

Chapter 1

Miscellaneous Provisions

101. Short Title

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

102. Legal Basis

This Ordinance has been prepared and adopted under the authority of the Township Rural Zoning Act (P.A. 184 of 1943, as amended) and (P.A. 110 of 2006, as amended).

103. Purpose

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 1 of the Township Rural Zoning Act. Also, this Ordinance is based on the James Township Master Plan, and is intended to carry out the objectives of that Plan. It is also the general purpose of this Ordinance to accomplish the following objectives:

- (1) Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability, and suitability for particular uses.
- (2) Protect the character of the community and enhance the social and economic stability of the Township and the individual zoning

districts as set forth in this Ordinance.

- (3) Lessen congestion on the public streets and highways, and facilitate safe and convenient access to the various uses of land and buildings throughout the community.
- (4) Facilitate adequate provisions for sewage disposal, drainage, water supply, education, recreation, and other public services.
- (5) Conserve life, property, natural resources, and the expenditure of public funds for public facilities and services by establishing standards for the physical development of the community, and providing for the enforcement of those standards.
- (6) Adopt provisions for each zoning district designated in this Ordinance that shall control the use of land; the use, size and location of buildings; the minimum yards, courts and other open spaces; and the maximum number of families to be housed in buildings and structures.

104. Interpretation

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks,

or parking areas than provided by other laws, ordinances, or private deed restrictions or restrictive covenants, the provisions of this Ordinance shall prevail.

In cases where this Ordinance establishes lesser restrictions on the use of land, buildings, structure, or on the commencement of land development projects, or requires smaller lots, setbacks or parking areas than provided by other laws, ordinances, or private deed restrictions or protective covenants, the provisions of those other laws, ordinances, restrictions or covenants shall prevail.

105. Repeal

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

106. Validity

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

107 Effective Date

This Ordinance shall become effective upon publication of a notice of adoption as provided by the Township Rural Zoning Act (P.A. 184 of 1943, as amended) and (P.A. 110 of 2006, as amended).

Chapter 2

Definitions

201. Rules of Use and Construction

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

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

202. Definitions

(1) Abutting (lot or parcel)

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

(2) Access management (access control)

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

(3) Access to property, reasonable

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

(4) Accessory building

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, greenhouses, guard or gate houses, and barns.

(5) 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, outdoor mechanical heating device, other residential and agricultural structures, and residential swimming pools.

(6) Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

(7) Adjacent (lot or parcel)

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

(8) Adult Entertainment Business

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined in Chapter 3 of this Ordinance, either in person or by photograph, motion picture, television, or other type of image.

(9) Adult Foster Care Family Homes: Private homes with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home other than the licensee and the licensee's spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home

applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

(10) Adult Foster Care Small Group Homes (1-6 Persons): A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

(11) Adult Foster Care Small Group Homes (7-12 persons): A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

(12) Adult Foster Care Large Group Homes (13-20 persons): A group home that have an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home! other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

(13) Agriculture

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

(14) Alteration

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

(15) Animal, wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

(16) 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 1).

(17) Bed and Breakfast Establishment

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

(18) Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes. See Section 302(d).

(19) Billboard

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

(20) Board of Appeals

The James Township Zoning Board of Appeals.

(21) Buffer zone

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

(22) Buildable area

The buildable area of a lot shall be an area which is free of all public rights-of-way, all private road easements, all natural hazard areas and any public utility easements which shall place limitations on overhead, surface or underground use or development. Local service easements which provide service directly to a lot and common drainage easements serving a lot or the subdivision in which a lot is located shall not be excluded from the calculations of the minimum buildable area for that lot. The buildable area of a lot shall be a minimum of six feet above the water table. It shall be of such configuration as to permit construction of a home and placement of an initial and a replacement septic field thereon subject to all required setbacks as defined in this ordinance.

(20) Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

(21) 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).

(22) Building line

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

(23) Building, Main, (also Building, Principal)

A building in which the principal or main use of the lot on which it is situated occurs.

(24) Building Setback Line

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

(25) Certificate of Occupancy

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

(26) Day Care Homes, Family (1-6 persons)

A child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.

(27) Day Care Homes, group (7-12 persons)

A child care facility that provides licensed day care in private homes for not less than seven (7) or no more than twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center.

(28) Day Care Centers, Commercial

Licensed facilities (publicly or privately operated), other than a private home, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups; or drop-in centers. These may also include intergenerational day care facilities for both children and the elderly.

(27) Church

A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

(28) Clinic

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

(29) Club

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

(30) Common land

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

(31) Common open space

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

(32) Condominium Act

Michigan Public Act 59 of 1978, as amended.

(33) Condominium project

Equivalent to "Subdivision" as used in this Ordinance.

(34) Condominium project, mobile home

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

(35) Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

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.

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.

(36) Condominium Sub-Division.

A division of land offering separate plots. Each conforming to the dimensional requirements for a parcel in the applicable zoning district, for sale as condominium units upon which structures may be built, provided that each such structure must conform to the applicable provisions of this ordinance.

(36) Condominium Sub-Division Plan.

Site, survey, and utility plans; floor plans; and sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The Condominium Subdivision Plan shall show the size, location, and area for each unit. A number shall be assigned to each condominium unit. The Condominium Subdivision Plan shall include the nature, location and approximate size of common elements.

(37) 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.

(38) 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.

(39) Construction

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

(40) Convenience store with gasoline sales

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

(41) Cul-de-sac

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

(42) Deceleration lane

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

(43) 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.

(44) Detention facility

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

(45) 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.

(46) Division

See “Land Division”

(47) Drainage ways and streams

Existing permanent or intermittent water courses.

(48) Drive through business

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

(49) 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.

(50) Dwelling, multiple family

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

(51) Dwelling, single family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

(52) Dwelling, two family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

(53) Dwelling unit

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

(54) Dwelling unit, attached

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

(55) Dwelling unit, detached

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

(56) Easement

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

(57) Endangered species habitat

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

(58) 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.

(59) Essential public services

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

(60) Essential public service building

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

(61) Essential public service building storage yard

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

(62) Excavation

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

(63) Family

a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or

b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other

individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

(64) Farm

A tract of land of at least ten (10) or more acres, plants, animals, buildings, structures, including ponds used for agricultural or aqua cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. At least nine (9) acres of the tract shall be used for actual farming activities exclusive of residential or other non-farm uses.

(65) Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, including those activities specified in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).

(66) Fence

An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use. See Section 302 (d).

(67) Filling

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

(68) Financial services

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

(69) Flood or flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters
- b. the unusual and rapid accumulation or runoff of surface waters from any source

(70) Flood hazard area

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

(71) Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(72) Flood Insurance Study

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

(73) Floodplain

Any land area susceptible to being inundated by water from any source (see definition of flood).

(74) Floodway

The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

(75) Floor area, usable

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

(76) Floor area, gross

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

(77) Floor area, residential

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

(78) 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.

(79) 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.

(80) Freeway Interchange

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

(81) Frontage

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

(82) Frontage road

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

(83) Garage

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

(84) Garden center

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

(85) Glare

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

(86) Grade, average (mean)

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (See Figure 3).

(87) Grade, finished

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

(88) Grade, natural

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

(89) Greenbelt

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

(90) Health Care Institution

A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

(91) Home occupation

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes. Home occupations must meet the standards specified in this Ordinance Section 303 (15).

(92) Home Sale

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

(93) Hospital

See "Health Care Institution."

(94) Hotel or Motel

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

(95) Improved area (for a private road)

A road surface that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

(96) Indoor recreation establishment

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

(97) Institutional uses

Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

(98) Junkyard or recycling yard

Any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

(99) Kennel

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.

(100) Land Division (also "Division")

Land division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, Act 591 PA 1996, as amended.

(101) Livestock Production Facility

Any facility where farm animals as defined in the Right to Farm Act (P.A. 93 of 1981, as amended) are confined with a capacity of 50 animal units or greater, and the associated manure storage facilities.

(102) Loading space

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

(103) Lot

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

(104) Lot area

The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall include that part which is in the public right-of-way.

(105) Lot area, net buildable

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

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

(106) Lot, corner

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees (See Figure 2-4).

(107) Lot coverage

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

(108) Lot depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 2-5).

(109) Lot frontage

The length of the front lot line.

(110) Lot, interior

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

(111) Lot line

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

(112) Lot lines

a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 2-5).

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 2-5).

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 2-5)

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.

(113) Lot, nonconforming

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

(114) Lot of record

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

(115) Lot, through (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

(116) Lot width

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 6).

(117) Manufactured home

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

(118) Master Deed

The condominium document recording the condominium subdivision as it was approved by the Zoning Administrator and the Planning Commission 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.

(119) 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 operation.

(120) 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.

(121) Mobile home

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

(122) Mobile home park

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

(123) Mobile home site or space

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

(124) Mobile home subdivision

A platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

(125) Motel (See "hotel")

(126) Motor home

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

(127) Non-Conforming use

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

(128) Non-Conforming lot of record ("Substandard lot")

A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

(129) 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.

(130) Nursery, plant

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

(131) 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.

(132) Offset

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

(133) 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.

(134) Open air business

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

(135) 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 the vegetation.

(136) 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.

(137) Parapet wall

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

(138) Parcel

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

(139) Parent Parcel

A parcel of record on the effective date of this ordinance amendment, or the "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, (M.C.L. 560.101 et. seq.).

(140) Parking space (stall)

A designated area of definite length and width for parking of motor vehicles.

(141) Planned unit development

Means a special use which encompasses more than one residential unit and/or more than one commercial use..

(142) Planning Commission

The James Township Planning Commission as duly created under Act 184 of the Public Acts of 1943, as amended.

(143) Plat

A map of a subdivision of land.

(144) Ponds and lakes

Natural or artificial impoundments that retain water year round.

(145) Principal building or structure

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

(146) Principal use

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

(147) Principal use, permitted

A use permitted in each zoning district by right.

(148) Private club

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

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

(150) 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.

(151) Public park

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

(152) Public open space

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

(153) Public street

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

(154) Public utility

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

(155) 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.

(156) 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.

(157) Retail store

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

(158) Right-of-way

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

(159) Roads

(a) Primary, All Season Roads

Minor arterials classified as Primary, All Season Roads by the Saginaw County Road Commission, but also Federal Aid Eligible. Examples: State routes between smaller cities; surface streets of medium importance in large cities; important surface streets in smaller cities.

Examples:

1. Swan Creek and Center Roads are Primary, All Season, and Federal Aid Eligible.
2. S. Miller is Primary, All Season, and Federal Aid Eligible from Ederer to Swan Creek, and classified as a local road from Swan Creek to the south. S. River is Primary, All Season, and Federal Aid Eligible from Ederer to Swan Creek, and classified as a local road from Swan Creek to Hart Rd.

(b) Local Roads

Local roads primarily provide access to property. Examples: Residential streets; lightly-traveled county roads.

Examples:

Hart, Trinklein, Ederer, Weigl, Stroebel and others in James Township are all classified as local roads.

(160) Salvage

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

(161) 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 area of more than two hundred (200) square feet 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.

(162) 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.

(163) Screen

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

(164) 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.

(165) Setback, required

The required minimum horizontal distance between a front, rear, or side lot line and a building line.

Front Yard Setback: The distance between the street right of way and the building line.

Side Yard Setback: The distance between the building line and abutting property line.

Rear Yard Setback: The distance between the building line and rear property line

Separate definitions for condominium projects are listed under "condominium setbacks."

(166) 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.

(167) 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.

(168) Shoreline

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

(169) Sight distance

The length of roadway visible to the driver. 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.

(170) Sign

See the definitions in Chapter 8, Signs and Billboards.

(171) Site plan

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

(172) Special land use

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

(173) Stable, private

A stable for the keeping of horses for the use of the residents of the principal use and carried on within an unplatted tract of land of not less than five (5) acres and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

(174) Stable, public

A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than ten (10) acres.

(175) Story

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

(176) Street

A public thoroughfare that affords the principal means of access to abutting property.

(177) Structure

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

(178) Structural Alterations

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

(179) 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.

(180) Temporary building, structure or use

A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use.

(181) Use

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

(182) Variance

A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

(183) Vehicle

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

(184) 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.

(185) 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 a bog, swamp, or marsh.

(186) Wetland, regulated

Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as 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 a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to an inland lake or pond, or a river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;

- c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

(187) Yard

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.
- b. **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the water side shall be the front yard (See Figure 2-6).
- 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 2-6).
- 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 2-6).

(188) Zoning Act

The Township Rural Zoning Act, Public Act 184 of 1943, as amended and further regulated by Public Act 110 of 2006, as amended.

(189) Zoning Administrator

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

(190) Zoning Board of Appeals

The James Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended and further regulated by Public Act 110 of 2006, as amended.

(191) Zoning District

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

Figure 2-1
BASEMENT AND STORY

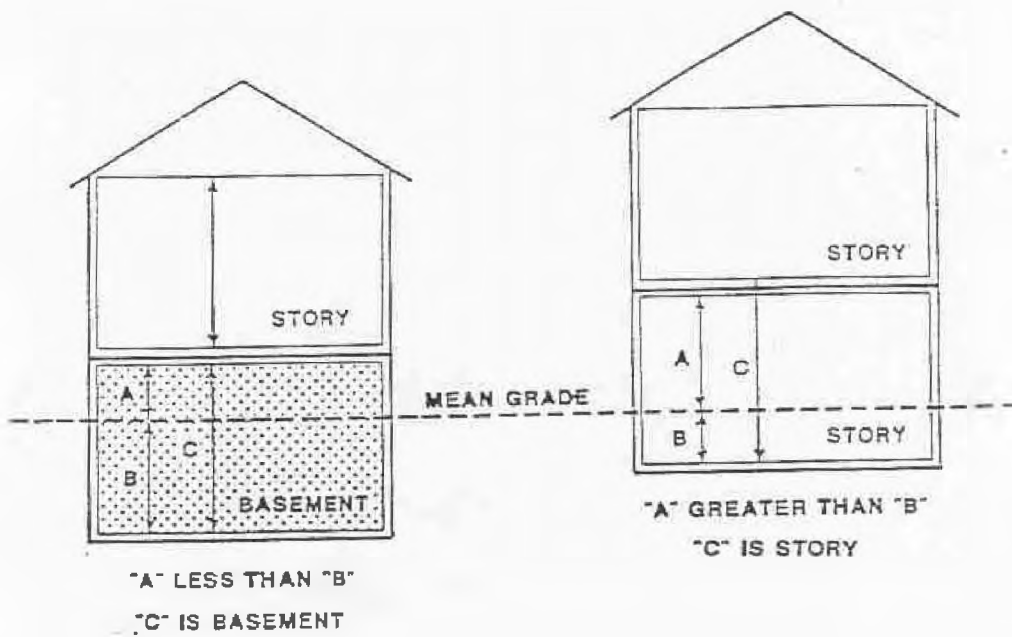


Figure 2-2
BUILDING HEIGHTS

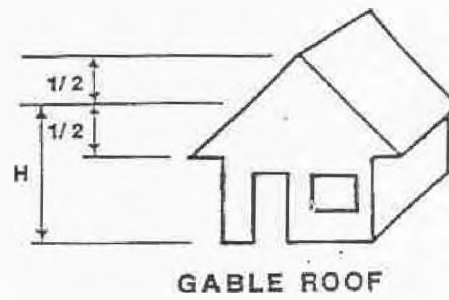
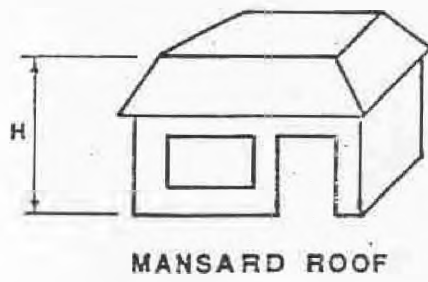
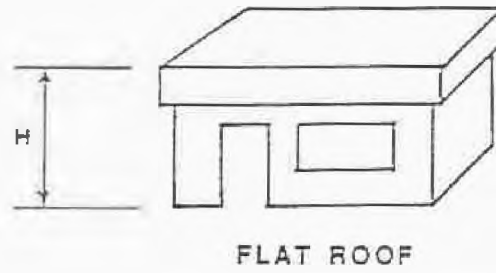
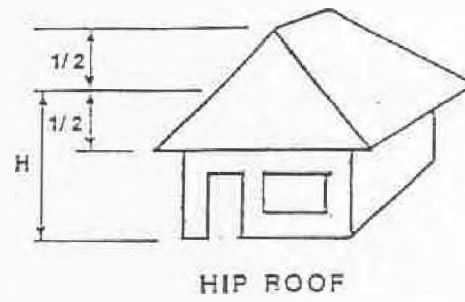
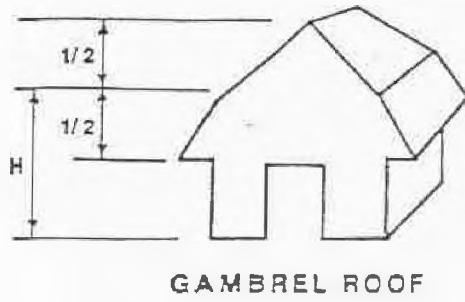


Figure 2-3
MEAN GRADE

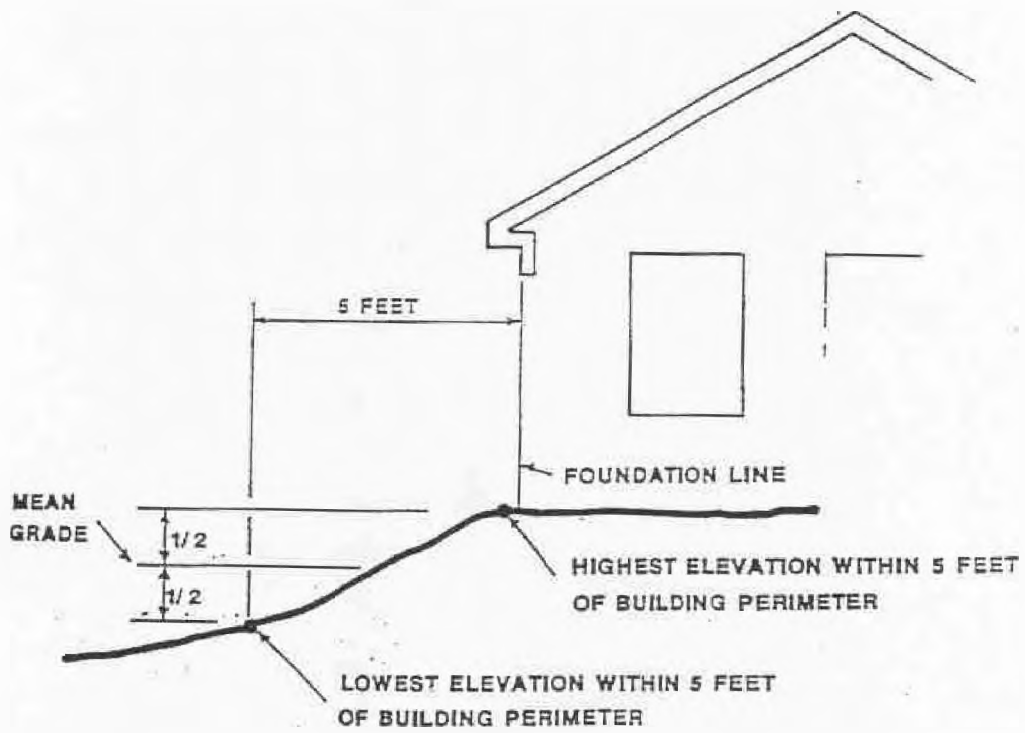


Figure 2-4
CORNER LOT

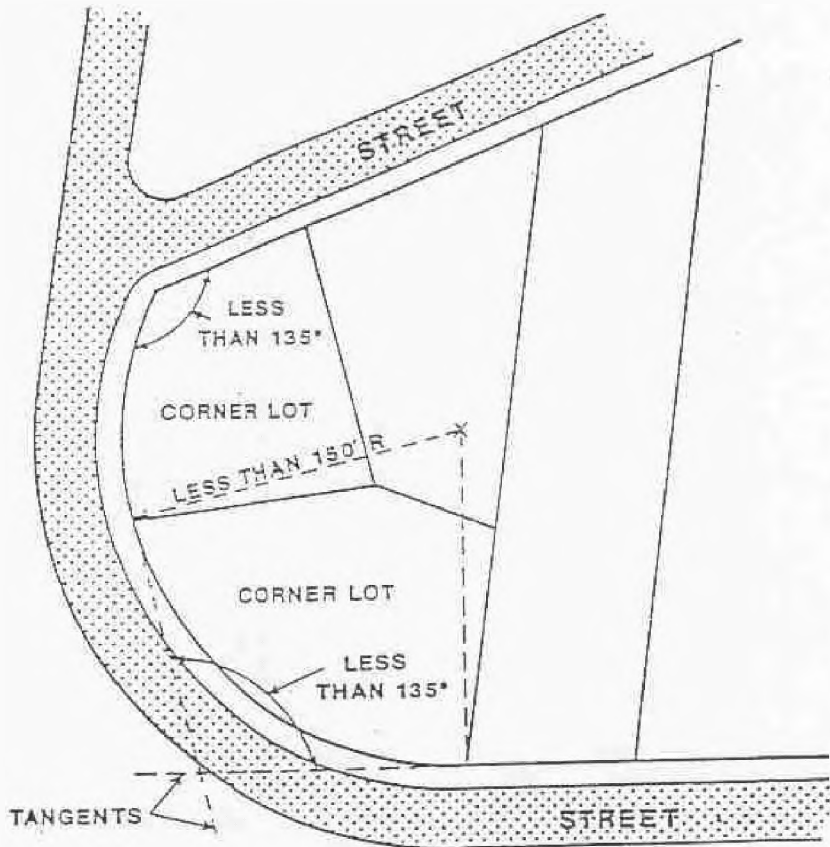
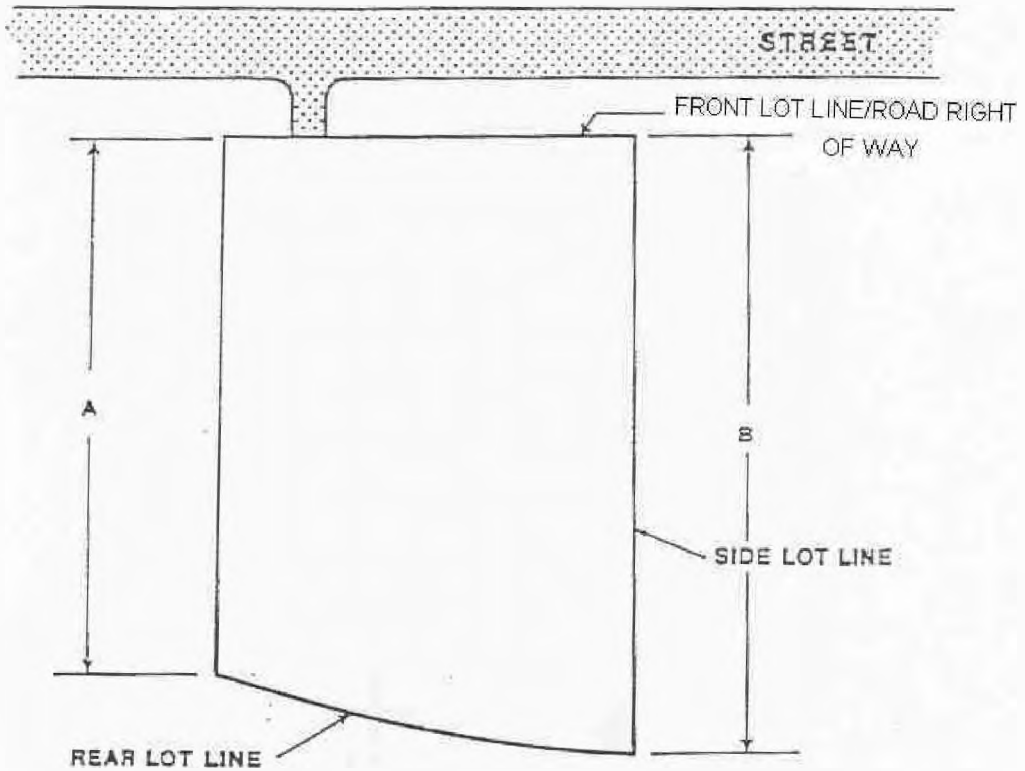


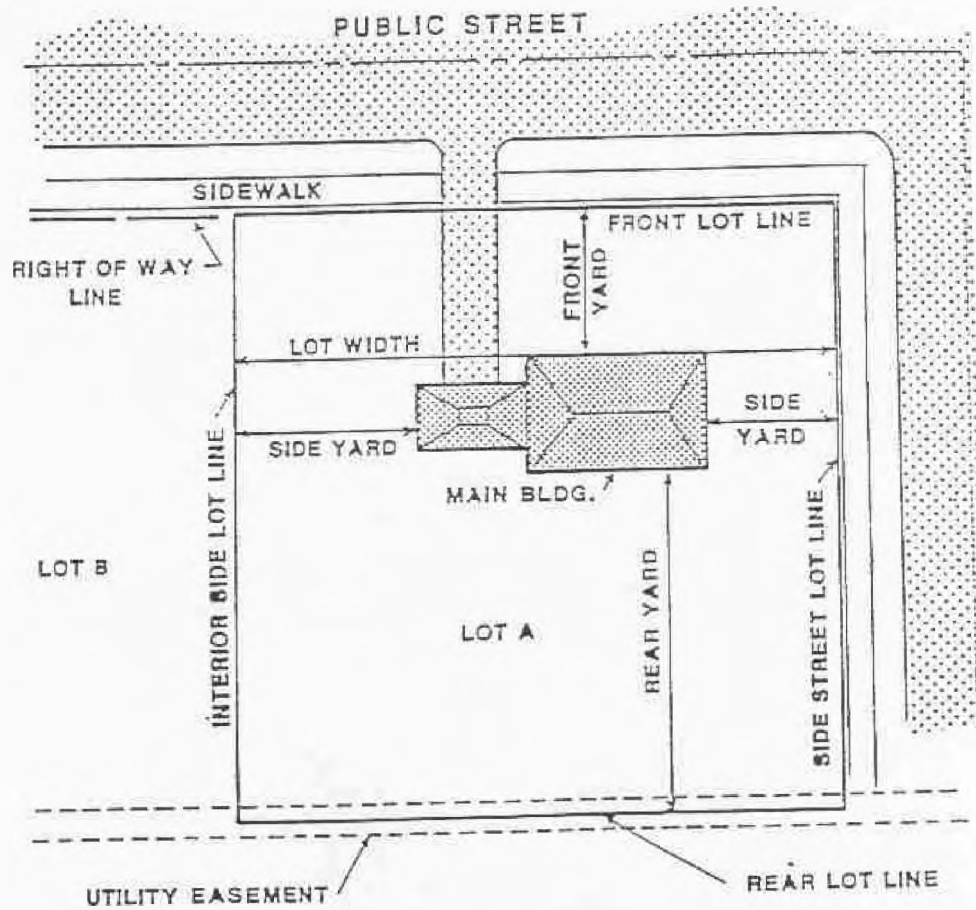
Figure 2-5

LOT DEPTH



LOT DEPTH=DISTANCE A + DISTANCE B

Figure 2-6
LOT LINES AND YARDS



NOTE SEE CHAPTER 5 FOR DISTRICT SETBACKS

Chapter 3 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 Use Regulations

- (1) **Building Permits Required.** Any construction related to any type of zoning approval shall be commenced only after a building permit has been issued.
- (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) **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- (4) **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for the same period.
- (5) **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides a safe, sanitary, and potable water supply with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the Saginaw County Health Department and applicable State regulations. Applicant must provide copies of the septic permits issued by the Saginaw County Health Department.
- (6) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - (a) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - (b) Buildings or structures necessary for provision of essential services.
 - (c) Gardens, garden ornaments, and usual landscape features within a required yard space.

- (d) Retaining walls.
- (e) Public playgrounds.
- (f) Off-street parking for licensed motor vehicles as specified in Chapter 7.
- (g) Accessory Occupations, permitted by Special Use Permit.
- (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 that is otherwise occupied in a manner permitted in the district in which it is located.

(7). Fencing Requirements:

1. All Zoning Districts:

- a. **Standards:** No fence greater than six feet (6') in height, shall be erected on any residential property. No fence shall be erected within any front yard setback greater than thirty six inches (36") in height meeting the following standards for construction:
 - (1) Picket fences shall be allowed having a minimum of two inch (2") spacing between each vertical piece fencing.
 - (2) Split rail fences with two (2) horizontal rails not to exceed six inches (6") in width are allowed within a residential front yard area.
 - (3) Chain link fences that are transparent are allowed within a residential front yard area, not to exceed forty eight inches (48") in height.
 - (4) All fences must be constructed so that the finished side faces the adjacent property.
 - (5) All structural members must be hidden or on the inside of a fence.
 - (6) No razor wire or barbed wire may be used for residential uses.
- b. **Location Prohibitions:** No fence shall be constructed within any road or highway right of way.
- c. **Exception:** Residential parcels meeting the following requirement are excluded from residential requirements but must meet the Agricultural Zoning District requirements. The parcel is in excess of five (5) acres in size and used for agricultural production or production of farm or domesticated animals.
- d. **Exception:** A fence keeping farm animals inside may be constructed to a greater height if made of transparent wire fencing.

- (8) **Inoperative or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, within any Zoning District is expressly prohibited *unless*:
- (a) The vehicles are contained within a licensed junkyard or an enclosed structure; or
 - (b) Provided that the storage period does not exceed one (1) week. The storage period may be extended with written permission of the Zoning Administrator or Code Enforcement Officer.
- (9) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk/salvage, as defined in Chapter 2 of this Ordinance.
- (10) **Farm Animals.** Any creature traditionally considered as livestock which, at maturity, exceeds fifty (50) pounds. This includes, but is not limited to the following: cattle, horses, sheep, hogs, and goats. One farm animal is permitted on a parcel of five (5) acres in the proper zoning district. One more animal may be added for each full acre over the required five acres up to ten (10) acres. Parcels greater than ten (10) acres refer to (11) (a)
- (11) **High Impact Livestock Or Poultry Raising.** Any farm with a sufficient number of animals on the premises to equal or exceed a total of twenty (20) “Animal Units”, 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. The Michigan Department of Agriculture regulations, under its GAAMPS standards, must be met.
- (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 Department of Natural Resources 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.
- (12) **Outdoor Storage or Parking of Recreational Vehicles and Equipment.** No Recreational Vehicle, as defined in Chapter 2, shall be parked or stored outside on any property except as follows:
- (a) The storage or parking of Recreational Vehicles in all Zoning Districts must conform to the required setbacks for Accessory Structures and to overall limitations for Lot Coverage. (See Fig. 3-1, Pg. 3-15, Fig. 3-2, Pg. 3-16)

- (b) Recreational Vehicles may be stored or parked outside only on property where an inhabited Dwelling Unit exists and shall be owned by the Parcel Occupant of such property.
 - (c) No recreational vehicles may be parked in commercial or industrial districts unless they are parked in conjunction with the principal use of the parcel, such as recreational equipment sales or repair, or in a completely enclosed building.
- (13) **Heavy Vehicles.** Parking or storage of all commercial vehicles in excess of one (1) ton capacity is prohibited within an R District.
- (14) **Adult Business:** As referred to in this section, the words and phrases following each letter below shall have the meanings assigned to them as stated herein:

(1) **Definitions**

- (a) **Adult related business.** Any activity described in any of the remaining paragraphs of this sub-section and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any "specified anatomical area" or engaging in any "specified sexual activity" as defined in this Ordinance.
- (b) **Adult bookstore.** Means an establishment having as a substantial or significant portion of its stock and trade in books, magazines, or other periodicals, video tapes, photographs, or motion picture films which are distinguished or "characterized" by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) or an establishment with a segment or section devoted to the sale or display of such material.
- (c) **Adult motion picture theater.** Means an establishment whether in a completely enclosed building or not with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) for observations by patrons therein,
- (d) **Adult mini motion picture theater.** An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) for observation by patrons therein.
- (e) **Exotic cabaret.** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers who are exposing any "specified anatomical areas" (as defined in this ordinance) for observation by patrons therein.

- (f) **Massage parlors.** An establishment wherein a substantial or significant portion of its business involves the administration of non-therapeutic massage, erotic touching or fondling, including but not limited to fondling of or erotic touching of human genitals, pubic region, buttocks or breasts. A massage parlor does not include medical or therapeutic massage businesses such as state licensed chiropractors and physical therapists or other state licensed, medically-related practitioners. All practitioners employed by such businesses must be licensed.
- (g) **Public baths.** An establishment wherein a substantial or significant portion of its business involves the provision of common bathing facilities or hot tubs available for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, or similar use is exempt from this section.
- (h) **Taxi Dance Hall.** An establishment which provides dance partners for one or more dances as the result (directly or indirectly) of the payment of a fee.
- (i) **Specified sexual activities.** For the purposes of this section, specified sexual activities is defined as:
 - (1) Human genitals in a state of sexual stimulation or arousal.
 - (2) Acts of human masturbation, sexual intercourse or sodomy.
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
 - (4) Bestiality.
 - (5) Fellatio or cunnilingus.
 - (6) Human excretory function.
- (j) **Specified anatomical areas.** For the purpose of this section, "specified anatomical areas" is defined as:
 - (1) Less than completely and opaquely covered.
 - (a) Human genitals, pubic region.
 - (b) Buttock.
 - (c) Female breasts below a point immediately above the tip of the areola; and
 - (2) Human male genitals in the discernibly turgid state, even if completely and opaquely covered.

(2) Site location Principles.

- a. The following uses shall not be permitted to be established within 1500 feet of each other;
 - (1) Adult Related Businesses
 - (2) Adult Bookstores
 - (3) Adult Motion Picture Theaters

- (4) Adult Mini Motion Picture Theaters
- (5) Exotic Cabarets
- (6) Massage Parlors
- (7) Public Baths
- (8) Taxi Dance Halls
- (9) Any other adult business use.

- b. It shall be unlawful to hereafter establish an adult related business, or any business use referred to in sub-paragraph "a" hereof, within 1500 feet of any residentially zoned property or within 1,500 feet of any religious or educational institution, public office buildings, public park or recreational land use.

(3) Signage and exterior display.

Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the signage and signs as provided and stated in Chapter 8 of this ordinance. No adult use permitted under this ordinance shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", (as defined in this ordinance) from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window, structural, elements of a building or other opening.

(4) Other Provisions.

- a. All adult entertainment establishments, which have been defined previously herein, may be inspected at any reasonable time to ascertain if any violations of law exist.

- (15) Floodway And Floodway Fringe Within Any Zone District.** The General Use Requirements of Chapter 5, Section 504.1 and the administrative requirements of Chapter 9 shall apply to floodways and floodway fringe which may lie within any zoning district.

The permitted uses of a floodway fringe may include all uses permitted by the district within which the floodway fringe lies subject to the use requirements of said district together with the applicable requirements cited by Chapter 5, Section 504.1 concerning the floodway fringe area.

Section 303. Supplementary Dwelling Regulations

- (1) **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes *in addition to the requirements of this Ordinance*. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the U.S. Department of Housing and Urban Development.

- (2) **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Michigan Building/Residential Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting that has the same dimensions as the dwelling. Allow no view of the area beneath the structure. The skirting must be constructed of aluminum, masonry, or other durable material. All skirting material must take the form of a solidly constructed wall. 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 elderly or handicapped family members, farm laborers, watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal buildings *as permitted by special use permit subject to the procedures, standards, and regulations described in Chapter 6 of this Ordinance.*
- (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 they must be supported by a foundation as required herein.
- (5) **Roof Overhang and Steps.** All dwellings must have a roof overhang of not less than six (6) inches on all sides. All dwellings must contain steps that are connected to exterior door areas where a difference in elevation requires them.
- (6) **Maintenance.** All dwellings must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, resurfacing, coating, and any other necessary protective measures.
- (7) **Use of Mobile Home for Temporary Dwelling.** A temporary use 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 an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the Michigan Building/Residential Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- (8) **Storage Area.** Every dwelling unit must contain a storage area equal to a minimum of one hundred (100) square feet. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Michigan Building/Residential Code.

- (9) **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the Michigan Building/Residential Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.
- (10) **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of twenty (20) feet and must comply in all respects with the Michigan Building/Residential Code, including minimum heights for habitable rooms. All single family dwellings shall have a minimum finished living area of one thousand (1,000) square feet of floor area.
- (11) **Aesthetically Compatible.** The determination of compatibility shall be based upon the standards set forth in the definition of “dwelling,” these supplementary standards as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000’) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; 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 designed home.
- (12) **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps and/or porches connected to the doors where required due to a difference in elevation.
- (13) **Garage and Yard Sales.**
- (a) Sales of used material from a single family dwelling may occur for a period not to exceed two weeks for each occurrence, may not commence again for a period of at least (30)days from the last date of a prior sale at that location with no more than 3 such sales per year. No items available during sales may be openly displayed when sales are not in progress.
- (b) The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income.
- (14) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (15) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1500) feet of another State Licensed Residential Facility.

- (15) **Home Occupations.** Home occupations are permitted, subject to the following standards:
- a. The home occupation must be operated within its entirety within the principal dwelling.
 - b. The home occupation must not have a separate entrance from outside the building.
 - c. Not involve alteration or construction not customarily found in dwellings.
 - d. Not use any mechanical equipment except that which is used normally for purely domestic or household purposes.
 - e. 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.
 - f. Not use more than twenty-five (25%) percent of the total actual floor area of the dwelling.
 - g. Not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated, wall sign having an area of not more than six (6) square foot.

Section 304. Supplementary Parcel Regulations

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels shall:
 - (a) Abut a public street and shall have a contiguous permanent frontage at the front lot line for the required lot width.
 - (b) Maintain the minimum contiguous frontage for the minimum required lot depth.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public street
- (3) **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- (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 the street is required. The front yard setback for properties fronting on such a street shall be measured from a line that lies a distance of one-half of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

(5) **Maximum Front Yard Setback.** The maximum front yard setback allowed from the nearest municipal fire hydrant or properly constructed dry hydrant is 1000’.

(a) If a fire hydrant is not near the subject property line, the setback would be further reduced by subtracting the linear distance from the property line to the nearest accessible municipal fire hydrant. The purpose is to provide adequate fire suppression to the dwelling and to safeguard and ensure the public safety and welfare of the community.

1. The township could allow an exception to the 1000-foot setback provided that a property owner who wishes to build a residence beyond the current 1000-foot setback petitions the township for and accepts all costs for the placement of an additional hydrant within the 1000 foot setback or properly constructs a dry hydrant that would facilitate adequate fire suppression within 1000 feet of the proposed structure.

2. Any construction of a dwelling or building beyond the 1000 foot setback would be done at the property owner’s own risk. The township can not assure adequate fire suppression to such dwellings.

3. In regard to any approvals of hydrant extensions the planning commission will rely upon the recommendations of the James Township Building Inspector and the James Township Fire Chief.

(6) **Access Drives Longer Than 500 Feet From The Public Roadway.** Since a “driveway” that is 500 feet or more in length takes on the character of a private road, James Township will require certification from a road construction contractor ensuring that emergency vehicles would be able to access the area on the ‘driveway” and that it is sufficiently wide, has a sound base to support the average emergency vehicle and no height restrictions by overlying tree branches. This is both to protect the residents of the township as well as to protect the township fire equipment.

(a) In regard to any approvals of driveway construction, the James Township Planning Commission will rely upon the recommendations of the James Township Building Inspector and the James Township Fire Chief.

(7) **Construction of Public Roads.** James Township requires that any future construction of additional public roads in the township be constructed with a paved or asphalted finish. All future public roads must be constructed to meet Saginaw County Road Commission specifications for paved or asphalted roads. If municipal water is available, the property owner shall bear the cost and construction of a municipal water extension. The water extension must be engineered and installed per DEQ and James Township requirements. Upon completion of road and water installation, the road shall be deeded to the Saginaw County Road Commission and the water extension will become the property of the James Township Water System.

(8) **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended). All land divisions created after the effective date of this Ordinance

shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.

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 *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in Chapter 5, District Regulations, must be adhered to, as well as any requirements listed in this section.
 - (a) Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - (i) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - (ii) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story and no closer than eight (8') feet to any side or rear lot line.
 - (iii) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
 - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
 - (c) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.
 - (d) Signs, subject to the provisions of Chapter 5.
- (2) **Yard Exceptions.**
 - (a) In cases where less than the full required future right-of-way width of a street has been deeded or dedicated the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be sixty-six (66') feet or as determined by standards set by the Saginaw County Road Commission.
 - (b) No stable/barn or pasture shall be permitted closer than one hundred and fifty (150') feet to any property line of lots zoned R-1 or R-2.
 - (c) No storage or accumulation of any offensive material (manure, odor, or dust producing) shall be permitted within one hundred and fifty (150') feet of any adjoining property line.
- (3) **Conformance to Established Setbacks.**
 - (a) Required front yard setbacks shall conform to existing setback as established by existing uses in any district.

- (4) **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in Chapter 3, District Regulations. These permitted exceptions shall not be used for human occupancy or dwelling purposes. **For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall each be increased by one (1) foot.** 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 elements such as elevator and stairway 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 Business Zoning District.
 - (b) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in any Zoning District.
 - (c) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.
 - (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Agricultural or Residential Zoning District. However, in no case shall the height of such an antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
 - (e) Structures for agricultural operations are permitted up to eighty-five (85) feet.
 - (f) Flagpoles in any Business Zoning District are permitted to a maximum height of sixty (60) feet.

Section 306. ACCESSORY BUILDINGS.

Accessory Buildings. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

One accessory building two hundred (200) square feet or less shall be allowed without a permit.

(1) REQUIRED YARDS.

- (a) **In a Front Yard:** No accessory building (attached or detached) shall project into any front yard closer than forty (40') to the front lot line.
- (b) **In a Rear Yard:** No accessory building, including attached or detached garages, shall be closer than five (5') feet to the rear lot lines.

- (c) **In a Side Yard:** No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential district, where an accessory building is located ten (10') feet or more to the rear of the principal building, then the accessory building shall be no closer than eight (8') feet to the side lot line.
- (d) **On a Corner Lot:** No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8') feet to the common lot line.

(2) GARAGE ENTRANCE.

- (a) In no case shall the entrance to a garage be less than twenty-five (25') feet from a street right-of-way line.

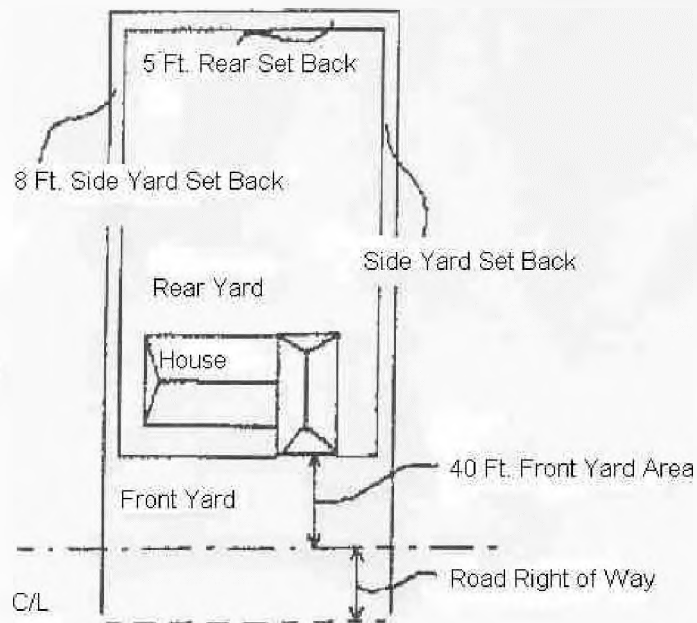
(3) In any District detached accessory buildings shall comply with the following regulations:

- (a) They shall not be used in any part for dwelling purposes nor used for any business profession, trade or occupation except for agricultural uses in an agricultural district.
- (b) Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use.
- (c) In any R District they shall not be more than one (1) story of twenty five (25') feet. In any B District they shall not be more than one (1) story of twenty five (25') feet.
- (d) They shall not occupy more than thirty (30%) percent of the required rear yard area. Accessory buildings and structures located on conforming lots in Agricultural districts shall not be limited by size, provided all required setbacks are met.

(4) In any R District Private Garages may provide storage for not more than the following number of vehicles:

- (a) **Any Single Family Dwelling:** Three (3) vehicles, including not more than one (1) commercial vehicle of not over one (1) ton capacity.
- (b) **For Other Dwellings:** Two (2) vehicles per dwelling unit not more than one (1) commercial vehicle of not over one (1) ton capacity.
- (c) **For Any Other Permitted Use**

Fig. 3-1 James Township Accessory Building Setbacks and Recreational Vehicle Parking Requirements (Chapter 3, item 12, pg. 3-4)



Accessory Buildings. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

One accessory building two hundred (200) square feet or less shall be allowed without a permit.

Outdoor Storage or Parking of Recreational Vehicles and Equipment. No Recreational Vehicle, as defined in Chapter 2, shall be parked or stored outside on any property except as follows:

- (a) The storage or parking of Recreational Vehicles in all Zoning Districts must conform to the required setbacks for Accessory Structures and to overall limitations for Lot Coverage. (See Fig. 3-1, Pg. 3-15, Fig. 3-2, Pg. 3-16)
- (c) Recreational Vehicles may be stored or parked outside only on property where an inhabited Dwelling Unit exists and shall be owned by the Parcel Occupant of such property.
- (c) No recreational vehicles may be parked in commercial or industrial districts unless they are parked in conjunction with the principal use of the parcel, such as recreational equipment sales or repair, or in a completely enclosed building

Chapter 4

Non-Conforming Uses

401. Purpose

Non-conforming uses are incompatible with permitted uses in the zoning districts in which they are located. Accordingly, non-conforming uses of land, structures and buildings, either singly or in combination, shall not be extended or enlarged after the effective date of this Ordinance, except in compliance with the provisions of this Article.

402. Non-Conforming Buildings and Structures

Existing buildings and structures that could not be built under the provisions of this Ordinance due to their non-compliance with floor area, height, setback, or other regulations may be added to, extended, reconstructed, or altered subject to the following provisions:

- a. A non-conforming structure may be enlarged or altered so long as the alteration does not increase its non-conformity.
- b. Should any such non-conforming structure or non-conforming portion of such structure be destroyed by any means, it may not be reconstructed except as a conforming structure.
- c. Should any such structure be moved for any reason, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

403. Non-Conforming Uses of Land

Where at the time of passage of this Ordinance the lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel other than that occupied by the use at the effective date of this Ordinance or its subsequent amendment.
- c. If any such non-conforming use of land ceases for any reason for a period of six (6) consecutive months or more, or if it is discontinued for a period of eighteen (18) months or more in any three (3) year period, the land shall be made to conform to the regulations specified by this Ordinance for the district in which the land is located.
- d. No additional structure that does not conform to the requirements of this Ordinance shall be erected in connection with a non-conforming use of land.

404. Non-Conforming Uses of Structures

The non-conforming use of a building or structure, and the land on which it is located, which would not be permitted by the regulations imposed by this Ordinance may be continued as long as it remains otherwise lawful, subject to the following provisions:

- a. A lawful non-conforming use of a structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance, but no such non-conforming use shall be extended to occupy any land outside such a building.
- c. If no structural alterations are made, any non-conforming use of a structure, or structures and land may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the zoning district than the existing non-conforming use.
- d. Whenever a non-conforming use is changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- e. Any non-conforming single family residential structure may be expanded or increased in floor area up to fifty (50) percent of the size of the structure at the effective date of this Ordinance.
- f. When a non-conforming use of a structure, or a structure and land in combination, is discontinued or abandoned for six (6) consecutive months or more, or if it is discontinued or abandoned for eighteen (18) months or more in any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
- g. Where non-conforming use status applies to a structure and land in combination, the removal or destruction of the structure shall eliminate the non-conforming status of the land. For the purpose of this Ordinance, "destruction" is defined as damage to an extent greater than one hundred (100) percent of the State Equalized Value at the time of destruction.

405. Repairs and Maintenance

For any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not greater than fifty (50) percent of the current State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the total space in cubic feet that existed within the structure when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful by reason of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by the Zoning Administrator or Building Official.

406. Damage of Non-Conforming Use or Building

Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, act of God, or public enemy to an extent more than sixty (60) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of this Ordinance. The restoration shall be commenced within six (6) months of the date of the destruction and shall be diligently carried on to completion.

407. Change in Tenancy or Ownership

There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided that there is no change in the nature or character of the non-conforming use.

408. Non-Conforming Lots of Record (Substandard Lots)

Lots of record that existed before the effective date of this Ordinance that do not comply with the lot area, width, or, other dimensional requirements established by the applicable zoning district regulations may be used, provided that all setback requirements for that zoning district can be met.

409. Elimination of Non-Conforming Uses

The Township may acquire private property by purchase, condemnation, or other means for the removal of non-conforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Township Rural Zoning Act (Act 184 of 1943, as amended) and (P.A. 110 of 2006, as amended). The elimination of non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain in accordance with the applicable Michigan statutes.

Chapter 5

Zoning Districts

501. Division of the Township

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

- CG Conservation Greenbelt (Open Lands and Floodways)
- A Primary Agricultural (Food and Fiber Production)
- R-R General Farming and Woodlot (Dispersed Residential)
- R-1 Residential Single-Family
- R-2 Residential Multiple-Family
- B Commercial (Office Business – Neighborhood)
- M Industrial Light

502. Official Zoning Map

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

503. Interpretation of Zoning District Boundaries

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

- a. Boundaries that appear to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries that appear to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries that appear to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries that appear to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries that appear to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.

- f. Boundaries that appear to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

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

504. District Regulations

The following charts identify the intent and purpose, uses permitted by right, uses permitted by special use permit, and the dimensional requirements for each zoning district of James Township as described in Section 501.

Section 504.1 (Rev. 2/12/2008)

CG Conservation Greenbelt Zoning District Regulations (Flood Plains and Wetlands)	
<p>Intent and Purpose:</p> <ol style="list-style-type: none"> To preserve open land areas for special open space uses, natural features, wildlife areas, and scenic areas. To manage floodplain areas by prohibiting land uses that could result in the loss of life and property.. 	
<p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> Forestry Public parks & recreation areas Public & private conservation areas & structures for the conservation of water, soil, open space, forest, and wildlife resources (nature preserve, hunting area, fishing area). Public (government) buildings related to conservation or recreational use. Farming, including field crops, sod, fruit orchards, roadside stand as accessory use on farm, truck farming, horticulture, aviaries, hatcheries, apiaries, and similar agricultural enterprises. Outdoor plant nurseries & greenhouses without retail sales Raising & keeping small animals and livestock. Single family home built before the adoption of this ordinance. 	<p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Section 612</p> <ol style="list-style-type: none"> Production of fur-bearing animals. (dd) Public parks and recreation areas. (ll) Boat launch. (ll) Golf Course, Shooting clubs, and Country Clubs. (m) Private Clubs. (ff) Private air strip. (cc) Communication towers. (rr) Windmills and wind-powered electricity generating devices. (qq) Natural resources extraction: sand, gravel, clay and topsoil removal, major/minor water bodies. (ii) Ponds and Soil Resource Extraction. (bb)
<p>Minimum Lot Size Area: Five (5) acres. 228,690 sq.ft.</p> <p>Width: (1) Continuous permanent frontage of 330 feet at the front lot line with this width maintained to the minimum required depth of 693 feet.</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: No maximum</p>	<p>Minimum Setbacks Front: 40 feet Side: 20 feet on each side. Rear: 40 feet</p> <p>Maximum building height (see note below): Principal building: 3 stories, 40 feet Agricultural operations: 85 feet</p> <p><i>Also see Sec. 305 for permitted height exceptions.</i></p>
<p>Minimum Floor Area: 1000 square feet for dwelling units</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>
<p>Other District Requirements:</p> <ol style="list-style-type: none"> This district includes lands that are within 100-year floodplains, as determined by the Federal Emergency Management Agency (FEMA) or Michigan Department of Environmental Quality (DEQ). Within the 100-year floodplain, no construction, fill, or alteration may occur except in accordance with Michigan DEQ requirements, as provided under Part 31 of Act 451 P.A. 1994, the Natural Resources and Environmental Protection Act. An applicant for a State Floodplain Permit shall provide the Township with a copy of the application and the approval of the application for improvements that require a permit. 	

A Primary Agricultural Zoning District Regulations (Food and Fiber Production)	
Intent and Purpose:	
<ol style="list-style-type: none"> 1. To preserve, enhance, and stabilize the areas within the Township that are used for food and fiber production. 2. To preserve the essential character and economic value of these areas as agricultural & open lands. 	
<p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> 1. Uses by right and accessory structures for CG. 2. Park; Nature preserve. 3. Golf Course; Outdoor court or field sports; Boat Launch 4. Public & private conservation areas & structures for the conservation of water, soil, open space, forest, and wildlife resources. 5. Pasture; grazing. 6. Keeping or boarding of large animals, ONLY ON SITES HAVING AT LEAST 5 ACRES; low impact livestock or poultry raising. 7. Single family dwellings. 8. Roadside stands for sale of produce grown by owner. 9. Greenhouse not selling at retail on the premises. 10. Public utility transformer stations and substations, including gas regulator stations 11. Home occupations. 12. Adult foster care and Child day care (1-6). 13. Accessory structure for use by right. 	<p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Section 612 (Special Use Category)</p> <ol style="list-style-type: none"> 1. All uses permitted by Special Use Permit in the CG District. 2. Adult foster care (7+). (a,b) 3. Child day care (7+). (i,j) 4. Grain & seed elevators. (o) 5. Wholesale & cooperative agricultural product storage. (o) 6. Veterinary Hospitals, clinics, Kennels. (pp) 7. Riding stables.. (hh) 8. Livestock auction yards. (v) 9. Housing for seasonal labor. (p) 10. Driving range. (n) 11. Religious, social, and educational institutions, church, school, meeting hall.(r) 12. Cemeteries; public and private. (g) 13. Aircraft landing strips; airport. (cc) 14. Public (government) buildings. (ee) 15. Recreational Vehicle (RV) Park; Mobile home park, campground. (ll) 16. Sewage treatment & disposal facilities. (kk) 17. Water tower or utility substation. (ee) 18. Model Homes. (y) 19. Motorized Race Tracks. (z) 20. Second Living Quarters. (jj) 21. Temporary Permits. (nn) 22. Crematorium (ss)
<p>Minimum Lot Size Area: 50,200 square feet.</p> <p>Width: (1) Continuous permanent frontage of 200 feet at the front lot line with this width maintained to the minimum required depth of 251 feet.</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: None</p>	<p>Minimum Setbacks Front: 40 feet Side: 35 feet total; minimum of 15 feet on one side. Rear: 30 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions.</i></p>
<p>Minimum Floor Area: 1000 square feet for dwelling units</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

<p>R-R Rural Residential</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To permit low density and residential uses that are compatible with a rural environment. To provide appropriate development controls for areas that are in transition between agricultural and non-farm uses. 	
<p>Permitted Uses</p> <ol style="list-style-type: none"> Single family dwellings. Roadside stands for sale of produce grown by owner. Adult foster care and Child day care (1-6). Accessory structure for use by right. Home occupations Raising & keeping small animals and livestock. Public utility transformer stations and substations, including gas regulator stations Public & private conservation areas & structures for the conservation of water, soil, open space, forest, and wildlife resources. 	<p>Special Uses Subject to Review and Approval as Specified in Section 612 (Special Use Category)</p> <ol style="list-style-type: none"> Commercial recreation uses. (n) Adult foster care. (a,b) Child day care (7+). (i,j) Golf Courses. (m) Driving ranges. (n) Shooting club/ranges. (m) Motorized Race tracks. (z) Miniature golf. (n) Cemeteries; public and private. (g) Veterinary hospital, clinics, Kennels. (pp) Riding stables. (hh) Natural resources extraction: sand, gravel, clay and topsoil removal, major/minor water bodies. (ii) Temporary outdoor uses, including fairs and carnivals, and revival tents. (mm) Religious, Social and educational institutions. (r) Aircraft landing strips; airport. (cc) Grain elevator. (o) Nature preserve; Fishing area; hunting area. (ll) Water tower or utility substation. (ee) Radio, T.V. Broadcast or relay towers. (rr) Windmills and wind-powered electricity generating devices. (qq) Model homes. (y) Second Living Quarters. (jj) Temporary Permits. (nn)
<p>Minimum Lot Size Area: 48,600 square feet</p> <p>Width: (1) Continuous permanent frontage of 150 feet at the front lot line with this width maintained to the minimum required depth of 324 feet.</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: None</p>	<p>Minimum Setbacks Front: 40 feet Side: 30 feet total; minimum of 15 feet on one side. Rear: 30 feet for principal building</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Accessory building: One story, 25 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: 1000 square feet for single family dwellings</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

<p>R-1 Residential District Regulations (Single Family Residential) Intent and Purpose:</p> <ul style="list-style-type: none"> a. To encourage and preserve attractive neighborhood environments consisting of single-family dwellings on individual lots and compatible uses. b. To create residential areas that will maintain their quality of life for future inhabitants. 	
<p>Permitted Uses</p> <ul style="list-style-type: none"> 1. Single family dwellings. 2. Adult foster care and Child day care (1-6). 3. Home occupations. 4. Public parks & recreation areas 5. Accessory structure for use by right. 	<p>Special Uses Subject to Review and Approval as Specified in Section 612 (Special Use Category)</p> <ul style="list-style-type: none"> 1. Religious, social, and educ. Institutions. (r) 2. Public (government) buildings. (ee) 3. Adult foster care and Child day care (7+). (a,b) 4. Driving range. (n) 5. Country clubs. (m) 6. Water tower or utility substation. (ee) 7. Radio, T.V. Broadcast or relay towers. (rr) 8. Private club; Church; School; Lighted outdoor court or field sports; Meeting Halls. (r) 9. Ponds. (bb) 10. Windmills and wind-powered electricity generating devices. (qq) 11. Second Living Quarters. (jj) 12. Temporary Permits. (nn)
<p>Minimum Lot Size Area: 48,400 square feet.</p> <p>Width: (1) Continuous permanent frontage of 110 feet at the front lot line with this width maintained to the minimum required depth of 429 feet.</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: A maximum of 25% of a lot may be covered by buildings.</p>	<p>Minimum Setbacks Front: 40 feet Side: 20 feet total; minimum of 10 feet on one side. Rear: 30 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: 1000 square feet for single family dwellings</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.5 (Rev. 2/12/2008)

<p>R-2 Residential District Regulations (Multiple Family Residential) Intent and Purpose: 1 To promote development of moderate density residential areas, together with other compatible uses, where services and facilities are sufficient to accommodate higher population concentrations.</p>	
<p>Permitted Uses</p> <ol style="list-style-type: none"> 1. All uses permitted in the R-1 District. 2. Two-family dwelling and accessory structures. 3. Libraries; Museums or galleries. 4. Hospitals; Nursing homes. 	<p>Special Uses Subject to Review and Approval as Specified in Section 612 (Special Use Category)</p> <ol style="list-style-type: none"> 1. Special uses listed for R-1 District. 2. Residential buildings with 3 or 4 Dwelling Units. Apartments/Condominiums/Row House. (Section 606-609) 3. Mobile home parks (x) (Section 605)
<p>Minimum Lot Size</p> <p>Width: : (1) Continuous permanent frontage of 110 feet at the front lot line with this width maintained to the minimum required depth of 429 feet for 48,400 sq. ft. for single family, continuous permanent frontage of 150 feet at the front lot line with this width maintained to the minimum required depth of 324 feet for 48,600 sq. ft. for two family and continuous permanent frontage of 200 feet at the front lot line with this width maintained to the minimum required depth of 251 feet for 50,200 sq.ft. for multiple family.</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: A maximum of 25% of a lot may be covered by buildings.</p>	<p>Minimum Setbacks</p> <p>Front: 40 feet Side: 20 feet total; minimum of 10 feet on one side for single family. 30 feet total; minimum of 15 feet on one side for duplex and 30 feet total minimum of 15 feet on one side for multiple family</p> <p>Rear: 30 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: 1000 square feet for single family dwellings <i>(See Special Use Chapter for multi-family housing requirements)</i></p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>

B Commercial Zoning District Regulations (Office Business – Neighborhood-Community)	
Intent and Purpose: To provide suitable areas for general retail & wholesale uses, and business & personal services.	
Permitted Uses	Special Uses Subject to Review and Approval as Specified in Section 612
<ol style="list-style-type: none"> 1 Government office; Police or fire service facility; Utility substation. 2 Offices and professional services, including medical doctors & dentists; funeral homes and mortuaries, architects, engineers and graphic arts; banks, insurance offices & financial services; and other administrative offices. 3 Personal service establishments, including barber & beauty shops, repair shops for personal items; Laundromats, and photography studios. 4. Service businesses, including printing, publishing, photographic reproduction, and related uses. 5. Commercial schools and recreation facilities conducted entirely within an enclosed building. 6. Adult foster care and Child day care (1-6). 7. Accessory uses and structures. 8. Forestry; Sod farming; Field Crops; Horticulture; Truck Farming; Orchards; Vineyards. 9. General retail businesses, including retail food Shopping Center. 10. Hotel or Motel; Bingo hall. 11. Skating Rink; Bowling Alley. 12 Lumber yard; Mini-Storage. 13. Arcade, Theater. 14. Truck stop. 15. Warehouse. 16. Museum or gallery; Park; Library. 	<ol style="list-style-type: none"> 1. Recreational Vehicle (RV) parks. (ll) 2. Drive-in & drive-thru businesses (k) 3. Auto service stations, car washes, auto or mobile home sales and repair. (e) 4. Vehicle sales establishments with showroom facilities for automobiles, boats, and similar uses (f) 5. Temporary outdoor uses, including fairs & carnivals, and revival tents. (mm) 6. Adult foster care and Child day care (7+). (a,b) 7. Assembly buildings including Arena or stadiums, auditoriums, private clubs & fraternal organizations, meeting hall, and churches. (ff) 8. Golf driving ranges ,miniature golf (n) 9. Race tracks (z) 10. Veterinary clinics , kennels (pp) 11. Mobile home parks (x) 12. Wholesale business - except fuel dealer. (gg) 13. Building supply & equipment establishments with retail sales. (f,gg) 14. Industrial, commercial, agriculture or construction equipment sales and repair.(gg) 15. Farm supply; Farm equipment sales & repair; Truck terminal; Warehouse; Grain elevator. (a) 16. Adults only business (Section 302, 14) 17. Ponds (bb) 18. Park, campground. (ll) 19. Mini-storage business (gg) 20. Retail nursery or greenhouse, electrical or plumbing supply (o) 21. Restaurants, including clubs & drinking establishments (excluding uses as described in Chapter 3, Section 302, Item (14). (ff) 22. Institutions for human care, including hospitals, nursing homes and clinics.(r,s) 23. Crematorium. (ss) 24. Public utility installations & buildings. (ee) 25 Communications towers. (rr) 26 Bottling plant; Tool and die shop or machine shop under 5000 sq.ft.–all activities must be completely enclosed in a building. (w) 27 Incarceration facility. (f) 28 Water tower or utility substation. (ee) 29 Landscaping and Lawn Service (u) 30 Funeral Homes (l)
<p>Minimum Lot Size Area: 48,600 square feet. Width: (1) Continuous permanent frontage of 150 feet at the front lot line with this width maintained to the minimum required depth of 324 feet. <i>Lot size may not include road right-of-way.</i> Maximum Parcel Coverage: None</p>	<p>Minimum Setbacks Front: 40 feet (May not be used for parking, loading, or accessory structures. Side: 15 feet each side; 20 feet if abutting a residential district. Rear: 30 feet Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Also see Sec. 305 for permitted height exceptions</p>
<p>Minimum Floor Area: No minimum</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>
<p>Other District Requirements: Commercial recreation uses may not be within 500 feet of a residential district.</p>	

M Light Industrial Zoning District Regulations	
Intent and Purpose:	
<ol style="list-style-type: none"> 1. To encourage attractive industrial development that is in keeping with the Township’s character. 2. To permit manufacturing, processing, assembling, packaging, or treatment of products when these activities take place only inside a building. 3. To permit compatible sales or service Uses. 4. To prohibit residential or intensive retail Uses in industrial locations. 	
<p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> 1. Forestry; Sod farming; Field crops; Truck farming; Horticulture; Orchard; Vineyard; Grain Elevator; 2. Industrial, commercial or construction equipment sales and repair. 3. Truck terminal. 4. Building supply yard. 5. Wholesale business, except fuel dealer. 6. Mini-storage business. 7. Water treatment and/or storage facility, Including water towers. 8. Utility substation. 9. Industrial or trade school. 10. Manufacturing & processing establishments or research facilities that do not store raw materials, finished products, work in progress, waste, scrap, coal, equipment, or containers out of doors; Warehouse. 11. Water treatment and/or storage facility, including water towers; Utility substation; Industrial or trade school. 	<p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Section 612 (Special Use Category)</p> <ol style="list-style-type: none"> 1. Bar or restaurant. (ss) 2. Fuel Dealer. (w) 3. Junkyards. (t) 4. Contractor’s yard. (w) 5. Outdoor storage of equipment or material. (w) 6. Soil resource extraction. (bb, ii) 7. Roadway or utility service yard. (w) 8. Rail freight yard. (w) 9. Type III landfill. (d) 10. Airport. (cc) 11. Incarceration facility. (s) 12. Licensed Type II Landfill, resource recovery or incinerator. (q) 13. Municipal sewage treatment/disposal facility. (kk) 14. Ponds. (bb) 15. Radio, T.V., Telephone, Broadcast or relay towers. (rr) 16. Manufacturing or Processing Establishment. (w).
<p>Minimum Lot Size Area: 97,200 square feet.</p> <p>Width: (1) Continuous permanent frontage of 300 feet at the front lot line with this width maintained to the minimum required depth of 324 feet</p> <p><i>Lot size may not include road right-of-way.</i></p> <p>Maximum Parcel Coverage: None</p>	<p>Minimum Setbacks Front: 40 feet (May not be used for parking, loading, or accessory structures.) Side and rear: 10% of lot depth not to exceed 40’ (ref. 3-2)</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: No minimum</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3</p>	<p>Sign Regulations: See Chapter 8</p>
<p>Other District Requirements: None</p>	

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Figure 5-1 Parcel Size Requirements - Dimensions(Accessory Building Rules in Parentheses)

Zoning District	Parcel Dimens. Minimum		Front Yard Back Yard. Minimum Minimum		Side Yard Minimum Minimum		Corner Lot Yards Side Str. Remaining Yard Min. Sides Min.		Min. Sq. Ft. Tot/Grd Floor	Maximum Maximum		Coverage Maximum By all Buildings Percentage	
	Area	Width Depth	Depth	Depth	Total	1 Side				Height	Stories		
CG Conservation/ Green belt- Floodplain/ Wetland	5 Acres	330' 693'	40'	30' (30')	40'	20' (20')	20'	20' (20')	1000'	40' (25')	3.0 (1.0) 85'@	None	
A Agricultural	43,560'	200' 220'	40'	30' (5')	35'	15' (8')	25'	15' (15')	1000'	35' (25')	2.5 (1.0) 85'@	None	
R-1 Residential- Single-Family ***	43,560'	110' 400'	40'	30' (5')	20'	10' (8')	30'	15' (15')	1000'	35' (25')	2.5 (1.0)	25%	
R-2 Residential- Single Family	43,560'	110' 397'	40'	30'	20'	10'	25'	10'	1000'	40'	3.0	25%	
Two-Family	43,560'	150' 291'	40'	30'	30'	15'	25'	10'	1000'	40'	3.0	25%	
Multiple-Family	43,560'	200' 220'	40'	30' (5')	30'	15' (8')	25'	10' (10')	**	40' (25')	3.0 (1.0)	25%	
R-R Residential- Single-Family ***	43,560'	150'	40'	30' (5')	20'	10' (8')	30'	15' (15')	1000'	35' (25')	2.5 (1.0)	25%	
B Commercial- Office/Neighborhood	43,560'	150'	40'	30'	30'	15' #	30'	15'	None	40' (25')	3.0 (1.0)	None	
M Industrial- Light	87,120'	300'	40' 10 % of lot depth and width respectively but need not be >40'. See Chapter 3, Sec. 305							None	45' 35' &	3.5 2.5 &	None

R-2

** Minimum floor area per unit shall be 400' with 0 bedrooms, 550' with 1 bedroom, 850' with 2 bedrooms, 950' with 3 bedrooms, and 1050' with 4 or more bedrooms

*** Must comply with the requirements of the State Land Division Act and Local Land Division Ordinance.

@ Agricultural Operations - Other nonresidential permitted structures may have increased height if front, side, and rear yards are increased one foot for every one foot increase in building height.

B # Side yards abutting upon a residential district shall be of less than twenty (20) feet

& M Height Restrictions when abutting residential property

SPECIAL USES**CHAPTER 6
SPECIAL USE PERMIT REQUIREMENTS****601. Intent and Purpose.**

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structure which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time to maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this Ordinance, the following Special Use Categories are identified, which together with cited Special Uses within the various districts, are operational under the conditions and standards of Chapter 6 , Section 603 and other applicable sections of this ordinance.

- (a) Adult Foster Care Large Group Home 13 - 20
- (b) Adult Foster Care Small Group Home 7 – 12
- (c) Adult Foster Care Small Group Home 1 – 6
- (d) Adult Foster Care Family
- (e) Automobile service facility including repair, car wash & oil change facilities.
- (f) Automobile, Boat, And Recreational Vehicle Showrooms
For New And Used Equipment. Building Supply
And Equipment Selling Retail
- (g) Cemeteries, Public and Private
- (h) Day care homes, family (1-6 persons)
- (i) Day care homes, group (7-12 persons)
- (j) Day care centers, commercial.
- (k) Drive-In Establishments, Including Banks, Dry Cleaning
Pick-Ups Or Similar Personal Services, But Excluding
Drive-In Restaurants.
- (l) Funeral homes, Under Taking Parlors & Mortuaries.
- (m) Golf Courses, Shooting Clubs, And Country Clubs
- (n) Golf driving ranges, miniature golf, **drive-in theaters**, and other commercial outdoor recreation uses.
- (o) Greenhouse and nurseries selling Retail on the Premises.
Grain And Seed Elevators And Sales. Cold storage for
cooperative and/or wholesale agricultural products.
- (p) Housing for Seasonal workers.

- (q) Incineration, and Sanitary Fills.
- (r) Institutional
- (s) Institutions For the Mentally Retarded and Physically Handicapped, Drug or Alcoholic Patients, Correctional Institutions And Camps.
- (t) Junk Yards and Salvage Yards
- (u) Landscaping and Lawn Service
- (v) Livestock Auction Yards
- (w) Manufacturing or processing Establishment, Building supply and equipment selling retail
- (x) Mobile Home Park
- (y) Model Homes
- (z) Motorized Race Tracks for Motorcycles, Off-Road Vehicles, and Similar Uses
- (aa) Outdoor Sales Space
- (bb) Ponds and Soil Resource Extraction
- (cc) Private Aircraft Landing Strips
- (dd) Production of Fur Bearing Animals for Profit
- (ee) Public Buildings
- (ff) Restaurants, including clubs & drinking establishments (not drive-in or drive-thru businesses).
- (gg) Retail And Wholesale Businesses Whose Principal Activity is the Sale Of Merchandise In An Enclosed Building
- (hh) Riding Stables, Livestock Auction Yards
- (ii) Sand, Clay, Or Gravel Pits, Quarries or Mining Operations
- (jj) Second Living Quarters for Family Member
- (kk) Sewage Treatment and Disposal Facility
- (ll) Special Open Space Uses such as amusement parks, Commercial Campgrounds, Expositions, Day Camps As Well as nature Centers and Other Similar uses.
- (mm) Temporary Outdoor Use, including carnival, flea market, Christmas tree sales, and revival tents.
- (nn) Temporary Permits
- (oo) Two-Family Homes (Duplexes)
- (pp) Veterinary **Hospitals**, Clinics & Kennels
- (qq) Wind Turbine Generators (WTG's)
- (rr) Communication Towers
- (ss) Crematory

The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards which must be met before a Special Use Permit can be issued.

602. Permit Procedures.

The application for a Special Use Permit shall be submitted and processed under the following procedures:

- (1) **Submission of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the James Township Board.

In the event the allowance of a desired use requires both a rezoning and special use permit, both requests may be submitted jointly, subject to the following:

- a. The ordinance procedures for each shall be followed as specified.
- b. All applicable standards and specifications required by the ordinance shall be observed.

(2) **Data Required.**

- a. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 612.
- b. Site plan drawn to scale (preferably 1" = 25') of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or man-made features which affect the property, together with indication of abutting uses.
- c. Preliminary plans and specifications of the proposed development.

- (3) **Planning Commission Review and Hearing.** The application, together with all required data shall be transmitted to the Planning Commission for review.

Notice of the public hearing on the special use application must be published in a local newspaper in accordance with current Michigan State Law.

Notice of the hearing must also be delivered, either by mail or by personal delivery, to the applicant and all owners and occupants of property located within a specified distance in accordance with Michigan State Law. These notices must conform with current Michigan state law and may include the following information:

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);
- c. The date, time, and place of the public hearing;

- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.

(4) Public Hearing and Review Procedures

The Planning Commission shall hold the public hearing on the proposed special use, and shall review the site plan and other materials submitted with the application.

Following the public hearing, the Planning Commission shall make a decision based on whether or not the proposed special use is consistent with the specific standards applicable to the special use described in Section 612, as well as the general standards described in Section 603 and other applicable sections of this ordinance. If it is found that the proposed special use is consistent with these standards, the Planning Commission must approve the proposed special use.

If the Planning Commission finds that the proposed special use is not consistent with these standards, then it may approve the use with conditions, or it may deny the proposed use altogether. In any event, the decision to approve, approve with conditions, or deny the application must be made within sixty (60) days of the date of the public hearing.

At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before making a decision on the proposed special use. In such cases, the Planning Commission shall table consideration of the application until the applicant provides the amended site plan or additional information.

- 5) Terms of Permit.** If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.
- (6) Permit Expiration.** A Special Use Permit issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the appellant in writing of the expiration of said permit.
- (7) Revocation.** The Planning Commission shall have the authority to revoke any Special Use Permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in Chapter 6, or other applicable sections. Written notice of violation shall be given by the Zoning Administrator to the holder of the permit and correction must be made within thirty (30) days. After a

thirty (30) day period an additional notice shall be given by the Zoning Administrator, the use for which the permit was granted must cease within sixty (60) days from the date of the second notice.

- (8) **Reapplication.** No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof or change of conditions.
- (9) **Performance Guarantee.** The Planning Commission may require a performance guarantee which will be set in accordance with Township Policy currently in effect.
- (10) **Appeal of Decision.** The Township Planning Commission's decision on applications for proposed special uses may be appealed to the State Court System, beginning with Circuit Court within time requirements set by the State.

603. Permit Standards.

Before formulating recommendations on a Special Use Permit Application, the Planning Commission shall establish that the following general standards as well as specific standards, shall be satisfied:

- (1) **General Standards.** The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - a. 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. 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. 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 schools.
 - d. Not create excessive additional requirements at public cost for public facilities and services.
 - e. 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 reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

- f. Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
 - g. Be designed with energy conserving features which would reduce unwanted heat loss and gain and would provide the opportunity to take advantage of solar energy.
- (2) **Conditions and Safeguards.** The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Use Permit. The specific and detailed requirements set forth in the following Sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.
- (4) **Permitted Uses.** Uses permitted by Special Use Permit shall be those listed by Districts [Chapter 5, Table of Uses by Zoning District] and as herein regulated, controlled or defined.

604. Site Location to Increase Energy Efficiency.

- (1) **Authorization.** Recognizing that there are trends in the planning of dwellings and groups thereof and in lot arrangements that seek to secure the benefit of solar orientation and climate control which may necessitate variation in the front, rear and side yard requirements of this Ordinance and in the regulations applying to accessory buildings, fences, and walls, the Planning Commission, on application, may permit variations in such regulations for the accomplishment of the following purposes, provided that such variations shall be so devised and applied in accordance with the provisions of this Ordinance.
- (2) **Uses.**
- a. Solar Devices.
 - b. Wind driven devices where permitted in a district.
- (3) **Uses Specifically Prohibited.**
- a. Devices which are judged dangerous to the safety or health of the general public by the Planning Commission.
- (4) **Site Location and Development Requirements.**
- a. The distance between buildings in the same block shall not be less than would result from the application of the regulations prescribed by this Ordinance for the district.

- b. Air, daylight, and sunlight shall not be obstructed from adjacent buildings to a greater degree than would result from the application of the regulations prescribed for the district.
- c. The proposed location and arrangement of buildings will not be otherwise detrimental to adjacent buildings or to the neighborhood generally.
- d. The variations will conserve and promote health and safety.
- e. Windmills and wind powered electricity generating devices shall be installed in accordance with those requirements described in Section 612(w) Special Land Use Requirements.

605. Mobile Home Park Development.

- (1) **Authorization.** Mobile Home Park developments are herein recognized as fundamentally a multiple residential use and that allowing mobile home parks in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this comprehensive zoning ordinance.

The special features and demands of mobile home parks require full considerations of their site location, design and improvement; their demands upon public services and utilities and, their relationship to and effect upon adjacent land uses. Mobile Home Park developments because of their nature are permitted pursuant to the Districts as noted under [Chapter 5, Table of Uses by Zoning District].

- (2) **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any mobile home park within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a mobile home park upon the district in which such use is proposed.
- a. Mobile home parks should have direct access to county primary road or state highway.
 - b. Mobile home parks should be located on sites where a tree buffer around the park can be developed.
 - c. Mobile home parks should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
 - d. Mobile home parks should be developed on soils of limited agricultural capability or on soils which are not farmed.
 - e. Mobile home parks should be developed on sites where access to other community goods and services is available.
- (3) **Uses.** A Mobile Home Park Development may include any or all of the following uses, PROVIDED, that a plan of the proposed development is approved by the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended and PROVIDED further that said development proposal meets the standards and conditions and all other provisions as herein established.

- a. Mobile Homes designed for occupancy as a dwelling unit within a Mobile Home Park; and containing a minimum of five hundred (500) square feet of living area with the Mobile Home.
 - b. Accessory buildings and services required for normal operation of the Mobile Home Park. Such establishments or service facilities shall be designed and intended, to serve frequent trade of needs of persons residing within the park and may be permitted PROVIDED that such uses:
 1. Shall not occupy more than five (5%) percent of the area of the park.
 2. Shall be subordinate to the residential character of the park.
 3. Shall present no visible evidence of commercial character to any area outside of the park boundaries.
 - c. Maintenance building for conducting the operation and maintenance of a Mobile Home Park. Only one (1) permanent building can be established, however, a caretaker's residence may be established within or in addition to said permanent building.
- (4) **Uses Specifically Prohibited.** The sales, display or storage of mobile homes for such uses within any portion of the Mobile Home Park is expressly prohibited. It shall be unlawful for any person to construct, establish, maintain, operate, alter or extend any Mobile Home Park within the limits of the community except under the provision as herein set out.
- (5) **Development Requirements.** The following minimum requirements, guidelines, and standards shall be used in considering the issuance of a Special Use Permit for a Mobile Home Park.

In addition to the provisions of this Ordinance, all Mobile Home Parks shall comply with Act 243, Public Act, 1959, as amended, proof of which shall be established by presentation of a certified copy of the construction permit issued by the State prior to final approval of Special Use Permit.

If any of the requirements of this section are less restrictive than the State Act (Act 243, Public Acts of 1959, as amended), the State requirements shall prevail.

- (6) **Park Site Standards.**
- a. Minimum site size for Mobile Home Park shall be forty (40) acres.
 - b. Minimum number of mobile home spaces shall be sixty (60). At least sixty (60) mobile home spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
 - c. Minimum length of residential occupancy shall be thirty (30) days and no mobile home shall be admitted to any park unless it meets the requirements of (d) following.
 - d. Minimum standards for plumbing, heating and electrical systems shall be those set forth by the Mobile Home Manufacturing Association and Trailer

- Coach Association (MHMA-TCA American Standard A 119.1) or by any State administrative code insuring equal or better installation.
- e. Arterial Right-of-Way. The developer shall deed to the County Road Commission any additional arterial streets right-of-way required under road classification standards.
 - f. Minimum site location standards require each proposed site to have at least one (1) property line not less than one hundred fifty (150') feet in length abutting a principal or minor arterial or collector street. All ingress and egress points shall be provided directly from said arterial or collector street. The arterial or collector road shall be paved and of sufficient design capacity as required by the Saginaw County Road Commission to safely and effectively handle any increased traffic which has been generated by the Mobile Home Park. If the arterial road does not meet the required standards of the Saginaw County Road Commission, the Developer of the Mobile Home Park shall agree to pay the cost of the improvements on the roadway abutting the Mobile Home Park site which are necessary, before a Special Use Permit is granted.
 - g. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Mobile Home Park are to be paved to a minimum width of twenty-four (24 ') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than two hundred (200 ') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100 ') feet of an intersection with a public street.
 - h. Minimum site yard dimensions require that no mobile home or any building upon the premises shall be located closer than sixty (60 ') feet from any property line.
 - i. Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35 ') feet.
 - j. Maximum of one (1) sign per approved site access points which shall bear only the name of the establishments and shall have a maximum area of twelve (12) square feet. The sign may be lighted PROVIDED the source of light is not visible and not the flashing or intermittent type. The sign shall be located no closer than the yard requirements as set forth for R-1 Residential Districts.

(7) Mobile Home Space Standards.

- a. Minimum mobile home space shall be four thousand five hundred (4,500) square feet and the lot shall not be less than forty-five (45 ') feet in width. Mobile Home Park density shall not exceed six (6) units per gross acre of park site for A Agricultural Districts and eight (8) units per gross acre of park site for R Residential Districts.
- b. Minimum mobile home space yard dimensions for front yard and rear yards shall be ten (10') feet and for the side yards shall be a minimum of ten (10')

feet from the nearest mobile home space line and the aggregate side yard dimensions shall not be less than twenty-five (25 ') feet.

The front yard is the yard which runs from the hitch end of the mobile home stand to the nearest mobile home space line. The rear yard is the opposite end of the mobile home stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5 ') feet from a mobile home space side yard line.

- c. Mobile home space improvement standards require that each mobile home space shall be provided with a mobile home stand consisting of a solid reinforced concrete slab at least four (4") inches in depth, twelve (12') feet in width and sixty (60') feet in length or larger, if necessary, to be equal to the outside dimensions of the mobile home. Provisions shall be made with respect to construction of the required slab to provide for securing the mobile home unit to the slab in a manner to prevent wind damage. All off-street parking spaces provided on individual mobile home space or on the Mobile Home Park sites shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

Each mobile home shall be supported on uniform jacks or blocks supplied by the Mobile Home Park management, and adequate skirting or screening material of a uniform nature shall be required to enclose the base of the mobile home. The wheels and undercarriage shall be removed from each mobile home within ninety (90) days from the time it is located on the site.

An outdoor concrete surfaced patio area of not less than one hundred eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

- d. Storage facilities shall be furnished by the management to the tenants, which shall be waterproof, and will provide a minimum space of four hundred eighty (480) cubic feet at each mobile home space.

(8) Utility Standards.

- a. Sanitary sewer and water facilities to all mobile homes shall be connected to public facilities when available.

When not available, water and sanitary sewer facilities shall be provided from central systems constructed by the park owner and approved by the Building Inspector and the Saginaw County Health Department.

If on the basis of a determination by the Building Inspector and/or the Saginaw County Health Department, unsafe health conditions are present in either the water or sanitary sewer systems, the Special Use Permit will automatically be terminated.

- b. Electrical lines to each Mobile Home Park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.
- c. Natural gas service to each mobile home park space shall be installed underground. When separate meters are installed, each meter shall be located in a uniform manner.

(9) Parking, Streets and Walkways.

All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete which shall be durable and well drained, and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.

- a. Minimum parking standards are specified in Chapter 7, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
- b. Park street standards provide that each mobile home space shall have access to a street which shall meet the following specifications where appropriate to its character:

Minimum Pavement Widths

Parking Allowance	Traffic flow Min.	Paved Width
No parking	1 or 2 way	24 feet
Parking 1 side	1 or 2 way	30 feet
Parking 2 sides	1 or 2 way	38 feet

All on street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- c. Curb and gutter shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the Saginaw County Road Commission.
- d. Walkway standards provide that walks be provided from mobile homes to service buildings and mobile home facilities shall be at least four (4') feet in width and walks used in common by 1 to 3 mobile homes shall be at least thirty (30") inches in width.
- e. Lighting. The developer shall submit a park lighting scheme previously approved by Consumer's Energy.

(10) Buffers, Landscaping and Recreation.

- a. Greenbelt buffer of twenty (20') feet in width shall be located within the fifty (50') feet yard area as established herein.

This greenbelt shall be established and continually maintained and shall consist of trees and shrubs to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas.

The greenbelt shall contain at least one (1) row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than forty (40 ') feet apart and at least three (3) rows of deciduous and/or evergreen shrubs, spaced not more than eight (8 ') feet apart.

- b. A fence shall be built, not less than six (6') feet in height, constructed of materials approved by the planning commission.
- c. Recreation space standards provide that common recreation space of not less than ten (10 %) per cent of the gross mobile home park area shall be developed and maintained by the mobile home park owner. This area shall not be less than one hundred (100') feet in its smallest dimensions and its boundary no further than five hundred (500') feet from any mobile home space within its service area. Yard requirements as set out in this ordinance are not to be defined as recreational areas in obtaining the minimum area of ten (10%) percent as set forth herein.
- d. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(11) Public Health and Safety.

- a. Storage, collection and disposal of refuse and garbage, shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. If such is not available, the mobile home park owner shall provide this service. Garbage containers shall be located in a uniform manner at each mobile home space and so designed to be of a permanent character or located out of general view.
- b. Suitable fire hydrants shall be installed in all mobile home parks in conformation with the determination of the fire chief.
- c. To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local authorities and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- d. Dogs, cats or other pets shall not be permitted to run at large or to commit any nuisance within the park.
- e. Cooking shelters, barbecue pits, fireplaces and wood burning stoves or incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

(12) Miscellaneous Provisions.

- a. Resident Supervision and Maintenance. The mobile home park shall be operated in compliance with the provisions of this ordinance and the mobile home park owner(s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
- b. Performance Bond. Upon granting a Special Use Permit a bond, executed by any surety company authorized to do business in the State of Michigan, shall be required to be delivered to the Planning Commission by the applicant for the faithful performance of the provisions of this ordinance and conditions of the Special Use Permit. Said bond shall be in an amount to be determined by the Planning Commission and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile

home park within a period of time to be determined as a condition of the Special Use Permit.

- c. Inspection of mobile home parks is authorized and the Zoning Administrator is directed to make at least yearly inspections of the premises to insure conformance with these Ordinance provisions and all other applicable codes and regulations. The chief of the local fire department or his designated representative is directed to make at least yearly inspections of the premises to insure that adequate provisions for fire protection are being observed in the interest of the public safety.
- d. Cable services shall be provided by the mobile home park development with underground connection to each home site. No television antennas shall otherwise be provided or allowed within the mobile home park.
- e. No lot within the mobile home park development shall be sold, or leased for more than five (5) years by the proprietor thereof or by his heirs, executors, administrators or legal representatives.
- f. Sectional or component homes as a permitted use are allowed within a mobile home park development subject to all site requirements for residential uses as permitted in R-1 Residential District.

606. Townhouses.

- (1) **Site location principles.** The following principles shall be utilized to evaluate the proposed location or any such use within a permitted district. These principles shall be applied by the Planning Commission as a general guideline to help assess the impact of such a use upon the district in which it is proposed.
 - a. Any townhouse shall not be located on a site of ecological importance, such as a bog, swamp, or marsh.
 - b. Townhouses should have direct access to improved highways or have access by construction of less than one half (1/2) mile of new road.
 - c. Townhouses should be developed on soils of limited agricultural capability or on soils which are not farmed.
 - d. It's desirable to locate Townhouses close to other Multiple Family Dwelling Units or Commercial uses and as a buffer between Multiple Family and Commercial uses and single family residential.

(2) **Site requirements.**

- a. Townhouses are not to exceed a density factor of eight (8) units per acre PROVIDED there is a minimum site of one (1) acre and PROVIDED minimum lot acre per unit equals eight thousand four hundred fifty (8,450) square feet for the first unit and three thousand seven hundred seventy (3,770) square feet for each additional unit.

(3) **Permissive minimum lot area.**

- a. Minimum lot width of one hundred fifty (150) feet is required and all units shall be connected to public water and sanitary sewer facilities.

(4) **Permissive minimum yard requirements.** Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

- a. Front yard. Twenty (20) feet for all townhouses, PROVIDED that front yard requirements may be varied by Planning Commission after consideration of common open space if such provides an average of twenty (20) feet of front yard area per dwelling unit.
- b. Side yard. Eight (8) feet on each side for all one family and two family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of twenty (20) feet between ends of contiguous groups of dwelling units.
- c. Rear yard. Twenty-five (25) feet for all townhouses, PROVIDED that rear yard requirements may be varied by the Planning Commission consideration of common open space lands or parks which abut the rear yard area.
- d. Perimeter setback. The yard requirements at the exterior boundaries of the product will not be less than the minimum yards required in the District where located.

(5) **Minimum permissive building height.**

- a. Two and one-half (2 1/2) stories but not to exceed thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

(6) **Street development requirements.**

- a. Street standards and specifications adopted by the Saginaw County Road Commission and all applicable local standards shall be complied with for all street improvements.

(7) Parking requirements.

- a. Off-street parking is required at the rate of two (2) spaces per dwelling unit. Off-street parking areas must be hard surfaced and the provisions of Chapter 7 shall apply.

Section 607 Open Space and Cluster Development.**(1) Parcel Divisions**

New parcels may be created pursuant to P .A. 288 of 1967, as amended, (being the Land Division Act; M.Cl.. 560.101 et. seq.) or as provided here.

- A. New parcels created shall conform with all applicable sections of this Ordinance and the applicable provisions of one of the following development options. In addition, the splitting and combining of one adjacent parent parcel with another is allowed, conditioned on both parent parcels have not been split previously under either development option listed below.

In these cases the resulting reconstituted parent parcels shall be the basis for further allowable land divisions.

1. **Development Option I, Country Properties:** A maximum of 50 % may be divided into new parcels averaging not less than 1 acre in area. The remaining 50%of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the zoning administrator.
2. **Development Option 2, Conservation Planned Unit Development:** A maximum of 50% percent of any parent parcel buildable area (section 2 page 2-3 section in "definitions" of this Ordinance) may be divided into new parcels averaging not less than 1 acre in area. The remaining 50% of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the planning commission.
 - a. **Eligibility:** Parent parcels not previously split may be developed per this option.
 - b. **Minimum Conservation Land Requirement:** The development density which would normally be realized on the entire parent parcel shall be transferred to the area of the parent parcel which is not the 50% of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means.
 - c. **Determining Maximum Allowable Parcel Divisions:** The maximum number of new parcels which may be created within the parent parcel shall be the same number calculated

by dividing the total area of the parent parcel which is buildable area by the minimum parcel area required in the respective zoning district. To illustrate this density a conceptual plan of division of the parent parcel shall be submitted by the applicant to the administrator. This plan shall contain proposed parcels, roads, rights-of-way, areas which are not in the buildable area and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.

- d. **Endowment Parcel Density Bonus:** In addition to the maximum number of new parcels as determined in this Ordinance, when the required easement covering Conservation Lands shall be held in part by a recognized non-profit land conservancy two (2) additional parcels shall be allowed. The proceeds from the sale of the two (2) additional parcels shall be used to fund an endowment held by the Conservancy to cover the land conservancy's expenses for monitoring compliance with the conservation easement.
- e. **Siting Criteria for new Parcels:** Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Lands areas. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria and site plan criteria contained elsewhere in this Ordinance:
- (1) Protects and preserves all beach contiguous to a lake or stream, wetland, area which is not accepted by the Saginaw County office of Community Health Department of jurisdiction for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Saginaw County Health Department of jurisdiction, flood plain, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 25 percent. (including a buffer area around such areas) from clearing, grading, filling, and construction.
 - (2) As practical, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils, and

- in locations at the far edge of a field, as seen from existing roads.
- (3) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters.
 - (4) Minimizes impacts on large woodlands (greater than five acres), especially those located on upland soils considered prime for timber production.
 - (5) Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
 - (6) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
 - (7) Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
 - (8) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
 - (9) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
 - (10) Provides that Conservation Lands (section 608 (1) A.2.b of this Ordinance) shall be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum parcel depth to width ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
 - (11) When Conservation Lands (section 608 (1) A.2.b of this Ordinance) are held in common by surrounding parcel owners the proposed site plan shall:
 - (a) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from near by parcels in the buildable area(s).
 - (b) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels,

- activity areas, special features, and contiguous developments.
- (c) Ownership of Conservation Lands may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.
 - d) Conservation Lands created pursuant to adoption of this Ordinance, may be used for any permitted use allowed in this zoning district pursuant to section five (5) of this Ordinance if the parcel contains a large enough buildable area. Such parcels shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by both the township and one of the following: a homeowners association made up of parcel owners in the development, or a recognized non-profit land conservancy.

(2) Application and Site Plan Review Process:

1. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance is encouraged for all parcels to be split under provisions of Option 1, section 608 (1) A.1 or Option 2, Section 608 (1) A.2 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
2. The application shall then be processed under the Special Use Permit, section Chapter Six (article on special use permits] et. seq. of this ordinance, and Planned Unit Development Districts section 612 et. seq. of this ordinance. The municipality shall simultaneously approve the land division splits as part of the review.

SECTION 608 Planned Unit Development and Condominium.

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

(2) **Applicability.** Planned Unit Developments and Condominium Subdivisions are identified as special uses in the A-2, R-1 and R-2 zoning districts. This section provides additional standards used in the special use permit process.

(3) **Initial Information.** Concurrently with notice required to be given James Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium subdivision shall provide the following information:

- a. The name, address, and telephone number of:
 - (1) All persons, firms, or corporations with an ownership interest in the land on which the condominium subdivision will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (2) All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium subdivision.
- b. The legal description of the land on which the condominium subdivision will be developed together with appropriate tax identification numbers.
- c. The acreage of the land on which the condominium subdivision will be built.
- d. Whether or not a community water system is contemplated.
- e. Whether or not a community septic system is contemplated.
- f. The names of abutting development projects or subdivisions, if any.
- g. A map of the entire area scheduled for development if the proposed condominium subdivision is a portion of a larger holding intended for subsequent development, and staging of development of the entire condominium development, as well as the relations of each stage to the entire development shall be clearly shown.
- h. A location map showing the relationship of the proposed development to the surrounding area including location of monuments identifying survey points, clearly indicated with GPS co-ordinates.
- i. The land use and existing zoning of the proposed subdivision and adjacent reacts.
- j. Streets, street names, alleys, sidewalks, rights-of-way and roadway widths, as well as surfacing of all streets.
- k. Other rights-of-way or easements, showing location, width and purpose.
- l. Condominium unit lines, and total number of units shown by numerical order commencing with number one, with no omissions or duplications. Also, setback requirements and area of condominium units shall be shown with any lands reserved for public use and the conditions of dedication.
- m. A site report as described in the Rules of the State Department of Public Health is the proposed subdivision is not being served by public water and sewer systems.
- n. Location and size of all existing and proposed sanitary sewer, storm sewer.

- and water supply facilities; points of connection to existing lines, elevations and grades, direction of flow, location of wells, valves and hydrants, as well as location of gas, electric and telephone lines.
- o. Street lighting standards, curbs, manholes, catch basins and underground conduits showing location thereof.
 - p. Topography, existing and proposed, at two (2) foot intervals and proposed grading and landfill.
- (4) **Information To Be Kept Current.** The information shall be furnished to the Township Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued by the Zoning Administrator.
- (5) **Master Deed, Restrictive Covenants, and "As Built" Survey Be furnished.** The condominium subdivision developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of any "as built survey".
- (6) **Monuments Required.** All condominium subdivisions shall be marked with monuments of survey points as provided in this subsection.
- a. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - b. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
 - c. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 - d. All required monuments shall be placed flush with the ground where practicable.
 - e. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the developer or proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of James, whichever the developer or proprietor selects in an amount to be established by the Township Board by

resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the developer or proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- (7) **Occupancy.** The Zoning Administrator may allow occupancy of the condominium subdivision before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township. Such occupancy may only be granted in an instance where improvements which are not critical for the health and safety of occupants remain to be installed. An example would be the completion of a structure in the late autumn, awaiting installation of landscape material in the spring.
- (8) **Single-Family Detached Condominiums.** Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium and Township Zoning Ordinance.
- a. **Requirements and standards.** A single-family detached condominium subdivision shall be subject to all the requirements and standards of the applicable zoning district or approved Planned Unit Development (PUD) Plan.
 - b. **Permitted uses.** A Planned Unit Development (PUD) or condominium subdivision may include all uses by right and special uses listed for the zoning district which applies to its site.
 - c. **Use density and parcel coverage.** Parcel coverage limits for the applicable zoning district must be met overall for the PUD or condominium subdivision.
 - d. **Dimensional requirements.** Front yard setback requirements for the applicable zoning district shall apply along all boundaries of the PUD or condominium subdivision. Building height limitations and minimum yards between dwelling structures shall be as specified for the applicable zoning district. If plots of land in a PUD or condominium subdivision are proposed for resale as either fee simple parcels or as condominium units, said parcels or condominium units, and any buildings thereon, must meet the parcel dimension and yard requirements for the applicable zoning district.
 - e. **Open space.** At least fifty percent (50%) of any parcel containing a PUD or condominium subdivision must be devoted to landscaped open space.

Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may yard (setback) areas of individual residential lots or condominium units be included.

- f. **Signs.** Sign regulations as described in Chapter 5 shall apply for the PUD or condominium subdivision.
- g. **Design.** The design of a single-family detached condominium subdivision shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance.
 - 1. **Location Arrangement and Design of Streets.**
 - a. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
 - b. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - c. Should a proposed condominium subdivision border on or contain an existing or proposed County primary road or State highway, the Planning Commission shall require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - d. Half streets shall be prohibited.
 - 2. **Right of way and pavement widths.** Street right-of-way and pavement widths shall conform to the Saginaw County Road Commission's Standards for Plat Road Development. All roads shall be paved to the standard Saginaw County Road Commission cross section. There will be no road side ditches or driveway culverts allowed.
 - 3. **Easements.**
 - a. Locations of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel. .
 - b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the developer or proprietor to submit copies of the proposed condominium subdivision plan to all appropriate public utility agencies.
- h. **Condominium units.** Condominium units within detached condominium subdivisions shall conform to the following standards:

1. Area and width of condominium units shall conform to the district regulations for the applicable zoning district.
 2. Every condominium unit shall front or abut a street.
 3. Side condominium unit lines shall be at right angles to the street lines or radial from a cul de sac.
 4. Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit, provided the unit has sufficient depth to provide setback on the street side equal to the front setback for all structures.
 5. Where condominium units are developed so that they abut on existing primary roads, freeways, shopping areas or industrial properties, the developer or proprietor shall record with the Saginaw County Register of Deeds and restrictive covenant running with the land providing that no right to access by vehicular traffic to the existing primary road, freeway, shopping area or industrial property is permitted from or onto such condominium units. Access to such condominium units shall be provided internally from streets constructed within the proposed development. Such condominium units shall contain a landscape easement along any side abutting the primary road, freeway, shopping area or industrial property at least fifty (50) feet wide to restrict access thereto in addition to any utility easement. When a landscape easement is required to be provided herein, the developer or proprietor shall provide a landscaped earth berm and tree plantings.
 6. Residential condominium units extending through a block and having frontage on two local streets shall be prohibited.
- i. **Natural features.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, wetlands and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the developer or proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required. Disturbance of any wetland or waterway must be subject to either a permit or waiver of jurisdiction by the Michigan Department of Environmental Quality.
 - j. **Walkways.** Walkways shall be installed in all single family detached condominium subdivisions which are served by public storm sewers. Such walkways shall be a minimum of five (5) feet in width along both sides of all streets. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate

locations for the walkways, or may waive the walkway requirement in locations where it would not serve the purpose of providing adequate pedestrian circulation. Walkways shall have a minimum lateral slope of one-fourth (1/4) inch per foot away from the property line. Walkways shall be concrete, four (4) inches thick with six (6) inches thick under driveways. Driveway aprons shall not break the sidewalk level. .

k. **Landscaping.** All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.

l. **Utilities.**

1. An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all condominium subdivisions. The mainline drain system shall be designed and constructed to convey a 10 year design storm, as determined by the Saginaw County Public Works Commissioner. A catch basin shall be provided on each lot line, and no driveway culverts will be permitted. Each lot shall be provided with a minimum of a six inch storm drainage service, from the basin, for a sump outlet and any rear lot drainage. Rear lot drains are to be constructed at the home owner's expense, not the Township's. The drainage requirements for each condominium subdivision shall be reviewed by the Saginaw County Public Works Commissioner.
2. If there is an existing and extendable public water supply system within one thousand (1000) feet from any portion of a proposed condominium subdivision, the developer or proprietor shall provide water mains and necessary appurtenances thereto within the condominium subdivision and shall pay one hundred (100) percent of the construction cost for said installation, including fire hydrants and other required appurtenances. Said construction cost shall include the cost of off-site installation, but all or a part of the costs of said portion may be reimbursed under the provisions of the Township Water Main Extension Policy.
3. If there is no existing or accessible public water supply system, the developer or proprietor shall comply with any rule or ordinance adopted by Saginaw County or promulgated by the Saginaw County Health Department relative to private water supplies.
4. Where it is determined in the judgment of the Planning Commission, with the advice of the Township Engineer and the Saginaw County Health Department, that a

condominium subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the condominium subdivision itself then approved septic tanks and disposal fields may be allowed which shall comply with all requirements of the Saginaw County Health Department or ordinance of Saginaw County. However, where studies by the Township Planning Commission or the Township Engineer indicate that construction or extension of sanitary trunk sewers to serve the property being developed appears probable within three (3) years, sanitary sewer mains and house connections may be required to be installed and capped.

- m. **Final documents to be provided.** After the condominium subdivision plan and bylaws are submitted as part of the Master Deed, the developer or proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches.

(9) **Repealer.**

All ordinances or parts of ordinances insofar as they conflict herewith are, to the extent of such conflict, hereby repealed.

(10) **Severability.**

Should any section, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

609. **Planned Neighborhood Shopping Centers.**

- (1) **Authorization.** Continued urban expansion, the ever increasing needs of neighborhood residents for services and goods which are conveniently located and attractive, together with the undesirable nature of strip commercial and scattersation of commercial uses, require provisions for planned neighborhood shopping centers within developing areas. These centers are required to have some flexibility of location, yet their impact upon adjacent properties, and public facilities must be controlled in the public interest.

It is the purpose of this Section to arrange sound neighborhood shopping facilities within developing areas, without the necessity of indicating specific sites in advance. Planned neighborhood shopping centers may be allowed within R-1 and R-2 Districts upon issuance of a Special Use Permit where all the provisions of this Section are met. Planned shopping centers are also permitted within residential planned unit developments as provided in Section 609.

- (2) **Objectives.** The following objectives shall be considered in reviewing any application for a Special Use Permit for a planned neighborhood shopping center:
- a. To promote a more complete urban design which includes necessary neighborhood services conveniently located and attractively designed.
 - b. To encourage developers to use creative and imaginative approaches in the development of neighborhoods.
- (3) **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any Planned Neighborhood Shopping Center within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a Planned Neighborhood Shopping Center upon the district in which it is proposed.
- a. Centers should have direct access to an arterial or have access by construction of less than one-half (1/2) mile of new road.
 - b. Centers should be no more than two (2) miles from an existing concentration of residential uses, if the center is not part of a Planned Unit Development.
 - c. Centers should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
 - d. The center should have one property line on a street classified as a principal or minor arterial and be provided with adequate ingresses and egresses including provision of service lane running the length of the property abutting the arterial.
- (4) **Uses That May Be Permitted.** The following uses of land and structures may be permitted within a planned neighborhood shopping center:
- a. Retail food establishments, as permitted in B Districts.
 - b. Other retail businesses, as permitted in B Districts.
 - c. Personal service establishments, as permitted in B Districts.
 - d. Offices for professional services, as permitted in B Districts.
 - e. Professional and administrative offices, as permitted in B Districts.
 - f. Restaurants, and other eating or drinking establishments which provide food or drink for consumption on the premises, PROVIDED that such establishments shall not be so-called "drive-in" facilities and that no dancing or entertainment shall be permitted.
 - g. Temporary outdoor uses, such as displays, Christmas tree sales lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Planning Commission, PROVIDED that such permit shall not be issued for more than thirty (30) days in any one (1) year and that said use can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.
 - h. Signs, as provided in Chapter 8.
 - i. Off-street parking and loading as required and allowed.

(5) **Development Requirements.** In addition to qualifying conditions listed in Section (4) above, the following requirements shall be met:

a. **Minimum Yard Requirements.** Each lot shall have a minimum front yard of twenty-five (25 ') feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.

Side yards shall be of not less than thirty (30 ') feet and further in the case of a corner lot the side yard on the street side shall be a minimum of twenty-five (25 ') feet.

Each lot shall have a rear yard of thirty (30') feet.

Side yards abutting any residentially zoned property shall contain an opaque fence or wall four (4') feet in height.

b. **Maximum Building Height.** The maximum building height shall be three (3) stories or forty (40 ') feet.

Exceptions (refer to Chapter 3, Section 305).

c. **Maximum Lot Coverage.** The maximum coverage of land by all buildings shall not exceed twenty (20%) percent.

d. **Off-Street Parking Requirements.** Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in Chapter 7.

e. **Loading Requirements.** Any use engaged in the sale of merchandise (including prepared foods and beverages) and occupying six thousand (6,000) square feet or more, shall provide at least one (1) standard loading space for each six thousand (6,000) square feet or major fraction thereof of gross floor area involved in the use.

Supplementary regulations are contained in Chapter 7.

610. Multiple Family Services.

(1) **Authorization.** In recognition of the increased demand for service facilities designed and intended solely to serve frequent trade or needs of families residing within larger multiple family complexes, specific establishments may be permitted by issuance of a Special Use Permit when said proposed use is an integral part of a multiple family complex located within a permissible District, and meets all requirements herewith set forth.

(2) **Uses That May Be Permitted.** Retail business and professional services as defined for B Districts.

(3) **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any Multiple Family Services development within a permitted district. These principles shall be applied by the Planning Commission as general

guidelines to help assess the impact of such a use upon the district in which it is proposed.

- a. The use should have direct access to a major arterial.
- b. The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- c. The use should be developed on soils of limited agricultural capability or on soils which are not farmed.
- d. The services should be no more than one half (1/2) mile from a concentration of proposed or existing residential uses.

(4) **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

- a. The Multiple Family Development site shall contain a minimum of one hundred fifty (150) family units and shall be under the control of one owner or group of owners at the time of development and shall be planned as a unit development.
- b. No more than ten (10%) percent of the area of the site shall be devoted to non-residential character uses together with its required parking and yard areas.
- c. Use shall be subordinate to the residential character of the development and shall present no visible evidence of commercial character outside of the site boundaries.
- d. Dimensional requirements shall be as specified for B Districts.

611. Miscellaneous Uses.

- (1) **Authorization.** Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the community as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this Section to provide a framework of regulatory standards which can be utilized by the Planning Commission as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a Special Use Permit within the particular zone districts cited.
- (2) **Special Uses That May Be Permitted.** The following land and structure uses may be permitted within the particular zone districts cited under [Chapter 3, Table of Uses by Zoning District] PROVIDED that the requirements specified and the applicable specified conditions established herein can be complied with:
 - a. Incinerators and sanitary fills.
 - b. Salvage yard, recycling centers, etc.

- c. Sewage treatment and disposal installations as an integral design of a Mobile Home Park as permitted within a zone district, and designed only for service to that Mobile Home Park development. Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a Residential Zone District.
- d. Drive-in theaters, race tracks, golf driving ranges, and miniature golf courses or similar uses.
- e. Recreational open space uses, such as public beaches, bath houses, private resorts, and recreational camps operated for profit or otherwise.
- f. Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions.
- g. Sand, clay or gravel pits, quarries.
- h. Man-made water bodies.
- i. Model homes.
- j. Cemeteries, public and private.
- k. Outdoor sales space.

- (3) **Site Development Requirements.** A Special Use Permit shall not be issued for the occupancy or use of a structure or a parcel of land for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements.

Without limiting the powers of the Planning Commission in any other Section of this Ordinance, the Planning Commission shall have the authority to revoke any Special Use Permit when, after reasonable warning, the operators of any use permitted under this Section fail to comply with any of the requirements stipulated. In addition, the Planning Commission as part of its approval of a particular Special Use Permit, may impose any additional conditions and safeguards that are deemed necessary for the protection of the public welfare. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the uses upon the district in which they are proposed.

- a. The use should have direct access to an improved arterial.
- b. The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- c. The use should be developed on soils of limited capability or on soils which are not farmed.
- d. The use should be developed on land that will not adversely impact residential zoned property.
- e. Use should be developed on sites where its operation will not create a significant and detrimental increase in the level of noise and air pollution and other nuisance factors upon adjacent uses.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(a) Adult Foster Care Large Group Home 13 - 20	Primary All Season Or Local Road	Shall comply with requirements Of the R-2 Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. Shall be licensed by the State of Michigan 2. Requires Special Use Permit 3. Any occupant of a home! other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.
(b) Adult Foster Care Small Group Home 7-12	Primary All Season Or Local Road	Shall comply with requirements Of the R-2 Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. Shall be licensed by the State of Michigan 2. Requires Special Use Permit. 3. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.
(c) Adult Foster Care Small Group Home 1 - 6	Primary All Season Or Local Road	Same as zoning district	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. Shall be licensed by the State of Michigan 2. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a pad of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(d) Adult Foster Care Family	Primary All Season Or Local Road	Same as zoning district	Same as zoning district	Same as zoning district	Same as zoning district	1 Private homes with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home other than the licensee and the licensee's spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(e) Automobile service facility, including repair, car wash & oil change facilities. Gasoline service stations may be permitted in the B Commercial Neighborhood Business District or as otherwise cited upon the issuance of a Special Use Permit which complies with the stated requirements and with the general standards set forth. Servicing limited to vehicles under one and one half (1 ½) tons rated capacity.</p>	<p>County primary road or State highway</p>	<p>15,000 square feet</p>	<p>150 feet</p>	<p>Buildings, canopies, fuel pump islands & service drives shall conform to requirements for the district in which the site is located, but shall be no closer than 50 feet to any property line of a residential district or use, unless separated by a public street.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 3. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 4. The maximum width of each driveway shall not exceed 35 feet at the property line. 5. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 6. There shall be no more than two (2) driveway openings per road frontage. 7. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 8. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way. 9. Accessory uses and services must be conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles are specifically prohibited.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(f) Automobile, Boat, And Recreational Vehicle Showrooms For New And Used Equipment. Building Supply And Equipment Selling Retail, Provided They Operate On A Sealed Surface With Adequate Fence And Screen Operations.</p>	<p>The use shall have direct access to an improved arterial or have access by construction of less than one half (1/2) mile of new public road.</p>	<p>One (1) acre</p>	<p>Same as Zoning District</p>	<p>Same as zoning district.</p>	<p>Same as Zoning District.</p>	<ol style="list-style-type: none"> 1. The lot (area used) shall be provided with a sealed surface, and shall be graded and drained so as to dispose of all surface water. 2. Ingress and egress shall be at least seventy (70) feet from any intersection. 3. No major repair or refinishing shall be done on the lot. 4. All lighting shall be shielded from adjacent residential and commercial areas. 5. The lot must be associated with a permitted use in the district.
<p>(g) Cemeteries, Public and Private</p>	<p>The site shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare</p>	<p>The site shall be at least twenty (20) acres..</p>	<p>Same as Zoning District</p>	<p>No principal or accessory building shall be closer than fifty (50') feet from any abutting residentially zoned property line.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from residential lands adjoining the site. 2. A maximum of one (1) sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of sixteen (16) square feet. The sign shall be located no closer than the yard requirements for the residential zone.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(h) Day care homes, family (1-6 persons)	Primary All Season Or Local Road	Same as Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. The facility is licensed by the State of Michigan as a group day care home. 2. Fencing is provided around any outdoor play areas. 3. The building retains the appearance of a single family residence. 4. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.
(i) Day care homes, group (7-12 persons): Special Use Permit required	Primary All Season Or Local Road	Same as Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. The facility is licensed by the State of Michigan as a group day care home 2. Fencing is provided around any outdoor play areas. 3. The building retains the appearance of a single family residence. 4. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.
(j) Day care centers, commercial. Special Use Permit required	Primary All Season Or Local Road R-2 and B Districts	Same as zoning district	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. The facility is licensed by the State of Michigan as a group day care home 2. Fencing is provided around any outdoor play areas. 3. The building is other than a single family residence. 4. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(k) Drive-In Establishments, Including Banks, Dry Cleaning Pick-Ups Or Similar Personal Services, But Excluding Drive-In Restaurants.</p>	<p>Direct access to an improved arterial</p>	<p>One (1) acre.</p>	<p>Same as Zoning district</p>	<p>1. Same as Zoning district. 2. Buffers, fences and yards. Whenever any use that may be permitted in the subsection abuts property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials, and structural screens of a type approved by the Township Planning Commission shall be placed within said transition strip. A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.</p>		<p>1. Traffic patterns, ingress and egress. All traffic ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways. All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(l) Funeral Homes, Under Taking Parlors & Mortuaries PROVIDED that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.</p>	<p>County primary road or State highway.</p>	<p>One acre in area</p>	<p>150 feet</p>	<p>1. Front, side & rear yards shall be at least 40 feet on all sides adjacent to residential districts or uses; at least 20 feet on all sides adjacent to non-residential districts.</p>	<p>Same as Zoning District</p>	<p>1 All yard areas shall be landscaped with trees, shrubs and grass. 2 Signs, as provided in Chapter 8, pg. 8.1. 3. Off-street parking as provided in Chapter 7, pg. 7.1. No parking areas shall be permitted within required front and side yards.</p>
<p>(m) Golf Courses, Shooting Clubs, And Country Clubs</p>	<p>Paved road. Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street.</p>	<p>Fifty (50) acres in area</p>	<p>Same as Zoning District where the proposed Special Use is located.</p>	<p>1. 50 feet from road right-of-way. 2. 50 feet from adjacent property lines. 3. Shooting clubs shall provide a 200 foot wide wooded buffer between the perimeter of the site and all shooting areas. 4. No building shall be erected to a height greater than that permitted in the District in which it is located, except as may be provided under height exceptions for the District in question</p>	<p>10%</p>	<p>1. For golf course or country club, six (6) foot high visual screen required on any side abutting residential property. 2. Driving ranges and miniature golf courses are specifically prohibited</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(n) Golf driving ranges, miniature golf, drive-in theaters, and other commercial outdoor recreation uses.</p>	<p>Site must have at least one property line on a paved road & provide its main access point from that road.</p>	<p>Two (2) acres</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. All uses, structures and operations shall be set back at least 200 feet from any public road used for access purposes. 2. All uses, structures and operations shall be set back at least 100 feet from all adjacent property lines. 	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between all structures and operations and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission
<p>(o) Greenhouses And Nurseries Selling Retail On The premises. Grain And Seed Elevators And Sales. Cold storage for cooperative and/or wholesale agricultural products; and similar enterprises which are directly related to agriculture and provided the use does not create harmful or nuisance conditions for adjacent areas and uses.</p>	<p>Paved Road</p>	<p>One (1) acre</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Any greenhouse or nursery selling retail on the premises should have a motor vehicle entrance made on a major thoroughfare or immediately accessible from a major thoroughfare so as to avoid the impact of traffic generated by the greenhouse or nursery. 2. There shall be off-street parking provided at the rate of one (1) off-street parking place for every 6,000 square feet of usable greenhouse or nursery area. This off-street parking space shall be well-drained and evenly graded.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(p) Housing for Seasonal Labor – allowed in an agricultural area with a special use permit</p>	<p>Direct access to designated County roads or have access by construction of less than one half (1/2) mile of new road</p>	<p>Same as Zoning District: Seasonal housing may be located on same parcel as main dwelling.</p>	<p>Same as Zoning District</p>	<p>1. Seasonal housing must meet all district requirements for setbacks from roads and adjoining properties.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Seasonal Labor Housing Dwelling Units having a minimum of two hundred fifty (250) square feet of living area. 2. Single Family Dwellings. 3. Recreation and open space, PROVIDED that the recreational facilities are limited to the use of the occupants or owners of the complexes. 4. Maximum site density for Seasonal Labor Housing Complex shall be no more than 10 units per acre. 5. Maximum number of housing units shall be fifteen (15). 6. Minimum standards for plumbing, heating and electrical systems shall be those set forth by any State administrative code insuring equal or better installation 7. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the housing complex are to be a minimum of eighteen feet (18) in width. All street entrance or exit drives shall not be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100) feet of an intersection with a public street. 8. Minimum of one (1) exterior lighting unit per every four housing units shall be provided.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(q) Incineration, and Sanitary Fills. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form. 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.</p>	<p>The use should have direct access to an improved arterial or have access by construction of less than one half (1/2) mile of new road.</p>	<p>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.</p>	<p>Same as Zoning District.</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. No residential subdivisions with officially filed plats should exist within one mile of the facility 2. All uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespass and contain debris. 3. The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(r) Institutional Institutions For Human Care. Hospitals, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions. Religious Institutions, churches or similar places of worship convents, parsonages and parish houses, and other houses for clergy . Educational And Social Institutions. Public and private elementary and secondary schools, and institutions for higher education, PROVIDED that none are operated for profit, auditoriums and other places of assembly, and centers for social activities conducted as a gainful business or of a commercial nature. Assembly buildings including Auditoriums, Private Clubs, Fraternal Organizations and churches.</p>	<p>County primary road or State highway</p>	<p>1. Hospitals: 10 acres 2. All others: One (1) acre 3 Churches: The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.</p>	<p>Same as Zoning District where the proposed Special Use is located.</p>	<p>1. Forty (40) feet from all property lines and road right-of-way lines. 2. All two (2) story structures shall be at least sixty (60') feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than forty (40') feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial sixty (60 ') foot setback an additional one (1 ') foot for each foot of additional height above two (2) stories.</p>	<p>25 %</p>	<p>1. Ambulance and delivery areas shall be screened from adjacent residential properties by a six (6) foot high solid masonry wall. 2. Camps or correctional institutions shall not be permitted in any residential district, but may be allowed in an agricultural district:</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(s) Institutions For The Mentally Retarded And Physically Handicapped, Drug Or Alcoholic Patients, Correctional Institutions And Camps.</p>	<p>The use should have direct access to a major arterial</p>	<p>The proposed site shall be at least twenty (20) acres in area.</p>	<p>Same as Zoning district</p>	<p>Buildings less than two (2) stories shall be no closer than fifty (50 ') feet to any property or street line. All two (2) story structures shall be at least one hundred (100') feet from all boundary lines or street lines. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100 ') foot setback an additional one (1) foot for each foot of additional height above the two (2) stories.</p>	<p>(25%)</p>	<p>1. The proposed site shall have at least one (1) property line abutting a major or minor thoroughfare or principal collector as classified by the adopted street plan. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare, or collector.</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(t) Junk Yards, Salvage Yards	County primary road or State highway or have access by construction of less than one half (1/2) mile of new road.	Five (5) acres	Same as Zoning District	1. All salvage, storage & any other active work areas shall be set back at least 100 feet from all adjacent property lines and road right-of-way lines.	Same as Zoning District	<ol style="list-style-type: none"> 1. All salvage, storage & any other active work areas shall be enclosed by a solid wall or fence at least eight (8') feet in height 2. All activities shall be confined to the fenced-in area. No material may be stored above the height of the wall or fence, except that mobile equipment may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced area. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building 3. If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between the fenced area and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(u) Landscaping and Lawn Service	Paved Road	One (1) Acre	Same as Zoning District	All buildings and structures shall be setback at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon another residential property, the use shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding properties.	Same as Zoning district	1. Any proposed landscaping and lawn service shall sell only items produced on site or accessory items directly related to those items.
(v) Livestock Auction Yards	County primary road or State highway	Two (2) acres	Same as Zoning District	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	25%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.

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<p>(w) Manufacturing or Processing Establishment, Outdoor Storage of equipment or Material, Bulk Fuel Dealer, Contractors Yard, Building supply and equipment selling retail, Provided they operate on a sealed surface with adequate fence and screen operations.</p>	<p>County primary road or State highway</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. All buildings and structures shall be set back at least 50 feet from all property and road right-of-way lines. This setback shall be increased to 100 feet if the use abuts a residential district or use. 2. No side yard setback required if the use is attached to another business or manufacturing use with an approved firewall in between. 3. Will not burn, explode, be dispersed by wind, dissolve in or contaminate water, or harm humans, plants or animals 	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. If site abuts property in residential district or use, the required 100 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.
<p>(x) Mobile Home Park</p>	<p>County primary road or state highway</p>	<p>Twenty (40) acres in area</p>	<p>750 feet</p>	<ol style="list-style-type: none"> 1. 60 feet from right of way. 2. 60 feet from adjacent property lines. 	<p>30%</p>	<ol style="list-style-type: none"> 1. Mobile home park must be licensed by the State of Michigan. 2. Park must comply with all requirements of the Michigan Mobile Home Commission and its Administrative rules.
<p>(y) Model Homes</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>25 %</p>	<ol style="list-style-type: none"> 1. Site plan review and a public hearing are required, in addition to the basic district requirements. 2. Permit shall be for one (1) year and may be renewed annually. 3. Mobile home sales are excluded from this provision.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(z) Motorized Race Tracks for Motorcycles, Off-Road Vehicles, and Similar Uses</p>	<p>1. Access shall be from an improved county road, with all vehicle entry and exit from that road. 2. All vehicle entrance and exit points shall be no closer than 200 feet from the intersection of any two roads. 3. Acceleration and deceleration lanes shall be provided at points of entry and exit to the site. 4. 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.</p>	<p>40 acres</p>	<p>1320'</p>	<p>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.</p>	<p>Same as Zoning District</p>	<p>1. 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. 2. If the site abuts property within a residential or agricultural zoning district, a buffer strip at least 200 feet wide shall be provide between all operations and structures and the residential or agricultural property. Trees, shrubs, grass and similar plant materials, and structural screens shall be placed with the buffer strip according to plans approved by the Planning Commission.</p>
<p>(aa) Outdoor Sales Space.</p>	<p>Direct access to an improved arterial or have access by construction of less than one half (1/2) mile of new road</p>	<p>One (1) Acre in area.</p>	<p>Same as Zoning District</p>	<p>Ingress and egress shall be at least seventy (70') feet from any intersection</p>	<p>Same as Zoning District</p>	<p>1. The lot (area used) shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water.</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(bb) Ponds and Soil Resource Extraction. All ponds shall be dug or enlarged in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable state statutes, the state requirements shall prevail.</p> <p>It shall be unlawful for any person to dig a new pond or enlarge an existing pond as defined in Chapter 2, Section 202 [15.052] (5) without the issuance of a Special Use Permit. A soil erosion permit shall be required when more than one (1) acre of soil is disturbed when moving, digging, grading, or leveling is part of the digging or enlargement of a pond.</p>	<ol style="list-style-type: none"> Sites of ecological significance such as wetlands should be avoided. An excavation that results in a pond should be located to minimize the potential for pollution from sources such as feedlots, farmsteads, corrals, and septic systems 	<ol style="list-style-type: none"> Minimum size of pond is 80 feet across, measured from shortest side to side. Average designed water depth of pond shall be at least 10 feet for proper aeration & circulation. 	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> Distances of excavated areas from power lines and lot lines may be determined by Planning Commission, but shall be no less than 50 feet. 	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> <i>See below</i>
<p>Other Requirements:</p> <ol style="list-style-type: none"> Excavation shall not change surface or subsurface aquifers in a manner that adversely affects neighboring uses. Pond banks shall have a slope of one (1) foot vertical rise to three (3) foot horizontal run, extending to a depth at least eight (8) feet. Excavated material not removed from the site shall be spread to a depth that does not exceed three (3) feet above the original surface with the top of the fill graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal, and slopes away from any water body. As an alternative to # 3, the material may be shaped into berms that assume a natural angle of repose and that blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water of any pond formed by the excavation. At the end of each construction season, the completed portion of any excavated areas shall be landscaped and seeded with appropriate grass types. The landscaping shall not interfere with natural waterways or have an adverse effect on drainage of surrounding properties. No machinery or equipment should operate, and no trucks, trailers or other conveyances should arrive at any excavation site before 7:00 a.m. or after 8:00 p.m. Appropriate measures shall be taken to minimize levels of noise, dust, and flying rock while excavation takes place. Applicant shall obtain all necessary state permits, or provide written verification that permits are not required. Conditions of any required environmental permits shall also be noted on Special Use Permit. 						

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(cc) Private Aircraft Landing Strips, Airports. If any of the requirements of this subsection are less than those in applicable State and Federal statutes, the State and Federal requirements shall prevail</p>	<p>Site shall have at least one property line abutting a public road.</p>	<ol style="list-style-type: none"> 1. Site dimensions shall be at least 2,640 feet by 500 feet. 2. All landing strips shall have a minimum length of 1,500 feet with a 500 foot clearance at each end. 	<p>See parcel size requirements.</p>	<p>Same as Zoning District. Building setbacks, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Facility shall comply with all applicable Federal and State requirements. 2. Landing strip shall be for the exclusive use of the property owner and shall be situated entirely within the confines of his or her property. 3. No commercial aviation or other commercial activity shall be situated with the landing strip.
<p>(dd) Production Of Fur Bearing Animals For Profit</p>	<p>Paved Road</p>	<p>Two (2) Acres</p>	<p>Same as Zoning District</p>	<p>All buildings and structures shall be setback at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon another residential property, the use shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding properties.</p>	<p>No more than Twenty Five (25%) Per Cent</p>	<ol style="list-style-type: none"> 1. Any proposed establishment producing fur bearing animals for profit shall sell only those items or animals produced on site. 2. The proposed site shall have at least one (1) property line abutting a major arterial or minor arterial. All ingress and egress to the site shall be directly from said arterial. 3. The fur bearing animals must be enclosed by fence or other means so that they do not roam free.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(ee) Public Buildings Public Buildings And Service Installations. Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substations, and gas regulator stations.</p>	<p>County primary road or State highway</p>	<p>One (1) acre</p>	<p>Same as Zoning District</p>	<p>No building shall be closer than forty (40) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is setback from the initial forty (40) feet an additional one (1) foot for each additional foot above the district height limitations.</p>	<p>25 %</p>	<p>1. No building shall be closer than forty (40) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is setback from the initial forty (40) feet an additional one (1) foot for each additional foot above the district height limitations.</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(ff) Restaurants, including clubs & drinking establishments (not drive-in or drive-thru businesses)</p>	<p>Site must have at least one property line on a paved road & provide its main access point from that road.</p>	<p>15,000 square feet</p>	<p>150 feet</p>	<ol style="list-style-type: none"> 1. 50 feet from all road right-of-way lines 2. 50 feet from adjacent property lines of a residential district or use, unless separated by a public street. 	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 35 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. Dancing and/or entertainment shall be addressed through separate Township permit.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(gg) Retail And Wholesale Businesses Whose Principal Activity Is The Sale Of Merchandise or space In An Enclosed Building. Warehousing.</p>	<p>Retail and wholesale businesses whose principal activity is the sale of merchandise in an enclosed building, should have a motor vehicle entrance made on a major thoroughfare or immediately accessible from a major thoroughfare so as to avoid the impact of traffic generated by the use.</p>	<p>One (1) acre</p>	<p>Same as Zoning District</p>	<p>All buildings and structures shall be setback at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon another residential property, the use shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding properties.</p>	<p>Same as Zoning District</p>	<p>1. Any proposed retail or wholesale business selling merchandise in an enclosed building shall provide parking at the rate of one (1) off-street parking place for every one hundred fifty (150) square feet of usable area. The off-street parking space shall be well-drained and evenly graded.</p>

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(hh) Riding Stables And Livestock Auction Yards	Same as Zoning District	Ten (10) acres	Same as Zoning District	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	25%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively screen the site from adjacent areas.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(ii) Natural Resources Extraction: Sand, Clay, Or Gravel Pits, Quarries Or Mining Operations. 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</p>	<p>The use should have access to a major arterial or have access by construction of less than one half (1/2) mile of new road.</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>No fixed machinery shall be erected or maintained within fifty (50') feet of any property or street line. No cut or excavation shall be made closer than fifty (50 ') feet to any street right-of-way line or property line in order to insure sublateral support to surrounding property.</p>	<p>25%</p>	<ol style="list-style-type: none"> 1. Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6 ') feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50 ') feet to the top or bottom of any slope. 2. No slope shall exceed an angle with the horizontal of forty five (45°) degrees. 3. No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission. 4. The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface. 5. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general. 6. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flyingdust or rock. Such measures may include when considered necessary, limitations upon the practice of stockpiling excavated material upon the site. 7. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Building Inspector shall be spread over the excavated area, except exposed rock surfaces, or area lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission. Where excavation operation results in a body of water, the owner or operator shall have appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150') feet apart.

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Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(jj) Second Living Quarters for Family Member</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District: second living quarters may be located on same lot as main dwelling.</p>	<p>Same as Zoning District.</p>	<p>1. Second living quarters must meet all district requirements for setbacks from roads and adjoining properties.</p>	<p>35%</p>	
<p>(kk) Sewage Treatment and Disposal Facility</p> <p>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.</p>	<p>County primary road or access by construction of one-half mile or less of new road.</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>1. All buildings and structures shall be set back at least 200 feet from all property and street lines.</p>	<p>Same as Zoning District</p>	<p>1. Site should be selected where operation will not cause detrimental levels of air or noise pollution impacts, or create other nuisance factors that would be detrimental to adjacent uses or property.</p> <p>2. All operations shall be completely enclosed by a chain link fence not less than six (6) feet high.</p> <p>3. The required 200 foot setback shall be designed as a buffer to minimize the appearance of the facility and any odors. The buffer strip shall contain grass, plant materials, and structural screens that are placed in a manner that is subject to the approval of the Planning Commission.</p>

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(ll) Special Open Space Uses Such As Amusement Parks, Commercial Campgrounds, Expositions, Day Camps, As Well As Nature Centers, Boat Launches And Other Similar Uses.</p>	<p>Site must have at least one property line on a paved road & provide its main access point from that road.</p>	<p>Two (2) acres in area</p>	<p>Same as Zoning district</p>	<p>1. All buildings and structures shall be set back at least two hundred (200 ') feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200 ') foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.</p>	<p>No More than (25%)</p>	<p>1. Accessory uses for a permitted use shall be construed to include restaurant, and other eating or drinking establishments and such, retail sales directly connected with the principal open space use.</p>
<p>(mm) Temporary Outdoor Use, including carnival, flea market, Christmas tree sales, and revival tents.</p>	<p>Access shall be from an improved county road, with all vehicle entry and exit from that road.</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>All activity areas, including parking areas, shall be set back a minimum of 50 feet from all road and adjacent property lines.</p>	<p>Same as Zoning District</p>	<p>1. Zoning Administrator shall determine parking needs for the proposed use. 2. Planning Commission may impose other reasonable conditions that are designed to minimize adverse impacts on surrounding areas.</p>

Section 612 Special Land Use Requirements**(m) TEMPORARY PERMITS.**

(1) **AUTHORIZATION.** Increasing costs for development of land and residential structures makes it necessary to allow for phased development of residential uses and for provision of temporary dwellings. It is the intent of this section to allow for the temporary use of structures such as garages, cellars, mobile homes, house travel trailers, basements, or partial structures as dwelling units provided that the following procedures and limitations are met.

(2) **SITE LOCATION PRINCIPLES.** The following principles shall be utilized to evaluate the proposed location of any temporary use within a permitted district. The principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such a use upon the district in which it is proposed.

- a. The proposed location of the use should not be detrimental to the use of property in the immediate vicinity.
- b. The temporary use should be directly related to a permitted use within the district.
- c. The temporary use should be discontinued or become permitted at some time.
- d. Use should be developed on sites where its operation will not create a significant and detrimental increase in the level of air and noise pollution and other nuisance factors upon adjacent uses.

(3) **SITE DEVELOPMENT REQUIREMENTS.** The following requirements for development, together with any applicable requirements of the Ordinance, shall be complied with:

- a. Application for a permit for erection or for use as a dwelling unit must be made to the Planning Commission on a form developed exclusively for that purpose.
- b. A hearing will be held on the application by the Planning Commission. The Planning Commission shall give due notice to the applicant and to all property owners within three hundred (300 ') feet of the affected property according to state statutes.
- c. The applicant must show that he/she is the absolute owner, or has a land contract vendee's interest in the real estate, and that the deed or land contract is recorded at the Office of the Register of Deeds.
- d. The proposed water supply and sanitary facilities shall be inspected and approved by the Saginaw County Health Department.
- e. A building permit for the construction of a residential structure to be constructed on the premises shall have been issued.
- f. A bond of an ample sum, but not to exceed five thousand (\$5,000) dollars, to secure compliance imposed with the granting of the temporary use shall be provided.
- g. The applicant shall demonstrate the ability to finance the construction of the dwelling for which the building permit under section (c) hereof, has been secured.
- h. The Planning Commission may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
- i. Unique and temporary conditions shall exist which justify the need for a mobile home on a given lot or parcel, such as a dwelling for seasonal farm labor, aged family members, domestic employees, or similar dwelling needs of a temporary nature that relate to the use of the principle dwelling on the property in question.
- j. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed thirty-six (36) months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches, if the conditions above can be met again.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(oo) Two-Family Homes (Duplexes)	Same as Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	25 %	None. Site plan review and a public hearing are required, in addition to the basic district requirements.
(pp) Veterinary Hospitals, Clinics & Kennels	Paved road	Two (2) acres in area	Same as Zoning District	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	25%	1 If site abuts property in residential district, the required 200 foot setback described above shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(qq) Wind Turbine Generators (WTG's)	No special restrictions	1. Five (5) acres per WTG tower proposed	250 feet in A-1; 150 feet in A-2	1. Each WTG tower must be set back from all adjacent property lines and road right-of-way lines a minimum distance equal to the height of the tower, including the top of the blade in it's vertical position.	35 %	<ol style="list-style-type: none"> 1. Towers shall be secured to prohibit access by unauthorized persons; Planning Commission may require security fence. 2. Maximum noise level generated by any WTG shall not exceed 60 decibels, measured at the property line, including downwind from the installation. Applicant shall provide certification that noise level is not exceeded, both before and after construction. 3. WTG shall not cause human detectable vibrations at the property line. 4. The lowest point of the arc created by rotating blades on any WTG tower shall be at least twenty (20) feet above ground level. 5. If towers are to be lighted, applicant must apply to Federal Aviation Administration (FAA) for lighting that meets the following standards: <ol style="list-style-type: none"> (a) Lighting used shall be the lowest intensity allowable. (b) Shall avoid strobe lighting or other intermittent white lighting fixtures. (c) May utilize a green or red top light that does not pulsate or blink. (d) All lighting shall comply with the minimum FAA requirements. A written FAA report shall be submitted to verify lighting requirements.

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>(rr) Communication Towers. Tower Height determines the minimum parcel size</p>	<p>Same as Zoning District</p>	<p>1. Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</p>	<p>250 feet in A</p>	<p>1. No portion of any tower, including any guy wires and support structures, shall be located closer than fifty (50) feet to any property line. 2. All structures shall be located at least two hundred (200) feet from any dwelling.</p>	<p>35 %</p>	<p>1. It is the policy of the Township to encourage the use of existing structures for communication facilities. 2. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission. 3. Tower height must comply with any Airport Zoning Regulations that are in effect. The tower height shall not exceed one hundred seventy-five (175) feet. 4. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer. 5. Towers shall not be artificially lighted unless required by the Federal Aviation Administration. 6. Towers shall not display advertising or identification of any kind, except as required for emergency purposes. 7. The Township may require a performance bond to ensure the proper construction and maintenance of a tower.</p> <p>Note: Must comply with James Township Ordinance #1999-2 Note: Be sure to read Chapter 6 for important information that applies to all special use permit applications.</p>

Section 612 Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
(ss) Crematory	No special Restrictions	80,000 square feet in A district; 43,560 square feet (one acre) in B	250 feet	100 feet from adjacent property lines and road right-of-way lines	35 %	Must obtain and verify compliance with all required state permits, including those pertaining to air quality and emissions.

Chapter 7

Off-Street Parking and Loading Space Requirements

701. Purpose

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

702. General Requirements

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In the Rural Residential (R-1 A) Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.
- c. Lighting used to illuminate any off-street parking area shall be so located and arranged as to direct light away from the adjoining premises.
- d. Off-street parking on lots adjoining or within a Residential District shall:
 - (1) Have a planting strip five (5) feet in width approved by the Building Inspector. Said planting strip shall not be less than five (5) feet in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
 - (2) A solid masonry wall or uniformly treated wood fence not less than five (5) feet in length
 - (3) Said wall or planting strip shall be as such length as the width or length of the parking area.

703. Parking Surface Requirements

- a. **Gravel Surface.** Where Table 7-1 allows parking areas to be gravel-surfaced, they shall be surfaced with a material that provides a durable, smooth and dustless surface that shall be graded to drain and dispose of all collected surface water within a reasonable time.
- b. **Paved Surface.** Where Table 7-1 requires parking areas to be paved, they shall be paved with concrete, plant mixed asphalt or similar materials. All parking areas shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period time. Paving shall conform to either of the following:
 - (1) Six (6") inches of cement concrete; or
 - (2) Two (2") inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6") inches.

704. Parking for Uses Not Specifically Mentioned

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

705. Mixed Uses in the Same Building

In the case of mixed uses in the same building which each occupy at least twenty percent (20%) of the floor area, the total required number of parking spaces for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses when computed separately.

706. Reduction in Required Parking for Public Benefits**a. Joint Provision of Parking**

Where two or more abutting parcels in the B Zoning District provide vehicular access between parking areas in a manner which allows travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%), in addition to reductions allowed by other provisions of this Chapter.

b. Further Reductions for Public Benefits

In the B District, uses on parcels fronting on county primary roads or state highways, except limited access freeways, may reduce the required number of off-street parking spaces by ten percent (10%) if at least three (3) of the following conditions are met. This shall be in addition to reductions allowed by other provisions of this Chapter.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
- (4) A portion of the parcel equal to at least thirty-five 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 parcel's frontage on the major road, with curb cuts to provide barrier-free non-motorized travel.

707. Additions or Expansions to Buildings and Uses

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

708. Driveway Spacing Requirements

Each parcel in the B-1 and B-2 Zoning Districts shall have no more than one driveway entrance and exit opening to a public road for each three hundred (300) feet of frontage or fraction thereof. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line, or within fifty (50) feet of a street intersection.

709. Parking Space Dimensions

Each parking space (also known as a “parking stall”) shall be a minimum of ten (10) feet wide and twenty (20) feet long. Barrier free parking spaces shall be a minimum of twelve (12) feet wide and twenty (20) feet long. Barrier free spaces shall also comply with all requirements of the State of Michigan Barrier Free Code.

710. Driveway and Aisle Configurations

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

- a. **Aisle Width.** Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. **Driveway Configuration.** Each driveway shall be a minimum of fifteen (15) and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area equivalent to five (5) percent of the total number of spaces in the parking area. The stacking area shall not function as an access aisle for parking spaces. The driveway shall intersect the abutting street at a ninety (90) degree angle.
- c. **Deceleration Lane.** Where the posted speed limit for a public thoroughfare is greater than thirty (30) miles per hour, a driveway opening onto the thoroughfare shall be served by a right turn deceleration lane that is at least two hundred (200) feet long in advance of the driveway.

711. Setbacks Required

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

712. Permit Required.

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

713. Table of Off-Street Parking Requirements

The number of off-street parking spaces for specific uses is shown in Table 7-1, "Table of Off-Street Parking Requirements," which appears at the end of this Chapter.

714. Off-Street Loading Spaces

Off-street loading spaces shall be provided and maintained for buildings (including additions to existing buildings) that are occupied by uses that require the receipt or distribution of goods and materials in commercial vehicles. The number of loading spaces required shall be based on the gross floor area of a building or addition as follows:

- a. **Retail Uses.** Buildings used for retail sales or eating and drinking establishments shall include one (1) off-street loading space for every six thousand (6,000) square feet of public area or fraction thereof.
- b. **Wholesale, warehouse, and industrial uses:**
 - (1) Buildings up to and including twenty thousand (20,000) square feet of gross floor area shall provide at least one (1) space.
 - (2) Buildings more than twenty thousand (20,000) square feet in area, but less than fifty thousand (50,000) square feet shall provide a minimum of two (2) spaces.
 - (3) Buildings fifty thousand (50,000) square feet and greater shall provide three (3) spaces plus one (1) space for each additional fifty thousand (50,000) square feet or fraction thereof.

715. Other Loading Space Requirements

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

Table 7-1. Off-Street Parking Requirements

Land Use	Paving Required?	Number of Parking Spaces Required
1. Adult day care (1-6) Adult Foster Care, Small Group Home (1-6) Adult Foster Care, Family Home	Yes	One (1) space per four (4) clients, plus one (1) space per each employee. There shall be no less than two spaces.
2. Adult foster Care , Large Group Home	Yes	One (1) space per four (4) clients, one (1) space per each employee plus designated drop-off places. There shall be no less than two spaces.
3. Automobile sales facilities	Yes	One (1) customer parking space for each 500 square feet of floor area.
4. Automobile and other vehicle service facilities.	Yes	Two (2) spaces for each service stall.
5. Barber and Beauty Shops	Yes	Three (3) spaces for each chair or booth.
6. Bowling Alleys	Yes	Six (6) spaces for each lane.
7. Churches	Yes	One (1) space for each three (3) seats in the main area of worship. One seat equal twenty (20") inches.
8. Commercial outdoor recreation	Yes	Twenty-five percent (25%) of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.
9. Dance hall, assembly hall, or exhibition hall without fixed seats.	Yes	One (1) space for each fifty (50) square feet of floor area.
10. Day Care Home, Family Day Care, Nursery Family Day Care Home (7-12) Day Care, Commercial	Yes	One (1) space per four (4) clients, plus one (1) space per each employee plus designated drop-off areas. There shall be no less than tow (2) spaces.
11. Drive-in and drive-thru facilities (in addition to required parking for indoor facilities and employees).	Yes	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.

Table 7-1. Off Street Parking Requirements (Cont'd) Land Use	Paving Required?	Number of Parking Spaces Required
12. Dwellings-single family.	No	Two (2) spaces per dwelling unit.
13. Dwellings-duplex and multi-family.	Yes	Two (2) spaces per dwelling unit.
14. Funeral homes and mortuaries	Yes	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
15. Furniture sales (retail)	Yes	One (1) space for each five hundred (500) square feet of floor area.
16. Golf Courses open to the general public, except miniature or "par 3" courses.	Yes	Six (6) for each one (1) golf hole.
17. Hospitals, nursing homes and related health care facilities.	Yes	One (1) space for each two (2) beds.
18. Hotels and Motels	Yes	One (1) space for each lodging room.
19. Libraries, museums and government administration buildings.	Yes	One (1) space for each one hundred (100) square feet of floor area.
20. Manufacturing and industrial uses Crematorium	Yes	Two (2) spaces for each employee on the largest shift
21. Medical offices and clinics, including veterinary clinics.	Yes	Six (6) spaces for each doctor
22. Mobile Home Parks	Yes	Two and one-half (2 ½) for each mobile home unit.

Table 7-1. Off Street Parking Requirements (Cont'd) Land Use	Paving Required?	Number of Parking Spaces Required
23. Office buildings (for business and professional offices), banks, and financial institutions.	Yes	One space for each one hundred (100) square feet of floor area.
24. Retail sales and personal services.	Yes	One (1) space for each one hundred (100) square feet of net floor area.
25. Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities).	No	One (1) space for each three (3) seats provided for patrons.
26. Schools: Elementary, Middle and Junior High Schools. Site plan approval required.	Yes	Two (1) spaces for each four (4) auditorium seats. Stacking lane required
27. Schools: Senior high schools and colleges, including vocational and trade schools. Site plan approval required.	Yes	One (1) space for each two (2) students enrolled, plus parking as required for gymnasiums and sports facilities.
28. Stadiums, gymnasiums, and sports facilities.	Yes	One (1) space for each three (3) seats or six (6) feet of bench seating.
29. Theaters and auditoriums (not incidental to schools).	Yes	One (1) space for each four (4) seats.
30. Warehouses, storage buildings, lumber and building supply facilities, and wholesale outlets.	Yes	One (1) space for each five hundred (500) square feet of gross floor.

Chapter 8

Sign Regulations

801. Intent and Purpose

The intent of this article is to regulate the type, number, physical dimensions, erection and placement of signs in James Township. The purpose of these regulations is to:

- a. Promote the public health, safety, and welfare of residents and visitors;
- b. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
- c. Protect commercial districts from visual clutter and chaos;
- d. Protect property values;
- e. Protect the rural character and natural beauty of James Township.

802. Definitions

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign:** A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business.
- c. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- d. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining the sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

- e. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- f. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- g. **Freestanding Sign:** A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs. Freestanding signs include billboards.
- h. **Ground Sign:** A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also commonly referred to as "monument" signs.
- i. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- j. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- k. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- l. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

803. Billboards.

Billboards, as defined by this Ordinance, are prohibited in James Township.

804. Zoning Permit Required

Unless a sign is exempt from permit requirements as specified in Section 805, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

805. Signs and Activities Exempt From Permit

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance.

a. **Temporary Construction Signs:**

One (1) construction sign for each street frontage at a construction project, not to exceed thirty-two (32) square feet in sign area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.

b. **Directional Signs:**

On-premise directional signs, not to exceed four (4) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.

c. **Political Signs:**

Political signs shall not exceed thirty-two (32) square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs must be removed within fourteen (14) days following the election or referendum.

d. **Public Signs or Notices:**

Public signs or notices of James Township, Saginaw County, the State of Michigan, or the United States of America may be erected as deemed necessary and appropriate by the unit of government.

e. **Real Estate Signs:**

- (1) For parcels less than two (2) acres, one (1) non-illuminated real estate sign not to exceed eight (8) square feet in area is permitted.
- (2) For parcels two (2) acres or more, one (1) non-illuminated real estate sign not to exceed thirty-two (32) square feet in area, or one (1) non-illuminated sign per two hundred (200) feet of lot frontage provided the total area of all such signs shall not exceed thirty-two (32) square feet.

f. **Name Plates:**

One (1) nameplate sign per premises not to exceed four (4) square feet in sign area.

g. **Home Occupation Signs:**

One sign per dwelling unit not to exceed six (6) square feet in sign area.

h. **Garage or Yard Sale Signs:**

Two (2) signs not to exceed six (6) square feet in sign area per sign. Signs shall be removed within twenty-four (24) hours after the sale.
(See Chapter 3, Section 303-13)

i. **Retail Fuel Pricing Signs:**

Retail fuel pricing signs typically and historically displayed by service stations and convenience stores with fuel sales which indicate the per gallon and/or per liter price of fuel.

- j. **Corporate Logo Signs:**
Corporation logo signs of less than six (6) square feet and independent of other advertising of messages. The number of such signs shall be limited to one (1) per street frontage.
- k. **Historic Sites:**
Signs designating sites recognized by the State Historical Commission.
- l. **Miscellaneous Signs:**
Placards posted to control or prohibit hunting or trespassing on public or private property, and signs that identify crop varieties.
- m. **Replacement of Copy:**
The replacement or changing of copy on an approved sign does not require a Zoning Permit. However, if the replacement creates a sign that violates the provisions of this Chapter, it shall be deemed a violation of this Ordinance and any Zoning Permit issued for the sign shall be invalidated.
- n. **Maintenance:**
Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit.

806. Prohibited Signs

Signs listed in this section are prohibited in all zoning districts.

- a. Abandoned signs or signs in disrepair that have become safety hazards.
- b. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a genuine, non-commercial, public message may be permitted subject to Planning Commission approval.
- c. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic.
- d. Signs that do not comply with the Building and Safety Codes of Saginaw County or James Township.
- e. Signs, other than public signs or notices, placed in a designated public right of way unless permission to authorize such placement has been given, in writing, by the public agency having jurisdiction over said right of way. A copy of such written permission shall be provided to the Township prior to placement of such sign.
- f. Signs imitating or resembling official traffic or government signs or signals.

- g. Signs that by their location and character cause a hazard to air traffic.
- h. Signs, other than billboards, that do not advertise or identify a product, service, or establishment located on the parcel to which the sign is attached.

807. General Sign Standards

- a. Illumination, if permitted, shall be by a non-flashing reflective light. The source of illumination shall be shielded from direct view of adjacent properties.
- b. All signs shall be subject to the Building and Safety Codes of Saginaw County and James Township.
- c. All signs shall be set back a minimum of ten (10) feet from all side lot lines and three (3) feet from all road right-of-way lines, except where otherwise required by this Ordinance.
- d. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance; provided, however, that ground mounted signs shall not exceed six (6) feet in height.
- e. Freestanding signs shall have a minimum clearance of ten (10) feet between the ground surface and lowest point of the sign.
- f. No signs shall be placed in required clear vision areas.
- g. No person shall erect or relocate or cause to be erected, any sign without first obtaining a Zoning Permit.
- h. No person shall repair or alter, or cause to be repaired or altered, any sign without obtaining a Zoning Permit if one-half (1/2) of the replacement value of the sign or billboard will be exceeded.

808. Conservation and Agricultural Zoning Districts (CG, A-1 and A-2 Districts)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One (1) on premise, non-illuminated, sign of not more than six (6) square feet advertising a permitted non-residential use or an authorized special use.

- b. One (1) on-premise, non-illuminated, sign displayed on a seasonal basis advertising the sale of farm produce to the general public. The sign shall not exceed thirty-two (32) square feet in sign area and shall be displayed only during the seasonal period of time which sales occur. The sign shall be removed within fourteen (14) days of the closure of the public sales.
- c. Free standing (pole mounted) signs are not permitted.

809. Rural Residential Zoning District (R-R District)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One (1) on premise, non-illuminated, sign of not more than six (6) square feet advertising a permitted non-residential use or an authorized special use.
- b. Ground signs located at the entrance to platted subdivisions, residential site condominiums, multiple family housing developments, mobile home parks, or residential PUDs. No more than one sign not exceeding thirty-two (32) square feet in area, nor more than six (6) feet in height may be erected at any single entrance.
- c. Free standing (pole mounted signs are not permitted).

810. Commercial Zoning Districts (B Districts)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. Wall signs, provided that such signs do not exceed ten percent (10%) of the area of the wall face upon which the sign or signs are attached or painted, or one hundred (100) square feet, whichever is greater. Wall signs shall be attached and parallel to the face of the building wall.
- c. Signs may be attached to or painted on a marquee or canopy, provided that such signs are at least ten (10) feet above grade.
- d. No sign shall project above the roof line of the building to which it is attached.
- e. One portable sign not to exceed thirty-two (32) square feet, provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all County and Township Building and Safety Codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.

- (4) The length of the display period shall be limited to thirty (30) days within a twelve (12) month period.
- f. Pennants and banners may be displayed on commercial property of a retail sales nature provided that they shall be securely anchored.
- g. Ground signs not exceeding thirty-two (32) square feet in area nor six (6) feet in height.
- h. Free standing (pole mounted signs are not permitted).
 - i. Illumination of signs is permitted in the B districts, provided that it complies with the standards specified in Section 811.

811. Illumination

- a. The light from any illuminated sign shall be shaded, shielded, and directed in such a manner so that the light intensity or brightness will not be objectionable to surrounding areas.
- b. No sign shall have blinking, flashing or fluttering lights, or other illuminating devices that have a changing light intensity, brightness, or color. Beacon lights are not permitted.
- c. No colored lights shall be used at any location or in any manner that imitates or might be confused with traffic control devices.
- d. Neither direct nor reflected light from primary light sources shall create a traffic hazard to motor vehicle operators on public roads.
- e. No exposed reflective type bulbs and no strobe light or incandescent lamp that exceeds fifteen (15) watts shall be used on the exterior surface of any sign in a manner that would expose the face of the bulb, light, or lamp to any public road or adjacent property.

812. Non-Conforming Signs

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Article may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter *shall not*:

- a. Be changed to another non-conforming sign;
- b. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign;
- c. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer; or

- d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

Table 8-1

Permanent Sign Regulations

Zoning Districts	Content	Total Sign Area	Sign Type	Setbacks	Number of Signs	Sign Size	Height
AGRICULTURAL Dispersed Residential CG, A, R-R (Parcels 5 acres or larger only.)	Name and address, Farm name, Home occupation.	6 square feet per parcel, except for integral signs.	Wall Mounted only.	Not applicable Not applicable Not applicable	1 per parcel	6 sq. ft.	Top of Wall
			Wall:	Not applicable	No limit	100 sq. ft. Not allowed Not allowed Not allowed	Top of wall
	Marquee:	Not applicable					
	Products raised on the premises (not allowed for integral signs)	Projecting: Roof: Integral:	Not applicable Not applicable Not applicable	1 per parcel	No limit	Top of bldg.	
RESIDENTIAL R-1, R-2	Occupant's Name and Address, Home Occupation	6 square feet per dwelling, except for integral signs.	Ground Mounted (Free Standing)	Front: 10 feet@ Side: 10 feet Rear: 10 feet	1 per dwelling	6 sq. ft.	4 ft.
			Wall:	Not applicable	1 per dwelling	6 sq. ft. Not allowed Not allowed Not allowed	Top of Wall
	Marquee:	Not applicable					
		Projecting: Roof: Integral:	Not applicable Not applicable Not applicable	1 per dwelling	10 sq. ft.	Top of Wall	
COMMERCIAL B	Identity (required), merchandise or services available on the premises.	The largest of: 1.5 square feet per front foot. of building, or .5 square foot per front foot. of parcel, or 50 square feet.	Ground Mounted (Free Standing)	Front: 3 feet@ Side: 10 feet Rear: 10 feet	1 per each 150 lineal feet of frontage.	32 sq. ft.	35 ft.
			Wall:	Not applicable	1 per wall	150 sq. ft.	Top of wall
	Marquee:	Same as Ground	1 per parcel	32 sq. ft.	Top of wall#		
	Projecting: Roof: Integral:	Same as Ground Not applicable Not applicable	1 per parcel 1 per parcel 1 per parcel	50 sq. ft. 50 sq. ft. 25 sq. ft.	Top of wall# 35 ft. Top of wall		
INDUSTRIAL M	Identity only	The largest of: 1 square foot per front foot. of building, or .5 square foot per front foot. of parcel, or 50 square feet.	Ground Mounted (Free Standing)	Front: 10 feet@ Side: 10 feet Rear: 10 feet	1 only, of any type, per each street front.	150 sq. ft.	24 ft.
			Wall:	Not applicable	Same as Ground Same as Ground Same as Ground Same as Ground	150 sq. ft. 150 sq. ft. 50 sq. ft.	Top of wall Top of wall# Top of wall#
	Marquee:	Same as Ground					
		Projecting: Roof: Integral:	Same as Ground Not applicable Not applicable	50 sq. ft. 50 sq. ft. 50 sq. ft.	24 ft. Top of wall		

Must be 10 feet above a sidewalk and 15 feet above a driveway.

@ May not obstruct vision of drivers.

Table 8-2

Table of Temporary Sign Standards.

ZONING DISTRICT	MAXIMUM SIZE	DURATION OF PERMIT	PERMITS PER PARCEL
Residential (Non-Profit Organization)	32 sq.ft.	14 days	2 per year
Residential (All Other)	32 sq.ft.	2 days	2 per year
Commercial	32 sq.ft. *	15 days	4 per year
Industrial	32 sq.ft. *	15 days	4 per year

* Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as defined by the Table of Permanent Sign Regulations

Chapter 9

Administration and Enforcement

SECTION 901. RESPONSIBILITIES IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the James Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Township Rural Zoning Act (P.A. 184 of 1943, as amended) and the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006.

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

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

- (A) **APPLICATIONS AND PERMITS.** All applications for Certificate of Occupancy shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Certificate of Occupancy for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Certificates of Occupancy.
- (B) **WRITTEN DENIAL.** When any application for a Certificate of Occupancy is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (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 oversee the chairperson's preparation and dissemination of hearing notices as required by this Ordinance.
- (D) **INSPECTIONS.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce this Ordinance.
- (E) **RECORD NONCONFORMING USES.** The Zoning Administrator, working with the planning commission shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3, Section 301.

- (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 VARIANCES, ADMINISTRATIVE REVIEWS, AND INTERPRETATIONS.** The Zoning Administrator shall oversee that the James Township Planning Commission and the James Township Zoning Board of Appeals will maintain a concise record of all variances, administrative reviews, and interpretations of this Ordinance rendered by the Zoning Board of Appeals under Section 904. This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
 - (H) **PUBLIC INFORMATION.** The Zoning Administrator or the Planning Commission Chairperson shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.
 - (I) **RESPOND TO COMPLAINTS.** The Zoning Administrator working with or overseeing the actions of the James Township Code Enforcement Officer(s) shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Planning Commission Chairperson or the Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
 - (J) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
 - (K) **PUBLICIZE AMENDMENTS.** The Planning Commission Chairperson under the oversight of the Zoning Administrator shall file copies of all amendments to this Ordinance with the Township Clerk and publish notices of all amendments as required by Section 905.
- (2) **PLANNING COMMISSION.** The James Township Board has previously designated the Township's Planning Commission as the organization to function in the capacity of the Zoning Commission identified in Act 184 of 1943, the Township Rural Zoning Act.
- (A) **Planning commission membership.**
The planning commission is subject to the requirements of the Michigan Zoning Enabling Act, MCL 125.3101 et seq. The planning commission will consist of seven members. The members must represent major interests of the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry.

The planning commission members are appointed by the township supervisor with township board approval. Members may be removed by the township supervisor, after a hearing, with township board approval (MCL 125.324(2)).

One member of the planning commission *must* be a member of the township board (MCL 125.324(1)). However, that member is the only township board member who can serve on the commission (AG 6837 of 1995). Because the supervisor appoints and removes planning commission members, the supervisor cannot appoint him or herself to serve on the planning commission (AG 6834 of 1995; AG 6737 of 1992).

The Township Zoning Administrator shall serve as an advisor to the planning commission but shall not be a member of the planning commission.

A successor must be appointed no more than one month after the preceding commission member's term has expired.

All vacancies for unexpired terms must be filled for the remainder of the term (MCL 125.324(3)).

Members of the planning commission may be compensated for their services as provided by the township board (MCL 125.324(4)). A township planning commission member may not refuse to accept the compensation established by a township board for serving on its planning commission (AG 6961 of 1997).

The planning commission may develop a policy to establish travel and expense reimbursement procedures for its members and employees when engaged in performing authorized activities, including attending conferences and meetings (MCL 125.324(4)).

The planning commission must prepare and submit a detailed budget to the township board for approval. Planning commission expenditures must be within the amounts appropriated by the township board (MCL 125.324(4)).

The planning commission must elect a chairperson, vice chairperson and secretary from its members and create and fill other offices or committees as it considers advisable. Each officer's term is one year (MCL 125.325(1)).

(B) Planning commission meetings

The planning commission must hold at least four regular meetings each calendar year, determining the time and place of the meetings by resolution. Planning commission business must be conducted at a public meeting that is noticed and conducted in compliance with the Open Meetings Act (MCL 125.325(2)).

A special meeting of the planning commission can be called by the chairperson or by two members upon written request to the secretary (MCL 125.325(2)).

The planning commission must adopt rules for transacting business and keep a public record of its resolutions, transactions, findings and determinations. It must make an annual written report to the township board concerning its operations and

the status of planning activities, including recommendations regarding actions by the township board related to planning and development (MCL 125.325(4)).

All documents and records prepared, owned, used, in the possession of or retained by the planning commission in the performance of an official function must be made available to the public in compliance with the Freedom of Information Act (MCL 125.325(4)).

The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.

- (A) **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Section 907.
- (B) **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall provide the Township Board with a copy of the record of the proceedings for their review. The Planning Commission shall take any necessary action to revoke a Special Use Permit.
- (C) **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 903. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- (D) **PLAT REVIEW.** The Planning Commission shall review proposed plats as provided by Section 908.

(3) ZONING BOARD OF APPEALS.

- (A) **CONTINUATION OF CURRENT BOARD.** The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals (ZBA). Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof, and shall comply with the requirements of the Michigan Zoning Enabling Act, MCL 125.3101 et seq.
- (B) **MEMBERSHIP.**
 - (i) **REGULAR MEMBERS.** The James Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be the Chairperson of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining

members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the ZBA shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

- (ii) **ALTERNATE MEMBERS.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend a called meeting of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- (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 (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- (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 shall be appropriated annually in advance by the Township Board.

- (E) **RULES OF PROCEDURE, BYLAWS.** The Board of Appeals shall adopt its own rules of procedure and/or Bylaws as may be necessary to conduct its meetings and carry out its function. The rules of procedure shall be in conformity with the requirements of the Michigan Zoning Enabling Act, MCL 125.3101 et seq. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.

- (F) **MEETINGS.** Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.

- (G) **RECORDS.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- (H) **MAJORITY VOTE REQUIRED.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- (I) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of a request or appeal, unless a further time is agreed upon by the applicant. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of three (3) working days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Certificate of Occupancy authorized by such a decision shall be issued until the decision has taken effect.
- (J) **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (K) **DUTIES.** The James 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 herein. The ZBA shall *not* have the power to alter or change the Zoning District classification of any property, or to change the terms or intent of this Ordinance.
- (1) **VARIANCES.** The Zoning Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance. See Section 903 and sections referenced therein.
- (2) **ADMINISTRATIVE REVIEW.** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or denial made by the Zoning Administrator. See Section 903.
- (3) **INTERPRETATION.** Upon request, the ZBA shall have the power to interpret the provisions of this Ordinance so as to carry out its intent and purpose. See Section 903.

- (4) **TOWNSHIP BOARD.** On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may take other actions related to this Ordinance, as follows:
- (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 (rezoning), according to the procedures defined in Section 905.
 - (B) **SET FEES.** The Township Board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Certificate of Occupancy applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, and any other actions the Township Board 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 902. ADMINISTRATIVE PROCESSES.

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

- (A) **APPLICATION FORM.** Applicants for a Certificate of Occupancy shall submit a Zoning Application Form with all requested information completely filled in.
- (B) **SUBMISSION WITH BUILDING PERMIT APPLICATION.** When a Building Permit is also required, application for a Certificate of Occupancy may be made at the same time. If the Township Building Inspector also acts as the Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplication on the Certificate of Occupancy application form.
- (C) **PROPERTY INFORMATION.** The Certificate of Occupancy Application Form must be accompanied by a copy of a property survey, deed or tax records that are sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence of a change in ownership must also be submitted.
- (D) **PLOT PLAN.** The Certificate of Occupancy Application Form must also be accompanied by a plot plan drawn at a size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.
- (E) **ACCESSORY BUILDINGS OR STRUCTURES.** When they are erected at the same time as the principal building or structure on a lot shown on the application, accessory buildings shall not require separate Certificates of Occupancy.
- (F) **RECORD OF APPLICATION.** A record of all applications for Certificates of Occupancy shall be kept on file by the Zoning Administrator. Whenever the building, structures, premises and uses thereof as set forth on the application are in conformity with the provisions of this Ordinance and all other applicable regulations, the Building Inspector shall issue any necessary Building Permit. When such a permit is denied, the denial shall be stated in writing with the reasons for the denial.
- (G) **ISSUANCE OF CERTIFICATE OF OCCUPANCY.** After notification that a building, structure, premises, or part thereof is ready for occupancy and inspection, the Zoning Administrator shall make the final inspection thereof and if all applicable regulations have been complied with, he or she shall issue a Certificate of Occupancy which shall show such compliance. When a Certificate of Occupancy is denied on the grounds that there is a zoning violation, the denial shall be stated in writing with the reasons for the denial.

A temporary Certificate of Occupancy may be issued by the Zoning Administrator for a part of a building, structure, or premise prior to completion of the entire building, structure, or premise *provided* that it may be sufficiently determined that all provisions of this Ordinance will be met.

(4) PERFORMANCE GUARANTEE.

- (A) **AUTHORIZATION AND INTENT.** The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money be deposited with the Township Treasurer, payable by check or money order, as a guarantee of performance for any conditions attached to approval of Certificates of Occupancy that come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.
- (B) **AMOUNT.** The Planning Commission or Zoning Board of Appeals shall specify the amount of any required cash deposit and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified condition.
- (C) **USE OF ESCROWED FUNDS.** If the Zoning Administrator determines that a condition of a Certificate of Occupancy has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. ***ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE JAMES TOWNSHIP BOARD.*** Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.
- (D) **RETURN OF CASH DEPOSIT.** The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
- (5) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Certificate of Occupancy that has been submitted, including the disposition of each one. This record shall be a public record and open for inspection upon request.

- (6) **VALIDITY OF BUILDING PERMIT.** A Building 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 Building 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 Building Permit may be extended not more than once by the Zoning Administrator, for a period not to exceed one (1) additional year. An extension must be requested in writing by the permit holder before the expiration of the initial permit period.
- (7) **VOIDING OF BUILDING PERMIT.** If the permit holder fails to initiate the activity authorized by the Building Permit by the end of one (1) year from the date the permit was issued, the Building Permit is automatically null and void. Any additional rights associated with the Building Permit that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Building Permit.
- Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township that were to be covered by the guarantee. If any amount of the guarantee remains after the costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.
- (8) **RE-ISSUANCE OF PERMIT.** Re-issuance of a Building Permit that has expired requires a new Permit Application Form to be filed with the Zoning Administrator and fully processed.

SECTION 903. AUTHORITY OF THE ZONING BOARD OF APPEALS.

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

- (1) **VARIANCE.** Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance that can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.
- (2) **APPEALS OF ADMINISTRATIVE ACTIONS.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator.
- (A) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any aggrieved person, or by any officer, department, or board of local, county, or state government. Any such request must be made in writing not more than ten (10) days after the date of the decision being appealed. The request shall be filed with the Zoning Administrator

and shall identify the applicant, the proposed activity, the action being appealed, and the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.

- (B) **STAY.** An appeal 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 an appeal 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 (ZBA) 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 that has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator in conjunction with the chairperson of the Zoning Board of Appeals shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
- (A) **DISTRICT BOUNDARIES.** The ZBA may determine the precise location of the boundary lines between zoning districts.
- (B) **ACTIVITY CLASSIFICATION.** The ZBA may classify any activity which is not specifically mentioned in the Table of District Regulations in Chapter 3 for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
- (C) **PARKING AND LOADING SPACES.** The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
- (D) **CLARIFICATION.** The Board 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 James Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.

(5) RULES FOR ZONING BOARD OF APPEALS ACTIONS.

- (A) **PUBLIC HEARING.** The Zoning Board of Appeals must hold a public hearing before making a decision on a variance, appeal, or interpretation. Mailed notice, as specified by Section 906, shall be given not less than five (5) nor more than fifteen (15) days before the date of the hearing. At the hearing, a party may appear in person or may be represented by an agent or attorney.
- (B) **INTENT.** Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- (C) **USE VARIANCE PROHIBITED.** No variance, site plan approval, or administrative review may be construed to allow the establishment of any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only classify a use which is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must apply, and not vary, the terms of the Zoning Ordinance.
- (D) **CONSIDER PROPERTY VALUES.** In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.
- (E) **SINGLE PARCEL.** Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for ZBA action.
- (F) **PROFIT IS NOT A MOTIVE.** No approval shall be granted by the ZBA simply to prevent an economic loss. The improvement of an owner's opportunity to profit from the sale of a parcel is *not* an objective of this Ordinance.
- (G) **RESUBMISSION.** Any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the ZBA may elect to rehear a case.
- (H) **CONDITIONS.** 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 Certificate of Occupancy 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 Section 902(4).

- (I) **PRACTICAL DIFFICULTY.** A variance may only be granted upon a showing of practical difficulties by the applicant that prevent carrying out the strict letter of this Ordinance. These practical difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.
- (J) **ISSUANCE OF PERMIT.** A variance or site plan approval granted under the provisions of this Section becomes a condition of the Certificate of Occupancy granted pursuant to such action. If the Certificate of Occupancy expires as defined by Section 902(6), any rights granted by the Zoning Board of Appeals expire together with the Certificate of Occupancy.
- (K) **REQUIRED RECORDS.** The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any conditions that may be attached to issuance of a Certificate of Occupancy.
- (L) **RECURRENT ISSUES.** If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the ZBA shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 904. ENFORCEMENT.

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance and may direct the Code Enforcement Officer(s) to assist in this matter..
- (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 AND ORDER.** The Zoning Administrator and/or the Code Enforcement Officer(s) under his oversight 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.** Orders to correct violations shall allow a correction period of not less than thirty (30) days nor more than sixty (60) days, as the Zoning Administrator deems necessary.
 - (C) **ACTION BY TOWNSHIP ATTORNEY.** A violation not corrected within the specified period shall be reported to the Township Attorney, who shall initiate procedures to eliminate the violation. Once a violation has been referred to the Township Attorney, any legal action that 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 that violated any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the James Township Ordinance NO: 1998 – 4 an Ordinance to Change from Criminal to Civil Infractions:

Additionally, the violator shall pay costs, which may include all direct or indirect expenses the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

- (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 the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern, *provided* also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 905. 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 applicable enabling legislation of the State.
- (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) **PUBLIC HEARING.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator and/or Planning Commission Chairperson as specified by Sections 906(1) and (2) and by the following paragraphs:
- (1) **PUBLISHED NOTICE.** Notice shall be given by one (1) publication in a newspaper of general circulation in the community not less than fifteen (15) days before the date of such hearing. (see MCL 125.3103(1))
 - (2) **MAILED NOTICE.** In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Sections 906(3) and (4).
- (C) **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.
- (D) **SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION.** Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review and subsequent recommendations. The approval of the County Planning Commission shall be conclusively presumed unless the Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment. The county's action is advisory only and not binding on the township.
- (E) **TOWNSHIP BOARD ACTION.** Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board may deny or adopt the amendment with or without changes by a majority vote of its membership, following its standard procedures for the adoption of ordinances. The Township Board may also refer the amendment back to the Township Planning Commission for further changes or clarification.
- (1) **ADDITIONAL PUBLIC HEARING.** The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing, which may be held at a regular meeting or at a special

meeting called for that purpose.

(2) NOTICE. Notice of the hearing, including all information required by Section 906(1), shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of the hearing is not required.

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

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

- (F) 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.
- (G) RE-SUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 906. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

- (1) **CONTENT.** Each public hearing notice required by this Ordinance shall include the following information:
 - (A) Identification of the applicant, if any.
 - (B) Identification of all parcels that are the subject of the request including their address if determined.
 - (C) Nature of the matter to be considered.
 - (D) Identification of the public body conducting the hearing and deciding on the matter.
 - (E) The date, time, and place of the public hearing.
 - (F) The places and times at which any proposed text and/or map amendments may be examined and copies purchased.

- (G) A statement of when written comments will be received concerning the request.
- (2) **AFFIDAVIT OF MAILING.** An affidavit of mailing that identifies all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is to be held.
- (3) **MAILED NOTICE.** Whenever this Ordinance requires mailed notice of a public hearing, the mailing list shall be compiled from the following sources:
- (A) The owner(s) of the parcel(s) in question.
- (B) All persons to whom real property is assessed in James Township or any adjoining governmental unit, where any part of their parcel lies within three hundred feet (300') of the parcel that is the subject of the hearing.
- (C) The occupants of all buildings on parcels within three hundred (300') of the parcel that is the subject of the hearing. Each dwelling unit or tenant in such buildings shall receive one (1) notice of the hearing. If the name of an occupant is not known, the term "occupant" may be used in the address. For any building containing more than four (4) dwelling units, the notice may be mailed to the manager or the owner of the building who shall be requested to post the notice at the building's primary entrance.
- (4) **NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES.** Not less than 15 days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by mail to each public utility company, each telecommunications server provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.

SECTION 907. SITE PLAN REVIEW

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

- (1) **SITUATIONS THAT REQUIRE SITE PLAN REVIEW.** Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land

clearing or excavation necessary for the construction of site improvements. Site plan review and approval is required:

- (A) For all non-residential land uses permitted in all zoning districts, except home occupations 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 condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).
- (2) **SITE PLAN REVIEW NOT REQUIRED FOR REZONING.** Site Plan Review shall not be required as part of the decision process for a rezoning application. The decision to rezone property is based on consideration of its effect on the long-range development of the Township, especially in regard to all the potential uses that the rezoning would permit on the subject parcel. In contrast, the scope of site plan review is limited to the specific use that is proposed. Also, conditions may be attached to site plan approval. Conditions may *not* be attached to the rezoning of property.
- (3) **THE SITE PLAN REVIEW PROCESS.**
- (A) **APPLICATION DEADLINE.** If a Zoning Permit application requires a Site Plan Review pursuant to Section 907(1), the complete application package must be received at least fifteen (15) days before the Planning Commission meeting at which the application is to be considered. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application deadline for the specific process will apply.
 - (B) **APPLICATION MATERIAL.** The application package for a Site Plan Review must meet the requirements of Section 902(2) and be accompanied by a Site Plan Review fee as established by the Township Board and at least four (4) copies of a site plan that meets the requirements of Section 907(3)(C) as described below. The application will not be reviewed until all the listed items have been received.
 - (C) **SITE PLAN REQUIREMENTS.** Any details depicted in the site plan will be relied upon by the Planning Commission in its review. Therefore, these details become conditions for approval of the site plan. Failure to abide by such conditions is a violation of the terms of any Zoning Permit issued pursuant to site plan approval, and is subject to enforcement under Section 904 of this Ordinance. The site plan shall show the following information:

- (1) Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for parcels three (3) acres or more in size.
- (2) Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.
- (3) The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
- (4) Legal description of the property subject to the application.
- (5) Name and address (or approximate location) of the proposed land use or land development project.
- (6) Size of the property in acres and square feet.
- (7) Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.
- (8) A small-scale map (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
- (9) The exterior property lines (boundaries) of the property subject to the application.
- (10) The zoning classification of the property subject to review, as well as that of adjoining properties.
- (11) Topography of the site at five (5) foot contour intervals.
- (12) The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property.
- (13) The location, name, pavement width, and right-of-way width of existing and proposed private roadways.
- (14) The location, width, and purpose of other existing and proposed easements or rights-of-way.
- (15) Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings, and existing and proposed setbacks from property lines must be indicated in feet.

- (16) Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively numbered.
 - (17) The location of existing and proposed stormwater management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.
 - (18) The location and height of existing fences or walls, including the type of fencing proposed.
 - (19) The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may require that applicants submit a separate landscaping plan.
 - (20) The location and type of existing natural features on the site, including but not limited to, wetlands, watercourses, floodplains, ponds, wooded areas, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
 - (21) The location, height, and design of existing and proposed signs and exterior lighting fixtures.
- (D) **STAFF REVIEW OF SITE PLAN.** Within two (2) working days of receipt of a site plan for review by the Planning Commission, the Zoning Administrator shall notify all Township departments that it has been received. Any interested department may comment on the site plan in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified in Section 907 (4) and any applicable Special Use Permit Standards listed in Chapter x. After reviewing such comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- (E) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall conduct their Site Plan Review at a public meeting. A public hearing on the site plan will be held only if any party submits a written request for a hearing to the Township Clerk prior to the Planning Commission meeting. In such cases, the public will be heard before the Planning Commission acts on the site plan. However, a Site Plan Review conducted pursuant to Section 907(1) does not require special notification of any party. The staff's review findings and any public comments shall be considered by the Planning Commission, but they are not binding on it in any way. The Planning Commission should take one of the following actions at the meeting that considers the Site Plan:

- (1) **APPROVAL.** An affirmative vote by a majority of the Planning Commission is necessary to approve a site plan. An approved site plan becomes a condition of any resulting Zoning Permit. Deviations from the site plan are permitted only as specified by Section 907(3)(F).
 - (2) **CONDITIONAL APPROVAL.** The Planning Commission may attach conditions to approval of a site plan as justified by the requirements of this Ordinance, or other local, state, or federal laws. These conditions and their justification must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions then become part of the site plan, just as if they were part of the original submission, and they shall be reflected in any resulting Zoning Permit. Deviations from the conditions are permitted only as described by Section 907(2)(F). Approval of any site plan that must also be approved by other public agencies shall be conditioned upon the granting of the other agency approvals, including variances from the Zoning Board of Appeals. Approval of a variance that specifies conditions different from those depicted on the site plan or identified in a conditional approval does not require an additional Site Plan Review.
 - (3) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the standards listed in Section 907(4) is the only justification for denial of a site plan. A majority vote of the Planning Commission is required to deny a site plan. The motion to deny must state which Review Standards were not met by the site plan, and it failed to meet them. The applicant shall be notified in writing of the denial of the site plan, with the full text of the motion to deny reproduced in the communication.
 - (4) **TABLE TO SPECIFIED MEETING.** The Planning Commission may choose to delay its decision for any specified reason by tabling the action to another meeting. The date, time, and place of the meeting shall be identified in the motion to table and clearly stated for the benefit of any persons in attendance.
- (F) **ACCEPTABLE DEVIATIONS FROM APPROVED SITE PLAN.** Unforeseen circumstances can cause changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review standards have been met. These deviations shall be documented as described in Section 907(2)(H).
- (G) **UNACCEPTABLE DEVIATIONS FROM SITE PLAN.** If the Zoning Administrator finds that a deviation from an approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The notice to the permit holder shall be sent by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector with respect to that portion of the project that is not in compliance with the Site Plan Review Standards. Once site plan approval

has been suspended, the permit holder may change the project plans to conform to the Review Standards, or restart the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice of this to the permit holder, the Township Building Inspector, and the Planning Commission.

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

- (H) **RECORD TO BE MAINTAINED.** The Zoning Administrator and/or the Planning Commission shall maintain the record relating to any approved site plan with the records pertaining to the Zoning Permit for the project. This record shall include an official copy of the site plan as approved by the Planning Commission. The official copy shall be signed and dated by the permit holder, the Planning Commission Chair, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence that these conditions have been satisfied, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, 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. A copy of all records and proceedings will be sent to the Township Board for their review and retention.
- (4) **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to determine whether a site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions that are contrary to the intent and objectives of this Ordinance, this lack is sufficient justification for denial of the site plan.
- (A) There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
- (B) Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
- (C) All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
- (D) As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the

surrounding area, and to help control erosion of the discharge of water. Reasonable buffer and open space areas may be required.

- (E) The site shall be improved with a storm drainage system that maintains stormwater runoff at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.
- (F) Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.
- (G) The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
- (H) All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year. Particular attention shall be paid to site access in the event of fire or other emergency.
- (I) The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

908 REVIEW OF SUBDIVISION PLATS

- (1) **ZONING.** All plats shall be subject to the provisions of the Zoning District in which they are located. Any Zoning District changes that may be necessary to accommodate a proposed plat shall be made according to the amendment procedure specified in Section 905. After the effective date of this Ordinance, no proposed plat of a new or redesigned subdivision shall be approved unless the lots within the plat equal or exceed the minimum lot area and dimensional requirements for the applicable Zoning District.

(2) PLAT APPROVAL PROCESS

- (A) **SUBMISSION OF PLAT.** When a preliminary or final plat has been submitted to the James Township Board for approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the plat within ninety (90) days of submission, the Zoning Administrator and Planning Commission Chair shall convene a special meeting of the Planning Commission, if necessary, to provide a recommendation to the Township Board.
- (B) **PLANNING COMMISSION REVIEW AND RECOMMENDATION.** The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance, and any other applicable Township ordinances, at an open public meeting. A public hearing is not required. However, any person who wishes to address the Planning Commission shall be permitted to do so. If all standards are met, the Planning Commission shall recommend approval of the plat to the Township Board. If all standards are not met, the Planning Commission shall recommend denial of the plat, noting which standards were not met.

SECTION 909. ACTIONS SUMMARY TABLE

The following table is a summary of the basic requirements for the various administrative actions to be carried out under this Zoning Ordinance. It supplements the preceding text, but it is not a substitute for it.

Table 9-1 Zoning Ordinance Actions Table (March 2007 Updated for MZEA Act 110 PA 2006)
Summary of Procedural Requirements for Zoning Decisions

Type of Action	Who May Initiate Action?	What Body Makes the Decision?	Is a Public Hearing Required?	Published Notices – Number of Days Before Hearing	Mailed Notice to All Owners and Occupants Within 300 feet – Days Before Hearing	Where Can Applicant Appeal a Denial ?
Variance	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Administrative Review, including appeal of Zoning Administrator's Decision	Any aggrieved party*	Zoning Board of Appeals	Yes	Not less than 15 days.	Not less than 15 days.	Circuit Court
Site Plan Review (See Section 907(1) for when this is required).	Applicant or Zoning Admin.	Planning Commission	Not required.	Not required	Not required	Circuit Court
Special Use Permit	Applicant or Zoning Admin.	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text or Map Amendment (Rezoning)	Applicant, Zoning Admin, Planning Commission, or Township Board	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days.	Not less than 15 days.	No appeal until after Twp Board action
		Step 2: Twp. Board acts on amendment	If requested by any property owner by certified mail to clerk.	Not less than 15 days.	Not less than 15 days.	Circuit Court or may resubmit to Twp after one year
Fee Waiver	Applicant	Township Board	No	Not required	Not required	None

Notes: * Includes any state, county, or township officer, board, bureau, or department.

Table 9-2 Zoning Permit Review Process

Process		Zoning Permit Application - Initial Review Process			
Question	Refer To	If all Standards are met, Next Step	If Any Standards Are Not Met Situation	Applicant's Options	Next Step
#1 Is proposed activity permitted in this Zoning District?	Chapter 3 – District Regulations: Uses Table.	Activity is a Use by right Go to Question #2 Or Activity is a Special use: Go to Actions Table: Special Use Permit. (Refer to Chapter 6) Continue to Question #2.	Activity is permitted in a different Zoning District	Request a Rezoning	Actions Table: Rezoning
			Activity is not listed for any Zoning District.	Request an Interpretation.	Actions Table: Interpretation.
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal	Actions Table: Administrative Appeal
			Any Situation.	Withdraw	Denial Letter
#2 Does the parcel Meet standards For this Zoning District?	Chapter 3 – District Regulations: Dimensions Table- "Lot Size"	Go to Question # 3	Any situation.	Request a Variance.	Actions Table: Variance
			Applicant does not agree with Administrator's finding.	Request an administrative appeal.	Actions Table: Administrative Appeal.
#3 Does existing or proposed structure or building meet yard and area standards?	Chapter 3 – District Regulations: Table.	Go to Question #4	Existing facility violates standards:	Request a Variance	Actions Table: Variance.
				Continue with process as is.	Section 401 – Nonconformities.
			Proposed facility will violate standards.	Request a Variance.	Actions Table: Variance.
				Amend application to meet all standards.	Go to Question #4
Applicant does not agree with Administrator's finding.	Request an Administrative Appeal	Actions Table: Administrative appeal			
Any situation	Withdraw	Denial Letter.			

Process		Zoning Permit Application - Initial Review Process (Cont'd.)						
Question	Refer to	If all Standards are met, Next Step	If Any Standards Are Not Met Situation	Applicant's Options	Next Step			
#4 Will proposed activity meet parking requirements?	Chapter 4 – Parking Table And Section 406 Supplementary Off-Street Parking Requirements.	Go to Question #5	Existing facility violates standards.	Request a Variance	Actions Table: Variance			
				Continue with process as is.	Section 401 Nonconformities.			
			Proposed facility will violate standards.	Request a Variance	Actions Table: Variance			
				Amend application to meet all standards.	Go to Question #5			
				Withdraw	Denial letter			
			Applicant does not agree with Administrator's finding	Request an Administrative Appeal	Actions Table: Administrative Appeal			
#5 Will proposed activity meet all Supplementary Regulations?	Chapter 4 – Supplementary Regulations.	Go to Question #6	Proposed activity will violate measurable standards.	Request a Variance.	Actions Table: Variance			
				Amend application to meet all standards.	Go to question #6			
				Withdraw	Denial Letter			
			Proposed Activity will violate non-measurable written standards.	Request a text change	Actions Table: Text Change			
				Amend Application to meet standards.	Go to Question #6			
				Withdraw	Denial Letter			
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	Actions Table: Administrative Appeal			
			#6 has permit fee been paid?	Township Fee Schedule	Issue Permit.	Fee represents a serious hardship to applicant.	Request a Fee Waiver.	Actions Table: Fee Waiver.
							Withdraw	Denial Letter.