISTRATIVE REVIEW, INTERPRETATION

- (1) VARIANCE. The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. The Zoning Board of Appeals may grant any variance it deems reasonable, subject to the rules outlined in this Chapter.
- (2) ADMINISTRATIVE REVIEW. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Zoning Board of Appeals is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits. The Zoning Board of Appeals may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. However, the Zoning Board of Appeals may reverse site plan denials by the Zoning Administrator or the Planning Commission in other instances, subject to the rules outlined in the Site Plan Review standards.
 - (A) 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 not more than ten (10) days after the date of the Zoning Administrator's decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairman of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
 - (B) STAY. An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
- (3) INTERPRETATION. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply

without requiring further action by the Zoning Board of Appeals. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- (A) The Zoning Board of Appeals may determine the precise location of the boundary lines between zoning districts.
- (B) The Zoning Board of Appeals may classify any activity which is not specifically mentioned in the USES Table in Chapter 5 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
- (C) The Zoning Board of Appeals may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided in this Ordinance.
- (D) The Zoning Board of Appeals may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

(4) FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.

(5) RULES FOR ZONING BOARD OF APPEALS ACTIONS.

- (A) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance or before any administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given in accordance to Section 909.
- (B) Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- (C) In no way may a variance or finding of an administrative review be construed to allow the establishment within a Zoning District of any use which is not permitted by right or by Special Use Permit with in that Zoning District. The Zoning Board of Appeals may only expand the list of permitted uses for any Zoning District as a result of an interpretation regarding a use the is not listed anywhere in the USES Table in Chapter 5, District Regulations.
- (D) In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.

- (E) 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.
- (F) Approval by the Zoning Board of Appeals of any request may not 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 Ordinance.
- (G) Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the Zoning Board of Appeals may elect to rehear a case.
- (H) The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed as specified by this Chapter.
- (I) A variance may be necessary to overcome practical difficulties which prevent carrying out the strict letter of this Ordinance. 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 of land.
- (J) When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.
- (K) A variance granted under the provisions of this Ordinance becomes a condition of the Zoning Permit granted pursuant to the variance or approval. If a Zoning Permit issued pursuant to such action is allowed to expire under the provisions of Section 902(2)(E), any rights granted by the action expire together with the Zoning Permit. (L) The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, administrative review or interpretation shall include the grounds used by the Zoning Board of Appeals in making said decision, and any conditions that may have been attached to authorization for issuance of a Zoning Permit.
- (M) If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the Board of Appeals, the Zoning Board of Appeals shall suggest a general regulation for such conditions for the Planning Commission's consideration.

SECTION 907. ENFORCEMENT.

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.
 - (A) **INSPECTION OF VIOLATION.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - (B) **CORRECTION PERIOD.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine necessary and appropriate.
 - (C) **ACTION BY TOWNSHIP ATTORNEY.** A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.
 - (D) **PENALTIES.** Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Any person who violates any of the provisions of this Ordinance and who has been issued a municipal civil infraction violation notice as defined in CHESANING TOWNSHIP GENERAL ORDINANCE 99-1 and who admits responsibility therefore within the time specified thereon shall pay a civil fine and costs at the Chesaning Township Municipal Ordinance Violation Bureau in accordance with the schedule of civil fines and costs in Section 9 of Chesaning Township General Ordinance 99-1 which is incorporated herein by reference.

 - (E) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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

(4) **BLIGHT.**

(A) It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk vehicles, or abandoned vehicles on any private property in the Township except of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk.

(B) It shall be unlawful for any person to keep or maintain any blighted or vacant structure dwelling, garage, out-building, factory, shop, store, or warehouse, unless such structure is in the course of construction in accordance with a valid building permit issued by the Township of Chesaning and unless such construction is completed within a reasonable time. Any structures that violate this Section must either be removed from the property within 90 days after being notified by the Zoning Administrator or construction to improve the said structure and bring it into conformance with the Ordinance must occur within 90 days after being notified by the Zoning Administrator.

(C) It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Township of Chesaning, and unless such construction is completed within a reasonable time.

SECTION 908. AMENDMENT.

(1) **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.

(2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.

(3) AMENDMENT PROCEDURE.

- (A) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
- (B) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
- (C) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct at least one public hearing with notice given in accordance with Section 909.
- (D) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review. The recommendation of the County Planning Commission shall be conclusively presumed unless such Commission notifies the Township Board of its recommendation within thirty (30) days of its receipt of the amendment.
- (E) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for
the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (F) TOWNSHIP BOARD ADOPTION. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission.
 - (1) The Township Board shall grant a public hearing on the proposed amendment to an interested property owner who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board.

(2) Notice of the public hearing, including all information required by Section 909(1) shall be given in accordance to Section 909.

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

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

(G) NOTICE OF ADOPTION. Following adoption of the amendment by the Board of Trustees, the amendment shall be filed with the Clerk, and a notice of adoption shall be published in a newspaper of general circulation in Chesaning Township within fifteen (15) days after adoption. The amendment shall take effect upon the expiration of seven (7) days after publication of the notice of adoption. The notice of adoption shall state either a summary of the regulatory effect of the amendment, including the geographic area affected, or include the text of the amendment. The notice of adoption shall also state the effective date of the amendment and location and time when a copy of the amendment may be purchased or inspected.

(H) RE-SUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 909. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

(1) Public notification. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.

(A) Responsibility. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Chesaning Township and mailed or delivered as provided in this section.

(B) Content. All mail, personal and newspaper notices for public hearings shall:

- 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.

- 2. Location. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
- 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- 5. Handicap access. Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

(C) Personal and mailed notice.

- 1. General. When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Chesaning Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to subsection 909(2), registration to receive notice by mail.
 - d) Other governmental units or infrastructure agencies within one mile of the property involved in the application.
 - 2. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
 - (D) Timing of notice. Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, the notice for a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose must be published in a newspaper of general circulation, and for those receiving personal notice, deposited for delivery or personally delivered, not less than fifteen (15) days before the date the application will be considered for approval.
- (2) Registration to receive notice by mail.
- (A) General. Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to subsection 909(1)(C)1.c), personal and mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Board of Trustees.
 - (B) Requirements. The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this section.

SECTION 910. SITE PLAN REVIEW.

Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. The Township Zoning Administrator conducts a review of site plans each time a Zoning Permit is issued. However, for certain activities, a formal Site Plan Review process is required by the Planning Commission. This section defines the procedures and standards to be used for such a review.

(1) SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. Site plan review and approval by the Planning Commission shall be required as described below. Site plan approval must be obtained before a Zoning Permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements. Site plan review and approval by the Planning Commission is required:

- (A) For all non-residential land uses permitted in all zoning districts, except: home occupations, accessory buildings & uses to residential living, and farming operations.
- (B) For all special uses. A site plan shall be submitted at the time application is made for a Special Use Permit. Review of the site plan shall be concurrent with deliberations on the application for a Special Use Permit.
- (C) For all Planned Unit Developments (PUD's), if permitted elsewhere in this Ordinance. A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.
- (D) All site condominiums and condominium subdivisions developed pursuant to the Condominium Act (PA 59 of 1978 as amended).
- (E) The project involves expansion of an acceptable nonconforming use, building or structure.

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 effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

(2) SITE PLAN REVIEW PROCESS.

- (A) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission pursuant to Section 910(1), a complete application package must be received at least fifteen (15) business days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process will apply.
- (B) APPLICATION MATERIAL. Applications requiring Site Plan Review, in addition to meeting the requirements of Section 902(B), must be accompanied by a fee as established by the Township Board and by at least two copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.

(C) **SITE PLAN REQUIREMENTS.** Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission and/or the Zoning Administrator in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the Zoning Permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Chapter.

- (1) **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty feet (1" = 20') for sites of three acres or less, or one inch equals two hundred feet (1" = 200') for larger sites. North arrow must be on the site plan. The Zoning Administrator can required a certified engineer to prepare plan if he/she feels it is necessary to insure an adequate site plan meeting the specified requirements.
- (2) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- (3) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.
- (4) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- (5) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
- (6) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include

any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

- (7) STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.
- (8) LANDSCAPE. A detailed landscape plan shall be required to be submitted as part of the site plan review. The landscape plan shall require, but is not limited to: location, size, spacing, and plant type for the landscaped area. The plan shall also identify the existing tree and vegetation cover to be preserved; the grass and other ground cover; and a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance. Planting and staking details in either text or drawing form shall be on the landscape plan to ensure proper installation and establishment of proposed plant materials. The landscape plan shall meet the requirements listed in Section 406 of this Ordinance.
- (9) SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

(D) STAFF REVIEW OF SITE PLAN.

- (1) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the township Building Inspector, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government or any other agency that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) business days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.

- (2) STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in Section 910(3). If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District in Chapter 6 shall be considered also.

(E) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

- (1) APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any Zoning Permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by Section 910(2)(G).

- (2) CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall be come a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any Zoning Permit granted for the project. Deviations from the conditions will only be permitted as outlined by Section 910(2)(G).

Approval of any proposed site plan which must also receive approvals from other public agencies shall be conditioned upon granting of said other approvals. This shall include any variances which must be issued by the Chesaning Township Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in a conditional approval does not require an additional site plan approval by the Planning Commission.

- (3) DENIAL WITH EXPLANATION. Failure to comply with one or more of the Review Standards listed by Section 910(3) is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming

might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

(F) APPEAL TO ZONING BOARD OF APPEALS. If a site plan for a project has been denied, the applicant shall have the option of submitting the site plan to the Zoning Board of Appeals. Such action by the Zoning Board of Appeals is considered an administrative review. The Zoning Board of Appeals is to review the record and decision of the Planning Commission and determine whether the record supports the conclusion that was reached, in light of the requirements of this Ordinance. The Zoning Board of Appeals is not to start the site plan review over without consideration of the Planning Commission's action.

The Zoning Board of Appeals must adhere to all rules, procedures and standards of this Ordinance, and should uphold the Planning Commission's decision unless the record clearly shows that the Planning Commission failed to consistently apply the rules, procedures or standards, or that the Planning Commission erred in some fashion, such as by relying on false information.

If a site plan has been denied by the Zoning Board of Appeals, it may not be resubmitted for Planning Commission review for a period of one (1) year unless the Planning Commission determines that substantial changes have been made in the nature and scope of the project.

(G) DEVIATIONS FROM APPROVED SITE PLAN. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with. These deviations shall be documented as described in this Chapter.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the Site Plan Review Standards.

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

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

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the 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.

(H) RECORD TO BE MAINTAINED. The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairman and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

(3) SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

(A) DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)

(B) SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by this Ordinance.

(C) SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified by Chapter 6, also must be satisfied.

(D) TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation,

emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Saginaw County Road Commission shall be sought.

- (E) UTILITIES. Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- (F) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- (G) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Saginaw County Health Department or other agencies.
- (H) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Section 103, and with the purpose of the Zoning District in which the subject parcel is located, as expressed in the Purposes Table in Chapter 5 - District Regulations.

SECTION 911. REVIEW OF SUBDIVISION PLATS.

- (1) ZONING. All plats shall be subject to the use provisions of the Zoning District in which they are located. Any Zoning District changes which may be necessary to accommodate a proposed plat's use or uses shall be made according to the amendment procedure prescribed in Section 908.
- (2) LOT STANDARDS. No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within the plat equal or exceed the minimum size and width requirements and all other applicable provisions of this Ordinance.

SECTION 912. ACTIONS SUMMARY TABLE.

The following administrative actions Table supplements the preceding text, but is not a substitute for it.

ACTIONS SUMMARY TABLE

Type of Action	Parties Who May Initiate Action	Body Making Decision	Public Hearing Required?	Published Notice(s) 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 Administrator	Zoning Board of Appeals	Yes	Not less than 15.	Not less than 15.	Circuit Court
Interpretation	Applicant or Administrator	Zoning Board of Appeals	Yes	Not less than 15.	Not less than 15.	Circuit Court
Appeal of Administrative Decision	Any aggrieved party or any State, County, or Township Officer, Board, Bureau, or Department.	Zoning Board of Appeals	Yes	Not less than 15.	Not less than 15.	Circuit Court

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Site Plan Approval	Applicant or Administrator	Planning Commission	If requested by any party.	Not less than 15.	Not less than 15.	Zoning Board of Appeals.
Appeal of Site Plan Denial	Applicant after site plan denial.	Zoning Board of Appeals.	Yes	Not less than 15.	Not less than 15.	Circuit Court
Special Use Permit	Applicant or Administrator	Planning Commission	Yes	Not less than 15.	Not less than 15.	Circuit Court
Planned Unit Development	Applicant or Administrator	Planning Commission	Yes	Not less than 15.	Not less than 15.	Circuit Court
Rezoning	Applicant, Planning Commission, or Township Board	Planning Commission recommends to County Planning Commission and Township Board ***** Township Board	Yes ***** If requested by any party.	Not less than 15. ***** Not less than 15.	Not less than 15. ***** Not required.	No appeal until after Township Board Action. ***** Circuit Court
Text Change	Applicant, Planning Commission, or Township Board	Planning Commission recommends to County Planning Commission and Township Board ***** Township Board	Yes ***** If requested by any party.	Not less than 15. ***** Not less than 15.	Not less than 15. ***** Not required.	No appeal until after Township Board Action. ***** Circuit Court
Fee Waiver	Applicant	Township Board	No	Not required.	Not required.	Circuit Court

SECTION 913. PERFORMANCE GUARANTEE.

(1) INTENT. The Planning Commission and/or Zoning Board of Appeals are hereby authorized to require a sum of money to be deposited with the Township Treasurer, payable by check, money order or letter of credit from an established bank, as a guarantee of performance for any conditions attached to the approval of a zoning permit (for a site plan, variance, subdivision, special use permit, or any other permit which is approved) that become before either group. It is intended that a performance guarantee will not be required for small items, but will be uniformly imposed when items vital to the protection of the health, safety, and welfare of the public are concerned. A performance guarantee may also be required when there is substantial

landscaping. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.

The Planning Commission and/or Zoning Board of Appeals shall specify the amount of any required performance guarantee and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified conditions. This specified amount shall be based on information provided by the applicant.

If the Zoning Administrator or the designee determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition. At its first meeting after such a recommendation is made the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commission's review. **ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE CHESANING TOWNSHIP BOARD.** Said resolution shall direct Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.

The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Treasurer procedures for authorization of such disbursements.

SECTION 914. PERFORMANCE BOND SHEET

PROPOSAL FOR ZONING APPLICATION # _____ Dated _____

For the construction or improvements made on a property located
at: _____/

The (Contractor/Owner) _____
proposes to do all of the work as set forth in the plans and/or specifications and conditions
attached to the Zoning Permit as required by the Zoning Administrator, Planning Commission,
Township Board, or the Zoning Board of Appeals for the sum of the following:

Brief Descriptions of Work:	Estimates:	Cost
1. _____	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
6. _____	\$ _____	
7. _____	\$ _____	

Estimated Time Needed to Complete the Job: _____

Owner/Contractor Signature _____
Phone _____
Address _____

Zoning Administrator Signature _____
Date _____

The required sum of money shall be deposited with the Township Treasurer. This Bond is to guarantee that the improvements/construction plans approved by the Township are complied with. Once the improvements/construction is completed and approved by the Zoning Administrator, the bond can be released by the Township Treasurer. IF the Zoning Permit is violated and the improvements/construction plans do not comply with the approved plan or any violation occurs, this bond can be used to enforce compliance.

SECTION 915. CONDITIONAL REZONING

Chesaning Township will not require nor imply that conditional rezoning or zoning agreements are a necessity or a condition for approval.

- (1) A request for conditional rezoning or a zoning agreement shall be submitted, in writing, to the Zoning Administrator, Chair 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 Chesaning Township Board of Trustees 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 and the Township Supervisor will arrange for an informal meeting with the developer to discuss the specific request or requests.
- (3) Informal Review Process
 - (A) An informal meeting will be held with the Zoning Administrator and the Township Supervisor and Chair of the Planning Commission and the proposed developer or developers.
 - (B) During the meeting the developer should be prepared to provide the following information, in writing:
 1. The zoning district desired.
 2. The specific use proposed.
 3. A sketch of the proposed development (plot plan as described in Section 902; no full site plan is required at this point.)
 4. Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
 - (C) From this meeting, the Township will provide a follow-up letter to the developer and copied to the Planning Commission and Board of Trustees which details the following:
 1. The proposed use of the parcel and the desired zoning district.
 2. A discussion of all related zoning requirements included within the existing zoning ordinance.
 3. 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.

- 4. A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
- 5. 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 Chesaning Township.

(4) Formal Review Process

- (A) Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional rezoning or zoning agreement shall be:
 - 1. A rough site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - 2. An elevation of the proposed structure.
 - 3. Conversely, if a developer so chooses, they may submit the full drawings and request a site plan approval concurrently.
 - 4. The rezoning request must be submitted in accordance with the Township’s rezoning policy, Section 908.

It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as represented to the Township at this point may result in a loss of the status of the conditional rezoning.

- (B) 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 use permit, the special use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
- (C) The Township Attorney will draft a zoning agreement for execution by Chesaning Township and the developer.
- (D) Any and all conditions imposed as part of the conditional rezoning or zoning agreement process and proposed approval must meet the following criteria:
 - 1. Conditions such as building appearance, landscaping, setbacks in an amount more than what is required; additional screening requirements, etc., shall be

directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding property owners or properties in general.

- 2. 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.
- 3. Conditions limiting the specific use of the property are permitted, however, the Planning Commission and Board of Trustees 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.
- 4. The Planning Commission will forward their recommendations to the Board of Trustees for consideration.

(E) If the Planning Commission recommends, and the Board of Trustees approves, a conditional rezoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case and the zoning approval and specific conditions.

(F) A final zoning agreement, drafted and reviewed by the Township Attorney, will be executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement. These costs shall be passed through from the Township Attorney.

(G) The developer, the Chair of the Planning Commission and the Township Supervisor shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with Chesaning Township.

(H) A copy will be recorded at the Register of Deeds.

(5) Enforcement

(A) By approving the conditional rezoning 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.

- (B) Should the developer not meet the conditions as specified, they will be considered in violation of the Chesaning Township Zoning Ordinance and will be pursued as such.
- (C) Any change to the conditions shall require a rezoning.
- (D) Should the developer not complete the proposed project within eighteen (18) months, the property shall revert to the previous zoning classification.
- (E) 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.
- (F) A property that reverts from conditional rezoning will be considered a nonconforming use and subject to all applicable zoning regulations.
- (G) Reversion of the subject property shall require the original developer, the current property owner (if different), and the occupant(s) of the property to be notified of the pending reversion by registered mail by the Township Clerk. The Board of Trustees and Planning Commission shall receive the same notice. The notice will provide a thirty (30) day period for which the developer/owner can seek an extension of the time frame or begin construction.

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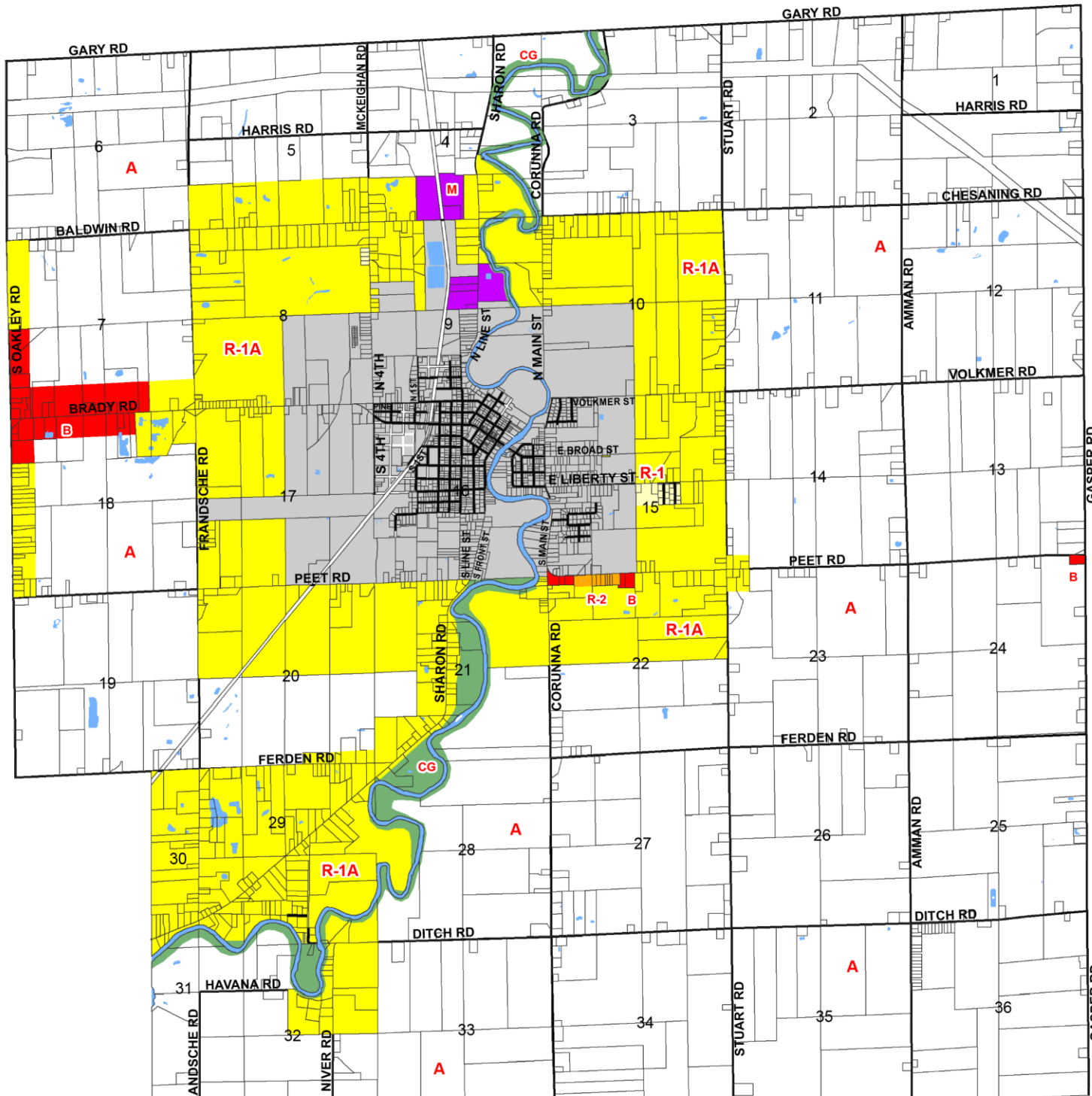
Chesaning Township

Zoning



Legend

- A - Agricultural Farmland Preservation
- B - Commercial
- CG - Conservation Greenbelt
- M - Manufacturing
- R-1 - Single Family Residential
- R-1A - Single Family Residential
- R-2 - Medium Family Residential
- Village of Chesaning



**TOWNSHIP OF CHESANING
COUNTY OF SAGINAW, STATE OF MICHIGAN**

SOLAR PANEL FARM ORDINANCE NO. 2019-0601
(Amendment to the Chesaning Township Zoning Ordinance)

Chapter 2, Section 202, Definitions

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

Solar Energy Systems Accessory: A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Accessory Use Chapter 5, Section 507

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

Chapter 6, Section 633 Table of Uses

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

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

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

Maximum Lot Size: Maximum lot size for a solar farm is 100 acres.

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

Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of seventy-five (75) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Saginaw County Public Works Commissioner so as not to impede/obstruct access along the County drain.

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

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

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

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

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

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

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

ADDITIONAL SITE PLAN REQUIREMENTS. The applicant shall submit a site plan in full compliance with Chapter 9, Section 910 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

1. The project area boundaries.
2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
4. Existing topography.
5. Water bodies, waterways, wetlands, drainage channels, and drain easements.
6. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.

7. All comments from the Saginaw County Public Works Commissioner's office and Saginaw County Road Commission pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.
8. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
9. Identification of a construction/set-up/laydown area.
10. Project design and layout will ensure any structures or other improved areas located within the fenced/improved area shall be located a minimum of 100 feet from any residential structure, church, school, family or group child day-care home, and bed and breakfast establishments.
11. No portion of the Solar Energy Facility shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulation.

Additional Special Use Criteria:

In addition to the special land use (and site plan) requirements contained in Chapter 6 and Chapter 9, the applicant shall address the following topics in the application for solar farm facilities:

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

9. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
11. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.

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

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

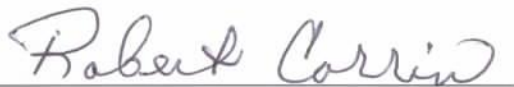
12. Review: Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Township Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.
13. Insurance. Proof of the applicant's public liability insurance with at least \$3,000,000 per occurrence to cover the Solar Energy Facility, the Township, and the landowner.
14. Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
15. Fee. An applicant shall remit an application fee and an escrow deposit, in the amount specified by the Township schedule of Fees for Zoning Action. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.
16. Complaint Resolution The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.

- i. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- ii. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

This Ordinance shall take effect seven (7) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

Adopted and passed by the Chesaning Township Board

Signed this 6th day of June, 2019



Supervisor



Clerk

At a regular meeting of the Chesaning Township Board of Trustees on June 6, 2019, Hedrich offered a motion, with support from Gross, to adopt Solar Panel Farm Ordinance 2019-0601, revisions to the Zoning Ordinance pertaining to Solar Panel Farm(s): Chapter 2-Definitions, Section 202, Definitions; Chapter 6-Special Use Permit Requirements, Section 633, Table of Uses; Chapter 9-Administration, Section 910, Site Plan Review and additional requirements for a Solar Energy Facility site plan; and Additional Special Use Criteria as recommended by the Planning Commission. The motion was approved as follows:

The vote on the foregoing ordinance amendment was as follows:

Ayes: Hornak, Hemgesberg, Gross, Kukulis, Carlton, Hedrich, Corrin

Nays: None

Zoning Ordinance amendments, Solar Panel Farm Ordinance 2019-0601, declared adopted.



Frances M. Kukulis, Clerk
Chesaning Township

I hereby certify that the foregoing ordinance was adopted by the Township Board of the Township of Chesaning, at a regular meeting held in said Township on June 6, 2019 and that said meeting was held in compliance with Act 246 of 1945 (MCL 41.184), as amended.



Frances M. Kukulis, Clerk
Chesaning Township

Approval June 6, 2019

Publication June 16, 2019

Effective June 23, 2019