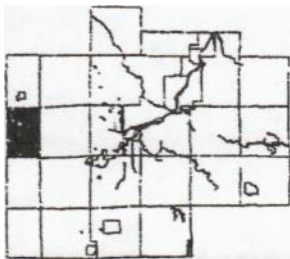


*Zoning Ordinance*

***Lakefield Township***

Saginaw County  
Michigan

***February 2012***



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SECTION 201. RULES APPLYING TO THE TEXT.

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

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

SECTION 202. DEFINITIONS.

- (1) ACCESSORY OCCUPATION. An accessory occupation is an occupation carried on within the walls of an accessory building, and not visible or noticeable in any manner or form outside the accessory structure.
- (2) ACCESSORY USE. An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.
- (3) ADJACENT LOT. The parcel or parcels of land sharing a common boundary.
- (4) ADULT BUSINESS. For the purposes of this Ordinance, the following definitions shall apply:
  - (a) ADULT BOOKSTORE. An establishment permitting physical access by customers to floor area or shelf

space which is devoted to the display of books, magazines, or other periodicals, video tapes, photographs, 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 by this Ordinance. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement, or other device, audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said materials.

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

(c) ADULT THEATER. Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined by this Ordinance for observation by patrons or customers.

- (5) AGRICULTURE. Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal, or as rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises and for the use of persons residing on the premises.
- (6) ALLEY. Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.
- (7) ASSESSMENT ROLL. The official record of properties maintained by the County, noting legal description, ownership, and value of properties located in the County.

- (8) AUTOMOBILE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles.
- (9) AUTOMOBILE REPAIR SHOP. An establishment being housed in a building or portion thereof together with the necessary equipment used for the general repair of automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.
- (10) AUTOMOBILE SERVICE STATION. An establishment being housed in a building or portion thereof together with the necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil and lubricants or grease and including the sale of minor accessories, and the servicing of and minor repair of automobiles.
- (11) BARN. A building, usually large, for the storage of farm products, for feed, and for the housing of farm animals or farm equipment.
- (12) BASEMENT. A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.
- (13) BILLBOARD. A freestanding sign placed along high ways, generally for advertising purposes, often not placed on the site of the advertised business.
- (14) BLOCK. The property abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and a physical barrier such as a railroad, right-of-way, park, river channel or unsubdivided acreage.
- (15) BREEZEWAY. A roofed open passage connecting two buildings (such as a house and garage) or halves of a building.
- (16) BUILDING. Any structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.



- (17) BUILDING PERMIT. That permit issued by the zoning administrator allowing the construction of a structure under a state-approved building code.
- (18) BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.
- (19) BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip, and gambrel roofs.
- (20) BUILDING LINE. A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.
- (21) BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which it is located.
- (22) BULK STATION. A place where crude petroleum, gasoline, naptha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6000) gallons.
- (23) CABIN. A small, one-story dwelling usually of simple construction and used on a seasonal basis.
- (24) CELLAR. A story having more than one half (1/2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
- (25) CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
- (26) CLUB. An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

- (27) COMMERCIAL RECREATION. Commercial recreational facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.
- (28) COMMERCIAL SCHOOL. A commercial school is a private educational facility not operated as a nonprofit entity, and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.
- (29) COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.
- (30) CONSTRUCTION. The ongoing process or activity directed toward putting parts and materials together and culminating in a building or structure.
- (31) CONVALESCENT OR NURSING HOME. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.
- (32) COTTAGE. A structure, generally seasonal, used for dwelling purposes.
- (33) COURTS. Open unoccupied spaces other than yards on the same lot with a building.
- (a) Court, inner. An open, unoccupied space not extending to the street or front, or rear yard.
  - (b) Court, outer. An open, unoccupied space opening upon a street, alley, yard or setback.
- (34) COVENANT. A legal agreement between two or more parties or entities regarding the use of land.
- (35) COVERAGE, LOT. That percent of the plot or lot covered by the building area.
- (36) CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.
- (37) DEGREE OF NONCONFORMANCE. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies:

- (a) SETBACK. The square footage of a building which lies within a required setback area.
  - (b) AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its zoning district.
  - (c) DEPTH OR WIDTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its zoning district.
  - (d) PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of Chapter 4, Section 401.
- (38) DEPTH. For the purposes of interpreting the Dimensions Table, depth is the distance from a property line to a structure.
  - (39) DISTRICT REGULATIONS. Regulations for properties within each zoning district.
  - (40) DISTRICT AREA. An Area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.
  - (41) DOCKS, PIERS. Structures built out into the water to serve as landing places for boats.
  - (42) DOCKING FACILITIES. Structures built to receive and service ships and boats.
  - (43) DOUBLE-FRONT LOT. A lot, other than a corner lot, having frontage on two (2) more or less parallel streets. In the case of a row of double-front lots, one street will be designated as the front street for all lots. If there are existing buildings, the front of the building as designated will determine the front yard.
  - (44) DRIVE. A private road or pathway by which individuals gain access to their property.
  - (45) DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations which serve food in disposable containers.

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

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

- (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit only and complying with the regulations of Chapter 3, Section 303.
- (b) TWO FAMILY DWELLING is a building containing not more than (2) dwelling units and complying with the regulations of Chapter 3, Section 303.
- (c) MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of Chapter 3, Section 303.

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

(49) EASEMENT. A legal right held by one person to use the property of another.

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

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

(52) EXTRACTION. The removal of resources from the ground by physical effort.

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

- (54) FARM. A tract of land which is directly devoted to agricultural purposes provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping or operating fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with bonafide farm operations on the same contiguous tract of land of not less than ten (10) acres.
- (55) FARM ANIMALS:
- LARGE ANIMAL. Any four (4) footed creature as livestock which, at maturity, exceeds five hundred (500) pounds. This includes, but is not limited to, the following: cattle and horses.
- SMALL ANIMALS. Any four (4) footed creatures as livestock which, at maturity, does not exceed five hundred (500) pounds. This includes, but is not limited to, the following: sheep, goats, swine, llamas, alpacas and miniature horses / donkey.
- (56) FLAG LOT. A lot not fronting entirely on or abutting a public road, and having access to the public road by a narrow, private right-of-way.
- (57) FLOOR AREA. For purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basement, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulk heads, common hall areas, and accessory structures.
- (58) FREESTANDING. Supported by a structure solely for that purpose and not attached to a building or any other structure.
- (59) GARAGE. An accessory building or a portion of a principal building designed or used solely for the storage of noncommercial vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (60) GARAGE, COMMUNITY. A community garage is a building used for the storage of three (3) or more automobiles of two (2) or more owners and containing no public repair or service facilities.
- (61) GARAGE, PUBLIC. Any garage other than a private garage, available to the public, operated for gain and used for storing, repairing, renting, greasing, washing, selling, servicing, adjusting, or equipping of cars or other motor vehicles.

- (62) GREENBELT. An open, unoccupied area, covered by foliage and scrubs, designed to maintain a natural condition and often to serve as a buffer.
- (63) GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.
- (64) GROSS FLOOR AREA. The sum of the gross horizontal floor areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

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

- (65) HEARING. An advertised open public meeting at which comments and ideas are solicited from the public.
- (66) 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.

(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 milk 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 unite equivalencies for that species.

- (67) HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises, providing it:
- (a) Is operated either within the principal dwelling or accessory building or structure.
  - (b) Does not have a separate entrance from outside the building;
  - (c) Does not involve alteration or construction not customarily found in dwellings or accessory buildings or structures.
  - (d) Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
  - (e) Does not use more than twenty-five (25) percent of the total actual floor area of the dwelling or accessory building or structure.
  - (f) Does not display, or create outside the structure any external evidence of the operation of the home occupation, except for one (1) unanimated, non-illuminated, sign having an area of not more than four (4) square feet.
- (68) HOME-SECTIONAL OR COMPONENT. Several building components, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.
- (69) HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.
- (70) HOTEL. An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy service, the furnishing and laundry of linens used in the lodging rooms, and central desk with telephone.
- (71) HOUSE/TRAVEL TRAILER. A vehicular portable structure designed as a temporary dwelling for travel, and recreation and vacation uses.
- (72) INCINERATOR. An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.
- (73) JUNK. For the purposes of this ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use as intended when manufactured.

(74) JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

(75) KENNEL. A kennel is any establishment wherein or whereon three or more dogs are kept for breeding, boarding, sale, show, or sporting purposes.

(76) LAKE. A body of water of considerable size (usually five (5) acres) surrounded by land.

(77) LANDING FACILITIES. Piers and docks used for the purpose of resource or commodities handling.

(78) LOADING BERTH. An off - street space at least ten (10) feet wide, twenty - five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

(79) LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

(80) LOT AREA. The total horizontal area within the lot lines of the lot.

(81) LOT: CORNER, INTERIOR and THROUGH.

CORNER LOT is a lot which has at least two contiguous sides abutting upon a street for their full length, and provide the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

INTERIOUR LOT is a lot other than a corner lot.

THROUGH LOT is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.



(82) LOT LINES. The lines abutting a lot as defined herein:

LOT LINE, FRONT. That line separating the lot from the street or place right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street.

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

LOT LINE, SIDE. Any lot line not a front lot line or not a rear lot line.

(83) LOT, WIDTH OF. The width measured along the front lot line or street line.

(84) LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in a common use by County and Community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

(85) MARINA. A boat basin or commercial business offering dockage and other services for small watercraft.

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

- (a) Designed for a long - term occupancy.
- (b) Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
- (d) Arriving at site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of nine hundred sixty (960) square feet, and including appliances and furniture ready for occupancy except for minor incidental location operations.

- (87) MOBILE HOME "MODULAR". A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses.
- (88) MOBILE HOME PARK. A parcel of land fifteen (15) acres or more intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also as "Park."
- (89) MOBILE HOME SPACE. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.
- (90) MOBILE HOME STAND. That part of a Mobile Home Space which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.
- (91) MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar names which are designed as integrated units of individual rooms under common ownership.
- (92) MULTIPLE-FAMILY DWELLING. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

- (93) NONCONFORMING USE. A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
- (94) NURSERY SCHOOL. A private school, generally run for profit, oriented to the care and education of children under public school age.
- (95) OCCUPANCY. The act of residing in, or the use of a structure.
- (96) OCCUPANCY, CERTIFICATE OF. A document issued by the zoning administrator, certifying that the described property and use of that property has complied with the provisions of the zoning ordinance and may be legally occupied.
- (97) OFFICE. An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to:  
law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operations for salespeople which does not include storage or display of merchandise.
- (98) On Site Wind Energy System. Small wind energy system designed to primarily serve the home, farm, or small business at that site.
- (99) OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building. See COURTS.
- (100) OWNER (OF PROPERTY). One identified on the legal title to land, as with proprietorship.
- (101) PADS. Structural units of various shapes and sizes, generally placed parallel with the land and used for the placement of structural supports for the location of mobile structures.
- (102) PARAPET. A structural extension above the main wall or roof.
- (103) PARKING SPACE. An off-street space of at least two hundred (200) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.
- (104) Patio. An area adjoining a dwelling unit, used for outdoor activity.
- (105) Permit. A legal form provided by a governmental unit.
- (106) Plat. A map or chart of a subdivision of land.

(107) POND. Any man - made excavated depression in the soil that is filled with water and is a minimum of 24" deep at the center and a minimum of 1000 square feet in surface area.

(108) PORCH. An area, usually covered by a roof, adjoining a dwelling unit, used for outdoor activity.

(109) PORTABLE CONSTRUCTION. The method of building which allows for the movement of a structure from place to place.

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

(111) PRIVATE STREET. A street that is not a public street as defined in this ordinance. A private street must meet the standards of the Saginaw County Road Commission, but is maintained by the property owners abutting the street.

(112) PUBLIC STREET. A public thoroughfare dedicated to and accepted maintained by the Saginaw County Road Commission and providing motor vehicles access to abutting property. A public street includes all land within the street right-of-way lines.

(113) PUBLIC UTILITY. Any person, firm, corporation, municipal department, board, or commission, duly authorized to furnish and furnishing, under federal, state, or municipal regulations to the public, gas, steam, electricity, sewage disposal, communications, transportation, or water.

(114) RECREATION, PUBLIC. Any recreational space or structure, owned by the public, whose use consists primarily of the utilization of natural physical features, structures and artificial apparatus being secondary to the primary outdoor use.

(115) REFUSE FACILITIES (CONTAINERS). The metal structures or vehicles used for the disposal of solid waste, garbage, etc.

(116) Renewable Energy Systems. Electric power produced by the means of wind, solar, or hydro.

(117) RENOVATION. The act of restoring or renewing a structure.

(118) RESIDENTIAL. Pertaining to areas where people live and reside on a regular basis.

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

(120) RIVER. A considerable natural stream of water flowing in a definite course or channel.

(121) ROAD, ROADWAY. An open way for passage or travel, maintained at public expense.

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

(123) SANITARY LANDFILL. A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.

(124) SERVICE BUSINESS. A business oriented to personal needs of persons on a daily basis. the

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

(126) SERVICE STATION. A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to the public on the premises, including the sale of minor accessories and services for automobiles.

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

(128) SHALL. Used as an auxiliary word to express a mandatory situation.

(129) SIGN. The use of any words, numerals, figures, devises, designs, or trademarks by which anything is made known, such as are used to show an individual firm, profession, or business, and are visible to the general public.

- (130) SINGLE FAMILY. The nuclear family which normally resides together in a residence.
- (131) SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.
- (132) SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.
- (133) STABLE, COMMERCIAL. A stable in which horses are kept for remuneration, hire, or sale.
- (134) STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three (3) horses are boarded.
- (135) STATE LICENSED RESIDENTIAL FACILITY. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled, or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licensed Residential Facility: a nursing home, a home for the aged, or a hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child-caring institution, a children's camp, a foster family home or group home as defined by Act 116 of 1973; a Veteran's facility as defined by Act 152 of 1885; an alcoholic or substance abuse rehabilitation center; a residential facility for person's released from or assigned to adult correctional institutions; a maternity home, a hotel, or a rooming house; or a residential facility licensed by the State to care for four (4) or fewer minors.
- (136) STORAGE. A structure or area used for the safe keeping of goods and materials.
- (137) STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

- (138) STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.
- (139) STREAM. A small, usually regular, natural flowage of water.
- (140) STREET, FUNCTIONAL CLASSIFICATION. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials for primary mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.
- (a) PRINCIPAL ARTERIAL. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
  - (b) MINOR ARTERIAL. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
  - (c) COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
  - (d) LOCAL. Serves as direct land access and access to higher systems.
- (141) STREET LINE. The legal line of demarcation between a street right-of-way line and land for service, benefit or enjoyment.
- (142) STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to some thing having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.
- (143) SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the owner thereof or his heirs, for the purpose of sale or lease.

- (144) THOROUGHFARE. A public street which acts as a means of access to lots which abut it.
- (145) TWO-FAMILY DWELLING/DUPLEX. A detached residential residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.
- (146) USE. The employment or occupation of a building structure or land for service, benefit or enjoyment.
- (147) Utility Grid Wind Energy System. System designed and built to provide electricity to the electric grid that may utilize multiple towers.
- (148) VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.
- (149) VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms, or densely planted vegetation.
- (150) WASTE DISPOSAL. Includes recycling plants, scrap metal storage, settling ponds, and also includes operations oriented toward the processing, storage, or burial of waste.
- (151) WETLANDS. Those natural areas which are wet year around or which are wet consistently during certain weather, or certain conditions.
- (152) WHOLESALE. The sale of commodities in large quantities to retailers or jobbers rather than to consumers.
- (153) YARD. An open space on the same lot with a building, unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
- (154) YARD, FRONT. A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.



- (155) Yard, Rear. An open space on the same lot with a main Building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be an alley, and the rear line of the building.
- (156) YARD, SIDE. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.
- (157) YARD, REQUIRED - HOW MEASURED. Required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.
- (158) YARD, WATERFRONT. That open, unoccupied space of a waterfront lot which is situated between the structure and the water.
- (159) YARD, WATERREAR. That open, unoccupied space of a lake - abutting lot which is between the access road and the structure.

CHAPTER 3

**General Requirements**

SECTION 301. NONCONFORMING USES.

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance; however, except as herein provided, no building, structure or use or part thereof shall be used, altered, constructed or reconstructed except in conformity with the provisions of this Ordinance, and further it is hereby declared that the existence of non-conforming uses is contrary to the best interests of the Township and further, it is hereby declared to be the policy of the Township Board as expressed in this Ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

- (1) ELIMINATION OF NON CONFORMING USES.
  - (a) In accordance with applicable state and local permissive legislation, the legislative body, through its agents may acquire properties on which nonconforming buildings or uses are located by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.
  - (b) When ever a nonconforming use has been discontinued for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provision of this Ordinance.
- (2) NONCONFORMING USES OF LAND. The nonconforming uses of land existing at the effective date of this Ordinance where no building is located may be continued, PROVIDED dimensional requirements are complied with, and further, PROVIDED that no building are to be constructed after the effective date of this Ordinance, except that will conform to district requirements within which use is located, and further, PROVIDED all other pertinent requirements of Section 301 are complied with.
- (3) NONCONFORMING SIGNS. Signs existing at the time of enactment of this Ordinance and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Nonconforming signs which are structurally altered, relocated, or replaced, shall comply immediately with the provisions of this code.

- (4) RECONSTRUCTION AND RESTORATION. Any lawful nonconforming use Damaged by fire, explosion, an act of God, or by other causes May be restored, rebuilt, or repaired, PROVIDED that such restoration does not exceed its State Equalized assessed value as determined by the assessing officer, exclusive of foundations. Provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
- (5) REPAIR OF NONCONFORMING BUILDINGS. Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
- (6) CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed to a nonconforming or less conforming use.
- (7) PRIOR CONSTRUCTION APPROVAL. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.
- (8) DISTRICT CHANGES. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

SECTION 302. SUPPLEMENTARY USE REGULATIONS.

- (1) 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 of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.
- (2) MINIMUM LOT FRONTAGE. The front lot lines of all lots shall abut a public or private street and shall have a contiguous permanent frontage at the front lot line for the required width.

- (3) ACCESS TO A STREET. Any lot of record created after the effective date of this Ordinance shall have access to a public street, except as may be approved as a planned unit development or approved plat in accordance with the provisions of this Ordinance or the Plat Act of 1967.
- (4) REAR DWELLING PROHIBITED. No building in the rear of or on the same lot with a principal building shall be used for residential purposes except for the elderly or disabled members of the immediate family, PROVIDED that all requirements of this ordinance are satisfied. Reference Chapter 16 - Special Use Permit Requirement, Section 1610(20).
- (5) USE OF STRUCTURE FOR TEMPORARY DWELLING. No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance and the Township Building Code. No temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for dwelling purposes for any length of time unless authorized by the Zoning Board by the issuance of a temporary permit as provided for by this Ordinance.
- (6) REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES. After The effective date of this Ordinance, no structure shall be erected, altered, or moved upon a lot premise and used in whole or in part for a dwelling. Business, industrial or recreational purpose unless it shall be provided with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with the minimum requirements of the Saginaw County Health Department and applicable State requirements.
  - (a) In areas of the Township where public water lines have been extended, all new structures shall be required to hook up with the public water system within ninety (90) days.
  - (b) When public sewer is available or becomes available in a street, connection to the public sewer system shall be made within ninety (90) days.
- (7) SPACE USED ONCE. Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structures.
- (8) USE EXCEPTIONS. Nothing in this Ordinance shall be construed to Prohibit the following accessory or incidental uses:
  - (a) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
  - (b) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.

- (c) Essential services as defined in Chapter 2, Section 202. See Service-Essential.
  - (d) Garden, garden ornaments and usual landscape features Within required yard spaces.
  - (e) Fences within required yard space provided the standards cited In Chapter 9, Section 904 are met.
  - (f) Retaining walls and public playgrounds.
  - (g) Off-street parking for motor vehicles as specified in Chapter 4.
  - (h) Home Occupations as specified in R District regulations and Chapter 2, Section 202.
  - (i) Use of premises as a voting place in connection with local, state, or national elections.
- (9) MINIMUM PARCEL SIZE FOR LARGE FARM ANIMALS CONTAINMENT.  
Any property that is five (5) acres in area may have one (1) large animal contained on it. Any Additional large animal will require one (1) additional acre per large farm animal.

The keeping of livestock weighing less than five hundred (500) pounds, such as llamas, alpacas, swine, sheep, goats and miniature horses shall be two (2) animals on a minimum of five (5) acres provided that such animals are adequately housed and fenced. Two small animals shall be allowed for each additional acre.

A combination of one (1) large or two(2) small animals will be allowed for each acre.

SECTION 303. SUPPLEMENTARY DWELLING REGULATIONS.

All dwellings must satisfy standards designed to assure that the dwelling will compare favorably with other housing existing in the Township. To insure that all dwellings will compare favorably with other dwellings, all dwellings containing not more than one dwelling unit designed for residential use must comply with the following standards:

- (1) It complies with the minimum square footage and all other dimensional requirements of this ordinance for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of sixteen (16) feet and complies in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Township Building Code, such federal or state standard or regulation shall apply.
- (3) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department. If public water or sanitary sewerage disposal facilities are available to said premise, said dwelling shall be connected thereto.

- (4) The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- (5) It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the swelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premise by an anchoring system or device approved by the Township Building Code and complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall or skirting as required above.
- (6) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis. Mobile homes located outside of a mobile home park must have a pitch of no less than 1:3. The eaves of the roof must project no less than six (6) inches beyond the wall.
- (7) The dwelling shall have at least two (2) exterior doors with the second one being in either the rear or side of the dwelling; and shall contain steps connected to said door areas where a difference in elevation requires the same.
- (8) The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to an Appeals Board. The membership of the Appeals Board shall be the same membership as the Zoning Board of Appeals under the Township Zoning Ordinance. The appeal, if taken, must be taken within fifteen (15) days from the receipt of notice of Township Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent 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 through 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 design home.
- (9) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. In addition, no roof shall be constructed over an existing roof.

- (10) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow loads and strength requirements.
- (11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.
- (12) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

SECTION 304. SUPPLEMENTARY YARD REGULATIONS.

(1) PERMITTED YARD ENCROACHMENTS

- (a) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, PROVIDED:
  - (1) The paved area is unroofed and without walls or other forms of solid continuous enclosure that links the paved area to the principal building.
  - (2) The highest finished elevation of the paved area is not over (3) feet above the average surrounding finished grade area. No portion of any paved area is closer than five (5) feet to any lot line or projects into any front yard setback area.
  - (3) Such paved areas may have non-continuous wind breaks or walls not over six and one half (6 ½) feet high and not enclosing more than one half (1/2) the perimeter of the paved area.
- (b) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area, PROVIDED:
  - (1) The porch is unenclosed and no higher than one (1) story and is erected on supporting pier. The porch shall not be closer than fifteen (15) feet to any side or rear lot line.
- (c) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- (d) Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one-half (2 ½) feet.

- (e) Fire escapes, outside stairways, and balconies, if of open construction, may project into yard areas up to a maximum of five (5) feet.
- (f) Signs may encroach into yard areas but no sign, or portion thereof, shall be closer to any lot line or street right-of-way than ten (10) feet.

(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 street width shall meet County Road Commission requirements.

(3) CONFORMANCE TO ESTABLISHED SETBACKS.

- (a) Required front yard setbacks shall conform to existing Setbacks as established by existing uses in any district.

SECTION 305. SUPPLEMENTARY HEIGHT REGULATIONS.

(1) PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES:

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (a) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental elements do not exceed twenty (20) percent of the gross roof area.
- (b) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouse, ventilators, radio or television towers, aerials and fire and base towers, PROVIDED the total height of the structure or the building and appurtenance be one hundred seventy-five (175) feet or less from the ground. The occupancy or dwelling.

(2) PERMITTED EXCEPTIONS, AGRICULTURAL DISTRICTS.

- (a) No exceptions are permitted for residential structures.
- (b) Structures for agricultural operations are permitted up to eighty-five (85) feet.
- (c) Other nonresidential permitted structures may be erected to a height in excess of that specified provided each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district requirement.

(3) PERMITTED EXCEPTIONS, RESIDENTIAL DISTRICTS.

- (a) No exceptions are permitted for residential structures.



- (b) Principal hospital and church structures may be permitted to exceed height limitations with a maximum height limit of seventy-five (75) feet provide each front, side and rear yard requirement is increased by one (1) foot for each one (1) foot of additional height above the district requirement.
- (4) PERMITTED EXCEPTIONS, BUSINESS DISTRICTS.
  - (a) In any business district, any principal building may be erected to a height in excess of that specified for the district. PROVIDED each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
- (5) HEIGHT RESTRICTIONS. Height limitations shall under no circumstances be less restrictive than those specified by the Tri-City Area Joint Airport Zoning Ordinance.

SECTION 306. DISTRICT BOUNDRY EXCEPTIONS.

When a district boundary line, as established by this Ordinance is adopted or subsequently amended and divides a lot (with single ownership), the use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

- (1) That one-half (1/2) or more of the area of said lot shall be in the less restrictive district.
- (2) That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

SECTION 307. APPROVAL OF PLATS.

No proposed plat of a new or redesigned subdivision shall hereafter be Approved by either the local governing body or its agents unless the lots within the equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

SECTION 308. ZONING OF PLATS.

All plats shall be subject to the use provisions of the district within which they are located. Any zoning district changes which may be necessary to accommodate a proposed plat use or uses shall be made according to amendment procedure prescribed by this Ordinance.

SECTION 309. ISSUANCE OF "BUILDING PERMIT" OR "CERTIFICATE OF OCCUPANCY" PER APPROVED SITE PLAN.

Uses allowed within all districts, except uses allowed by "right" in "A" or "R-!A" districts must have a site plan approved by the Building Inspector in accordance with established statutory standards and requirements, and the issuance of a "Building Permit" or "Certificate of Occupancy" shall be only for uses as specified per the approved site plan on file.

Site plans submitted for approval shall be in accord with the requirements of Section 1602 (2). In authorizing any site plan, the Building Inspector may require that a bond of ample sum be furnished To insure compliance with requirements and/or specifications imposed by the approved site plan.

CHAPTER 4

General Off-Street Parking and Loading

SECTION 401. SUPPLEMENTARY OFF-STREET PARKING REGULATIONS.

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

(2) TABLE OF OFF-STREET PARKING REQUIREMENTS.

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

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

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





- (d) REDUCTIONS FOR FURTHER PUBLIC BENEFITS. In any Commercial or Industrial Zoning District, uses on parcels fronting on County Primary Roads or State Highways, and meeting any three (3) of the following conditions, may reduce the number of parking spaces required by ten percent (10%) in addition to reductions allowed by other provisions of this section.
  - (1) The parcel has no driveway openings onto the major road.
  - (2) No freestanding signs are located in the required front yard setback area for the building.
  - (3) The principal building is set back at least one hundred (100) feet from the major road right of way.
  - (4) A portion of the parcel equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
  - (5) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier-free non-motorized travel.
- (3) ADDITIONS. Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.
  - (a) USES NOT LISTED. Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the Zoning Administrator.
  - (b) EXCLUSIVE USE FOR PARKING. It shall be unlawful to use any off-street parking areas required by this Ordinance for any purpose other than the parking of licensed vehicles.
- (4) SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS
  - (a) HANDICAPPED SPACES. Any off-street parking area larger than twenty five (25) spaces must include one handicapped parking space, meeting the size requirements outlined below, for each one hundred (100) spaces in the parking area, or fraction thereof. Such spaces shall be located as close as possible to the principal barrier-free entrance to the building and clearly signed for use only by handicapped persons. Curb cuts, ramps, or other necessary devices shall be provided to overcome all barriers to access between these parking spaces and the building entrance.

- (b) DRAINAGE. Storm water collection, drainage and retention structures meeting all requirements of the Saginaw County Road Commission and the Saginaw County Drain Commissioner shall be installed for all off-street parking areas.
  - (c) HARD SURFACE. Where the TABLE OF OFF-STREET PARKING REQUIREMENTS requires off-street parking areas to be hard-surfaced, they shall comply with either of the following.
    - (1) Six (6) inches of concrete; or,
    - (2) Two (2) inches of asphalt surface laid over a six (6) inch base of compacted crushed stone.
- (5) SIZE OF SPACES.
- (a) STANDARD. Parking spaces constructed to meet the requirements of this Ordinance shall be nine (9) feet wide by twenty (20) feet long.
  - (b) HANDICAPPED. Spaces designated for use by handicapped persons shall be twelve (12) feet wide by twenty (20) feet long.
  - (c) OTHER. Parking spaces for certain vehicles, such as large trucks or cars with boat trailers, must conform to dimensions as noted in the TABLE OF OFF-STREET PARKING REQUIREMENTS.
- (6) DRIVEWAYS AND AISLES. Adequate ingress and egress to the parking areas shall be provided by means of clearly marked and limited driveways and aisles. Driveways and aisles for any off-street parking area built to accommodate over twenty (20) vehicles shall comply with the following requirements.
- (a) AISLE WIDTH. Aisles in off-street parking areas shall be at least twenty (20) feet wide.

- (b) DRIVEWAY CONFIGURATION. Each driveway shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety (90) degree angle.
  - (c) DRIVEWAY SPACING. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line or within fifty (50) feet of a street intersection.
  - (d) DECELERATION LANE. Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveways opening onto said thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.
- (7) LIGHTING. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable Zoning District and shall be so arranged that light is not directed at adjacent properties or public thoroughfares.
- (8) SETBACKS. Parking and loading areas shall conform to a twenty (20) foot front yard setback from any street and to side yard setback requirements for accessory buildings. Further, off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.
- (9) SCREENING FOR RESIDENTIAL AREAS. Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five feet high and may include a berm.

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

SECTION 402. SUPPLEMENTARY OFF-STREET LOADING REGULATIONS.

- (1) INTENT. This Section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and also to minimize traffic interference caused by trucks parked for loading or unloading.
- (2) DIMENSIONS OF LOADING SPACES. Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, it must have at least fifteen (15) feet of vertical clearance. Where it is expected that semi-trucks will be making deliveries on a daily basis, or that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.
- (3) HARD SURFACE. Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
- (4) LOCATION OF LOADING SPACES. Loading spaces must be located within or immediately adjacent to the building to be served and so arranged that queuing or maneuvering of trucks using the space does not take place on a public street.
- (5) SPACES REQUIRED PER PARCEL. It is presumed that structures which will generate truck traffic will be provided with enough loading area to efficiently serve the building. However, to insure long range usefulness of structures, the following provisions are required.
- (a) MULTI-FAMILY RESIDENTIAL. In buildings where the principal entrances to dwelling units are from a common hallway, one off-street loading space shall be provided for each one hundred (100) dwelling units. Said loading space shall have barrier free access to the ground level common hallway and to an elevator, if one is present.
- (b) RETAIL. Buildings used for retail sales or eating and drinking establishments shall include one off-street loading space for every six thousand (6000) square feet of public area, or fraction thereof.



- (c) OFFICE. Each office building taller than two stories shall include one off-street loading space.
  - (d) WHOLESALE OR WAREHOUSE. Each building for such uses shall have at least one (1) off-street loading space for every fifty thousand (50,000) square feet, or fraction thereof.
  - (e) INDUSTRIAL. Each industrial building shall have one (1) off-street loading space for every twenty thousand (20,000) square feet or fraction thereof.
- (6) SOLID WASTE COLLECTION FACILITIES. The following rules are intended to prevent unhealthful or unsightly conditions regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.
- (a) ENCLOSURE. Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence or masonry wall at least as high as the container. The fourth side of said enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
  - (b) PAVING. Said enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.
  - (c) SITING. Said enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Said enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

## CHAPTER 5

### Sign Regulations by District

#### SECTION 501. INTENT AND PURPOSE

The sign regulations as herein set forth are intended to control the size, location, character, and other pertinent features of all exterior signs within the township. The purpose of this section is to regulate all exterior signs so as to promote and protect the health, safety, and public welfare of the township.

#### SECTION 502. DEFINITIONS

- (1) 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".
- (2) 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.
- (3) 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.
- (4) Electronic Message Board. A sign with changeable copy in which the copy consists of an array of lights activated and deactivated with a frequency of message change of not less than twenty (20) seconds. Signs that only display the time and temperature may change messages with frequency of no less than five (5) seconds.
- (5) Flashing Signs. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- (6) Free Standing 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. Free standing signs are commonly referred to as "pull" signs. Free standing signs include billboards.
- (7) Ground Signs. A free standing sign of limited height firmly attached to the ground through its base or supported by one or more uprights or braces which are typically less than three (3) 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.

- (8) 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.
- (9) Monument Sign. A type of free standing sign where the base of the sign is directly on the ground or integrated into landscaping or other solid structural instead of support poles.
- (10) Political Sign. Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- (11) Portable Sign. Any sign constructed so as to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs include: "trailer" signs.
- (12) Real Estate Sign. A sign advertising that the premises in which the sign is located is for sale, lease, or rent.
- (13) Sign area. The area of the 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 the 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 word, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- (14) 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.

#### SECTION 503. REQUIRED PERMITS

A sign permit is only required for the placement of signs in the "B" Community Wide Commercial District. Permit fees shall be based on a cost per foot basis as determined by resolution of the Township Board.

SECTION 504. GENERAL SIGN REQUIREMENTS

1. Signs shall pertain to the sale, rental, or use of the premises on which the sign is located or to the goods sold or activities conducted on the premises.
2. Illuminated signs shall not be of the flashing, moving, or intermittent type. Illumination of signs shall be directed or shaded downwards so as not to interfere with the vision of persons on the adjacent highway or adjacent property owners.
3. Signs advertising developments or subdivisions shall be located on the property to which they apply in accordance with a permit issued by the zoning administrator, not to exceed two (2) years, subject to renewal upon application.
4. All directional signs required for the purpose of orientation, when established by the local, county, state, or federal government, shall be permitted in all use districts.
5. No signs shall be located on any street corner where they would obscure the vision of drivers using said street, or conflict with traffic control signals at the intersection of such streets.

SECTION 505. SIZE AND PLACEMENT RESTRICTIONS OUT BY DISTRICT

1. "R" Rural residential District
  - (a) Home Occupation. A qualified home occupation pursuant to Section 202(67) may have one ground sign per dwelling/property with a maximum size of four (4) square feet.
  - (b) Accessory Occupation. A qualified accessory occupation pursuant to Section 202 (1) may have one ground sign per dwelling/property with a maximum size of four (4) square feet.

- (c) Uses by right or by special permit. Other signs for uses by right or uses by special permit as found in Section 1601 such as churches, cemeteries, golf courses, hunting clubs, campgrounds, and produce growers, may have one on-ground sign, one building wall sign, and one off-premise ground sign with each sign having a maximum size of ten (10) square feet. The off-premise sign shall not be within sight of the on-premise sign (one half mile to one mile apart). The installation of an off-premise sign shall require the written permission of the zoning administrator. The off-premise sign shall not be placed in the right of way or attached to another sign, tree, fence, or utility pole. The off-premise sign shall only apply to a property within the Township.
  
  - (d) Ground signs shall have a maximum distance of three feet from the bottom of the sign to the ground.
  
  - (e) No ground or wall sign shall be illuminated, flashing, or have moving parts.
- (2) "A" Agricultural and Woodlot District.
- (a) Home Occupation. A qualified home occupation pursuant to Section 202 (67) may have one ground sign per dwelling / property with a maximum size of four(4) square feet.
  
  - (b) Accessory Occupation. A qualified accessory occupation pursuant to Section 202 (1) may have one ground sign per dwelling / property with a maximum size of four(4) square feet.
  
  - (c) Uses by Right or by Special Permit. Other signs for uses by right or uses by special permit pursuant to Section 1601, such as riding stables, cattle raising, greenhouses, shall be allowed one on-premise ground sign, one wall sign on the building, and one off-premise ground sign with each sign having a maximum size of ten (10) square feet. The off-premise sign shall not be within sight of the on-premise (one half mile to one mile apart). The installation of an off-premise sign shall require the written permission of the zoning administrator. The off-premise sign shall not be placed in the right of way or attached to another sign, tree, fence, or utility pole. The off-premise sign shall only apply to a property within the Township.
  
  - (d) Ground signs shall have a maximum distance of three feet from the bottom of the sign to the ground.
  
  - (e) No ground or wall sign shall be illuminated, flashing, or have moving parts.

(3) "B" COMMUNITY WIDE Commercial District.

- (a) A sign advertising a business shall not exceed one hundred (100) square feet.
- (b) Only one (1) sign shall be permitted for each business occupying a building on the premises.
- (c) No sign shall project more than one (1) foot from the building and shall not project above or beyond the highest point of the roof or parapet.
- (d) Free standing advertising signs or pylons shall not be over twenty(20) feet in height.
- (e) All signs must comply with the dimensional requirements of the business zone.

SECTION 506. TEMPORARY SIGNS

- 1. Signs used for advertising land or buildings for sale, lease, or rent.
- 2. Seasonal signs placed on the premises for no longer than three (3) months.
- 3. Signs for parties or reunions placed on the premises for no longer than seven (7) days per year.
- 4. Garage or yard sale sign placed on the premises during the term of the sale not to exceed 4 consecutive calendar days (Section 906 (2) (a)).
- 5. Construction sign placed on the premises for the duration of the project not to exceed one year.
- 6. Political signs, including candidate or ballot proposals placed on the premises thirty (30) days prior to an election and fourteen (14) days post-election.

SECTION 507. EXEMPT SIGNS

- 1. All directional signs required for the purpose of orientation when established by the local, county, state, or federal governments.
- 2. Signs designating pipelines and other utilities.
- 3. Township government signs.
- 4. Historical site signs determined by the state historical society.
- 5. No hunting / no trespassing signs.

SECTION 508. PROHIBITED SIGNS

1. Signs with moving parts.
2. Murals.
3. Roof signs.
4. Window signs.
5. Billboards.
6. Vehicle signs.
7. Monuments signs.
8. Balloon signs.
9. String of lights, pennants, streamers, and banners.

SECTION 509. NON - CONFORMING SIGNS

1. A non-conforming sign or sign structure existing and in place as of the date of the enactment of this chapter may continue to have the copy or message on the sign changed and may have normal maintenance performed (such as nails, screws, paint, soap, and water). However, a non-conforming sign existing on the day of the 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 reestablished after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer, or
  - (d) Be reestablished after damage by any means if the zoning administrator determines that the established cost of reconstruction exceeds fifty percent (50%) of the replacement costs.

SECTION 510. INSPECTION, REMOVAL, AND SAFETY

1. Inspection. Signs may be inspected periodically by the zoning administrator to assure compliance with this chapter and the other ordinances of the Township.
2. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean, and attractive condition.

3. Removal of Sign. The zoning administrator may order the removal of any sign erected or maintained in violation of this chapter. Such order shall be made in writing, delivered personally or by ordinary mail, and shall allow the person receiving the order thirty (30) days to remove the sign or to bring it into compliance. Such order shall be directed to the owner of such sign, or to the owner, possessor, or manager of the building, structure or premises on which such sign is located. The zoning administrator may remove a sign immediately and without notice, at the cost to the owner or lessee, if it is the zoning administrator's opinion that the condition of the sign presents an immediate threat to the safety of the public.
  
4. Abandoned Signs. The sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within one hundred eighty (180) days of the termination of business, the zoning administrator, or a duly authorized representative of the Township, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this chapter, this removal requirement shall not apply.
  
5. Traffic Safety. No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the zoning administrator may remove such sign to protect traffic. The owner of the property, or a business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given an opportunity to alter or replace such sign within twenty-four (24) hours to make it comply with this chapter.



**PART TWO**

**Land Use Districts**

CHAPTER 6

Districts

SECTION 601. DIVISION OF THE TOWNSHIP.

For the purposes of this ordinance the Township, excepting streets and alleys, is divided into the following Zone Districts:

- A Agricultural And Woodlot
- R Rural Residential
- B Communitywide Commercial

SECTION 602. OFFICIAL ZONING MAP.

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

SECTION 603. INTERPRETATION OF BOUNDARIES.

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

- (1) Boundaries indicated as approximately following streets or highways or the center line of said roadways shall be construed as following said lines;
- (2) Boundaries indicated as approximately following Township boundary lines or following lot lines shall be construed as following said lines;
- (3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated by given distance or scaled dimension.

SECTION 604. SCOPE OF REGULATIONS.

No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the district in which it is located.

The regulations applying to such districts include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

The Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations of any district.



**Lakefield Township Zoning Ordinance  
Table of Dimensions**

| Zoning District   | Parcel Dimensions |                    | Front Yard Setback | Back Yard Setback  | Side Yards         |                     | Corner Lot Yards              |                              | Dwelling Unit Area                        | Building Height              |                 | Building to Parcel   |
|---|-------------------|--------------------|--------------------|--------------------|--------------------|---------------------|-------------------------------|------------------------------|---|------------------------------|-----------------|----------------------|
|   | Minimum Area      | Minimum Width (ft) | Minimum Depth (ft) | Minimum Depth (ft) | Minimum Total (ft) | Minimum 1 side (ft) | Side Street Yard Minimum (ft) | Remaining Sides Minimum (ft) | Minimum Area Total/Ground Floor (sq. ft.) | Maximum Sidewall Height (ft) | Maximum Stories | Maximum Coverage (%) |
| <b>A Agricultural and Woodland</b>                                    | 43560             | 165                | 40                 | 40                 | 35                 | 15                  | 25                            | 15                           | 960                                       | 35                           | 1               | None                 |
| Accessory Structure Requirements if different from principal dwelling |                   |                    |                    | 10                 | 20                 | 8                   | 25                            | 8                            |   | 20                           | 1               |                      |
| Stables or Building housing farm animals                              |                   |                    | 100 (b)            | 50                 | 100                | 50                  |                               |                              |   |                              |                 |                      |
| Silo Structure Requirements   |                   |                    |                    |                    |                    |                     |                               |                              |   | 85                           |                 |                      |
| <b>R Rural Residential</b>  | 43560             | 165                | 40                 | 40                 | 35                 | 15                  | 25                            | 15                           | 960                                       | 35                           | 1               | 25%                  |
| Accessory Structure Requirements if different from principal dwelling |                   |                    |                    | 10                 | 20                 | 8 (a)               | 25                            | 8 (a)                        |   | 20                           | 1               |                      |
| Stables or Building housing farm animals                              |                   |                    | 100 (b)            | 50                 | 100                | 50                  |                               |                              |   |                              |                 |                      |
| Silo Structure Requirements   |                   |                    |                    |                    |                    |                     |                               |                              |   | 85                           |                 |                      |
| <b>B Communitywide Commercial</b>                                     | 12500             | 100                | 25                 | 20                 | 20                 | 10                  | 25                            | 10                           | None Required                             | 40                           | 1               | None                 |
| Accessory Structure Requirements if different from principal dwelling |                   |                    |                    | 20                 | 20                 | 10                  |                               |                              |   | 15                           | 1               |                      |

(a) If more than 10 feet from the principal structure

(b) Stables and buildings housing farm animals shall not be closer than one hundred (100) feet from the public right of way.

**LAKEFIELD TOWNSHIP TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS**

| Agricultural and Woodlot District - A  |   | Only Activities Specially Listed Within The District Will Be Permitted Therein     |   |   |   |               |   |   |  |
|--|---|--|---|---|---|---------------|---|---|--|
| Uses By Right  | Uses By Special Permit  | Residence  | Uses By Special Permit  | Business  | Uses By Special Permit  | Industry      |   | Other Uses  |  |
|  |   | Uses By Right  |   | Uses By Right   |   | Uses By Right | Uses By Special Permit                  | Uses By Right   | Uses By Special Permit   |
| Forestry;<br>Sod Farming;<br>Orchards;<br>Vineyards;<br>Truck Farming;<br>Horticulture;<br>Aviaries;<br>Hatcheries;<br>Apiaries;<br>Nurseries;<br>Greenhouses;<br>Customary accessory uses and structures;<br>Ponds;<br>Raising/keeping small and large farm animals ;<br>Outdoor wood burning system; | Production of fur bearing animals; animals; Grain & seed elevators;<br>Wholesale agri. product storage; Riding stables; Livestock auction yards; Accessory occupations;<br>Ponds; High-impact livestock or poultry raising; | Single family homes; Home occupations;<br>Customary accessory uses and structures; | Seasonal labor housing;<br>Multi family homes including conversions<br>single family structures | Roadside stands for sale of produce grown by owner;<br>Customary accessory uses | Greenhouses;<br>Nurseries;<br>Veterinary hospitals;<br>Kennels;<br>Oil and gas wells and/or pipelines | None          | Sand, clay and gravel pits;<br>Quarries | Public utility transformer stations, buildings;<br>Game areas;<br>Nature preserves;<br>Hunting and fishing area;<br>Cemeteries;<br>Customary accessory uses | Landing strips;<br>Landfills;<br>Incinerators;<br>Public service installations;<br>Religious, social, educational, handicapped and substance abuse institutions;<br>Correctional institutions;<br>Radio, TV broad cast or relay towers; Parks and recreational facilities; Public buildings; Private recreational uses;<br>Domestic & Industrial Grid wind energy systems; Anemometer Towers |

\* Raising and keeping large and small animals and livestock

a) No storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of an adjoining lot and one hundred fifty (150) feet from an adjoining residence.

b) The manure must be handled in accordance to the Michigan Department of Agriculture Generally Accepted Agriculture Management Practices (GAAMPs)

c) Stables and buildings housing farm animals shall not be closer than fifty (50) feet to an adjoining lot line and one hundred fifty (150) to an adjoining residence.

d) Stables and buildings housing farm animals shall not be closer than one hundred (100) feet from the public right of way.

e) Customary farm animals- except swine, poultry, rabbits, and dogs other than household pets - may be kept on a non-commercial basis when adequately housed and fenced on a parcel of land not less than five (5) acres.

**LAKEFIELD TOWNSHIP TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS**

| Rural Residential - R                    |   | Only Activities Specifically Listed Within the District Will Be Permitted Therein |   |  |  |               |                        |  |  |
|--|---|---|---|--|--|---------------|------------------------|--|--|
|  |   | Residence   |   | Business   |  | Industry      |                        | Other Uses   |  |
| Uses By Right                            | Uses By Special Permit  | Uses By Right   | Uses By Special Permit  | Uses By Right  | Uses By Special Permit   | Uses By Right | Uses By Special Permit | Uses By Right  | Uses By Special Permit   |
| Uses permitted by right in district (A); | Uses permitted by right in district (A);<br>RV parks;<br>Non-residential structures accessory to permitted uses | Uses permitted by right in district (A);  | Uses permitted by right in district (A);<br>Mobile home parks;<br>Residential structures with up to four units; | Uses permitted by right in district (A);<br>Home occupations;<br>Day nurseries | Uses permitted by right in district (A);<br>Drive-in theaters;<br>Driving ranges;<br>Golf courses;<br>Riding stables;<br>Country clubs | None          | None                   | Uses permitted by right in district (A);<br>Group care facilities housing no more than six (6) persons | Sewage treatment and disposal;<br>Race tracks;<br>Shooting range;<br>Miniature golf;<br>Public or private meeting halls;<br>Court or field sports;<br>Educational, social and human care institutions;<br>Golf courses country clubs;<br>Private recreational uses;<br>Special open space uses;<br>Domestic & Industrial<br>Grid wind energy systems;<br>Anemometer Towers |

\* Raising and keeping large and small animals and livestock

- a) No storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of an adjoining lot and one hundred fifty (150) feet from an adjoining residence.
- b) The manure must be handled in accordance to the Michigan Department of Agriculture Generally Accepted Agriculture Management Practices (GAAMPs)
- c) Stables and buildings housing farm animals shall not be closer than fifty (50) feet to an adjoining lot line and one hundred fifty (150) to an adjoining residence.
- d) Stables and buildings housing farm animals shall not be closer than one hundred (100) feet from the public right of way.
- e) Customary farm animals- except swine, poultry, rabbits, and dogs other than household pets - may be kept on a non-commercial basis when adequately housed and fenced on a parcel of land not less than five (5) acres

**LAKEFIELD TOWNSHIP TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS**

| <b>Community Wide - Commercial - B</b> |                        | <b>Only Activities Specially Listed Within The District Will Permitted Therein</b> |                        |   |   |               |  |   |   |
|--|------------------------|--|------------------------|---|---|---------------|--|---|---|
|  |                        | Residence  |                        | Business  |   | Industry      |  | Other Uses  |   |
| Uses By Right                          | Uses By Special Permit | Uses By Right  | Uses By Special Permit | Uses By Right   | Uses By Special Permit  | Uses By Right | Uses By Special Permit   | Uses By Right   | Uses By Special Permit  |
| None                                   | None                   | None   | None                   | Retail food and other retail businesses;<br>Office and professional services;<br>Personal service;<br>Comm. Schools;<br>Hotels and motels;<br>Institutional uses;<br>Funeral homes;<br>Customary accessory uses | Auto service stations;<br>Temporary outdoor uses;<br>Restaurants, clubs/drinking establishments;<br>Drive-in theaters;<br>Bump shops and mechanical repair shops;<br>Indoor and Outdoor show-rooms or sales space;<br>RV parks;<br>Contracting offices;<br>Junk yards;<br>Wholesale business;<br>Adult uses | None          | Production, processing, assembling, packaging, treatment or storage of products;<br>Warehouses and storage buildings | Institutions of human care;<br>Customary accessory uses | Day nurseries;<br>Religious, social and educational institutions;<br>Laboratories;<br>Domestic & Industrial Grid wind energy systems; Anemometer Towers |

\* Raising and keeping large and small animals and livestock

- a) No storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of an adjoining lot and one hundred fifty (150) feet from an adjoining residence.
- b) The manure must be handled in accordance to the Michigan Department of Agriculture Generally Accepted Agriculture Management Practices (GAAMPs)
- c) Stables and buildings housing farm animals shall not be closer than fifty (50) feet to an adjoining lot line and one hundred fifty (150) to an adjoining residence.
- d) Stables and buildings housing farm animals shall not be closer than one hundred (100) feet from the public right of way.
- e) Customary farm animals- except swine, poultry, rabbits, and dogs other than household pets - may be kept on a non-commercial basis when adequately housed and fenced on a parcel of land not less than five (5) acres.

# Wind Energy Conversion Systems

TOWNSHIP OF LAKEFIELD  
COUNTY OF SAGINAW, STATE OF MICHIGAN  
TOWNSHIP ORDINANCE NO. \_\_\_\_\_

## **ORDINANCE TO AMEND THE LAKEFIELD TOWNSHIP ZONING ORDINANCE**

AN ORDINANCE AMENDING THE LAKEFIELD TOWNSHIP ZONING ORDINANCE  
IN ORDER TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF WIND  
ENERGY CONVERSION SYSTEMS WITHIN THE TOWNSHIP

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF LAKEFIELD, SAGINAW  
COUNTY, MICHIGAN:

### **Sec. 1. – ORDINANCE AMENDMENT**

The Lakefield Township Zoning Ordinance shall be amended to add Section 701 to the Ordinance as follows:

#### **Section 701 WIND ENERGY CONVERSION SYSTEMS**

##### **(a) – Intent and Purpose.**

The purpose of this ordinance is to establish regulations for wind energy systems with the intention to strike an appropriate balance for the need for clean, renewable energy resources and the necessity to protect the health, safety, and welfare of the general public. This ordinance shall set standards for both large scale wind commercial energy facilities and small wind energy systems designed to serve the needs of home, small business, or farm. In addition, an “overlay zoning” technique is incorporated into this ordinance to regulate the development of wind energy resources in the Agricultural District as well as to preserve large tracts of land within the district for future agricultural use.

##### **(b) – Definitions as applied to this section:**

**Avian Analysis** – for the purposes of this ordinance an avian study means a study of the nesting and migration patterns of birds and flyways which may affect the location of a wind energy facility.

**County** – shall mean the County of Saginaw.



**Decommissioning** – shall mean the termination of use of a wind energy facility or portion of a facility where the owner provides notice to the Township that the facility or individual wind turbine(s) are no longer used to produce electricity. Such decommissioning shall occur no less than thirty (30) days per wind turbine and not to exceed three (3) years total.

**FAA** – shall mean the Federal Aviation Administration.

**Hub Height** – shall mean, when referring to a wind turbine, the distance measured from the ground level to the center of the turbine hub.

**Inhabited Structure** – shall mean a permanent building existing prior to the installation of a wind energy conversion facility, which is used for human or animal habitation.

**Kilowatt** – a unit of electricity equal to 1,000 watts.

**Large Wind Energy Conversion Facility (WECT) of Wind Energy Facility** – shall mean any electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET Towers, cables and wires and other buildings accessory to such facility. A single turbine may be referred to as a large-scale wind energy system.

**Total Height** – shall include the height of the tower including the rotor radius measured at the top of its blade in the vertical position.

**Township** – means the Township of Lakefield.

**Waiver Agreement** – means a signed statement between the owner of a Wind Energy Facility and a Non-Participating Property owner releasing rights of this ordinance relating to setbacks from internal property lines.

**Wind Energy Facility Site Permit** – is a permit issued upon compliance with the standards of this ordinance.

**Wind Energy Facility Site Plan Review** – is the process used to review a proposed wind energy facility.

**Wind Turbine** – shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the

turbine, blade, tower and base and pad transformer, if any. A wind turbine, by definition, shall include a Horizontal Axis Wind Turbine (HAWT) and/or a Vertical Axis Wind Turbine (VAWT).

**Wind Energy Overlay District** – means a district created by the Lakefield Township Board, upon receiving a recommendation of the Planning Commission, by identifying specific areas within the Agricultural District best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

**(c) – Principal or Accessory Uses**

A large scale wind energy facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

A small scale on-site wind energy system shall be considered an accessory use for all systems designed to serve the needs of the individual owner. Small scale on-site wind energy systems shall not be considered an expansion of a nonconforming use or structure.

**(d) – Applicability**

A. Large-Scale Wind Energy Facility: a combination of more than one wind energy system under common ownership whose main purpose is to supply the needs of off-site customers shall be permitted in Agricultural Districts with a Wind Energy District Overlay classification, as a special use approval. A large scale wind turbine is generally limited to 400 feet (121.95 meters) in total height, but the Township Planning Commission may waive the height limitation where adjustment of the total height is in the interest of the Township and the Applicant.

B. Small-Scale Wind Turbine System: a single or combination of not more than two (2) wind turbine generators sized to serve the needs of the on-site consumer for a home, farm, or small business shall be a permitted use in all districts where the parcel size is one (1) acre or larger, and shall not be considered a special use where the wind turbine is 10kW or less of rated capacity and the wind turbine is seventy five (75') feet (22.865 meters) or less in total height. Such approvals may be administratively given subject to meeting the requirements of this ordinance. Where a wind turbine is greater than 10kW of rated capacity and/or greater than seventy five (75') feet (22.865 meters) in

total height, the wind turbine shall be considered a special use approval. An on-site wind energy system with a total height of over 150 Feet (45.73 meters) shall be considered a large scale wind energy system for siting purposes.

**(e) Wind Energy Facilities Overlay District**

A Wind Energy Facility Overlay District shall be created only within the Agricultural Zoning Districts. A "Wind Energy Overlay District" classification is a prerequisite to developing a Large-Scale Wind Energy Facility. It is the intent of this "overlay district" to identify agricultural land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

**(f) Site Plan Review Required**

Wind Energy Conversion facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facility Permit pursuant to this ordinance. Modification of development standards shall be based on a recommendation by the Planning Commission that said modifications are in the best interest of the Township and the Applicant. Where modifications of a standard are requested, the Township Board shall hold a public hearing prior for the consideration of a modified site plan. The Wind Energy Facilities Site Plan must be reviewed and approved by the Lakefield Township Planning Commission pursuant to the standards contained herein, and as required in Chapter 15, Section 1507 (Site Plan Review), prior to being submitted to the Lakefield Township Planning Commission for the special use approval.

Small-Scale "on-site" wind energy turbines shall not be located, erected, altered, or used without first submitting a site plan for zoning approval, where such approval may be administratively given, or as may be required as a special use approval.

**(g) Information to be submitted**

A The following information, in addition to information as required and as may be applicable for site plan review under Sections 1603 and 1604 of the Lakefield Township Zoning Ordinance, must be submitted as part of the site plan review for Wind Energy Facilities and single wind turbine system(s) of rated capacities of more than 10 kW. The following, as applicable, shall also be submitted for MET Towers.

1. Survey of the property showing property boundaries and of existing features such as land contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;

2. Plan(s) showing the proposed location and number of turbine towers, Underground and overhead wiring (including depth of underground wiring), access roads (including width) substations and accessory structures;
3. Photo exhibits visualizing the proposed wind energy system;
4. A description of the large wind energy system(s)' height and design, including across section, elevation, and diagram of how the wind energy system will be anchored to the ground;
5. A signed statement indicating that the application has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location(s) has been determined. Building permits will not be issued prior to receiving all signed statements, but a special use permit may be granted;
6. A description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, and a bond which guarantees the repair of damage to public roads or other areas caused by construction of the Wind Energy Facility;
7. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of four (4) feet;
8. A copy of the lease, or recorded document, with the land owner if the applicant does not own the land for the proposed large wind energy facility(s). A statement from the land owner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved;
9. A copy of any applicable waiver agreements;
10. A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required. Each renewal period will require a copy of certificate of insurance be provided to the Township. An expired

insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit;

11. Anticipated construction schedule; and

12. Description of operations, including anticipated regular and unscheduled maintenance.

B. Information required as part of an administrative site plan review for a Small-Scale "on-site" Wind Energy Turbine with a rated capacity of 10 kW or less.

1. A site plan at an appropriate scale showing the proposed location of the wind energy system, and any structures.

2. Standard drawings of the wind turbine structure including the tower, base, footings, cross section, and connection and certification of the tower and turbine showing compliance with applicable building codes and recognized standards.

3. Plan(s) showing the proposed location of turbine tower(s), underground wiring (including depth of underground wiring), access road, if any, and accessory structures.

4. Documentation from the manufacturer, including full specifications and manufacturer recommended installation procedures.

5. Proof of applicant's public liability insurance.

### **(h) – Wind Turbine/Tower Height (total height)**

The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the hub height shall be limited to two hundred seventy five (275) feet from the existing grade unless modification of this maximum height is approved pursuant to the review of the Planning Commission. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guide lines as part of the approval process.

### **(i) – Application Material**

The following shall be included and/or be utilized as standards when preparing, submitting and reviewing the application for a Wind Energy Facility. A site plan that differs from these standards can be approved only upon the review of the Planning

Commission and approval from the Township Board that the modification is in the best interest of the Township and the Applicant. Such things that will be considered in addition to the site plan are as follow:

**A. Avian Analysis.**

The applicant may be required to submit an avian study to identify and assess the potential impact of a proposed wind energy facility upon wildlife and endangered species. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration path ways, and areas that have landscape features known to attract large numbers of raptors. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why a study does not need to be conducted.

**B. Obstructions to Air Traffic.**

Wind turbines which exceed two hundred (200) feet in total height, are considered obstructions to air traffic and shall be subject to the approval of the Federal Aviation Administration (FAA). The FAA requires that obstructions to air traffic be illuminated with the appropriate FAA approved flashing red, flashing white, or steady burning red light lighting as described in FAA Advisory Circular AC70/7460-1K, titled Obstruction Lighting and Marking.

**C. Visual Appearance, Lighting; Power lines.**

(1) Wind turbines shall be mounted on tubular towers. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards;

(2) Blade Glint is prohibited. Wind turbines and tubular towers shall be painted a non-reflective, non-obtrusive color, such as gray, white, or off-white. The applicant shall submit a paint sample that demonstrates the color, texture and gloss of the proposed surface coating. The applicant shall also submit a certification by the manufacturer stating that the proposed surface coating will not create a reflective surface conducive to blade glint.

(3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA, the Tall Structures Act, other applicable authority, or as otherwise necessary for the reasonable safety and security thereof.

(4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.

(5) The electrical connection shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

(6) All electrical components of the wind energy facility shall conform to the relevant and applicable local, state, and national codes, and relevant and applicable international standards.

#### **D. Setbacks, Separation and Security.**

(1) Inhabited structures: Each wind turbine or MET Tower shall be setback from the nearest residence, or other inhabited structure, a distance no less than the greatest of (a) 4 times its total height or (b) 2000 feet. A lesser setback may be approved if the intent of this paragraph would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.

(2) Property line setbacks: Excepting locations of public roads, drain rights-of-way and parcels within inhabited structures, Wind Energy Facilities and MET Towers shall not be subject to a property line setback, except as provided below for a non-participating property owner. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance no less than 4 times the total height of the wind turbine.

Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than 4 times the total height of the wind turbine, an easement shall be established on the abutting parcels.

(3) Waiver Agreement: Where a proposed wind energy or MET Tower would be located along side an internal property line adjacent to a non-participating property owner, the owner of a wind energy facility shall obtain a waiver agreement with the adjacent property owner for the siting location otherwise a setback of no less than 4 times the total height of the wind turbine shall apply from the non-participating property line.

(4) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 2000 feet or 4 times its total height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

(5) Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electrical power line or telephone line at distance no less than 2000 feet or 4 times its total height, whichever is greater, determined from the existing power line or telephone line.

(6) Tower separation: Turbine/tower separation shall be based on

- a) Industry standards
- b) Manufacturer recommendation
- c) Characteristics [prevailing wind, topography, etc.] of the particular site location.

At a minimum, there shall be separation between towers of not less than 4 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farm land activity.

Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

(7) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

(8) Where a Small-Scale Wind Energy System is installed for "on-site" use, the minimum setback distance between the wind turbine tower and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, meteorological towers, public roads and dwellings (other than the owner), shall be equal to no less than 2 times the sum of the tower height at its hub and the rotor radius measured at the top of its blade in the vertical position. No part of the wind energy system structure, including any guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.

## **E. Sound Pressure Levels.**



1) Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed forty five (45) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, or other occupied structure, existing on the date of the approval of the Wind Energy Facility Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.

2) The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at a building's exterior of potentially affected residences or other occupied structures. Ambient noise levels shall be measured when wind velocities are sufficient to allow wind turbine operations, provided that wind velocities are less than thirty (30) mph at the ambient noise level location.

3) In the event that allowable noise levels of a Wind Energy Facility are exceeded, a waiver to said levels may be approved provided that the following has been accomplished:

a. Written statements from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this ordinance, and that they are not opposed to the Township's granting of a waiver to the maximum sound pressure level limits otherwise allowed.

b. A permanent noise impact statement must be recorded in the Saginaw County Register of Deeds office which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this ordinance may exist on or at the burdened property.

4) Individual Small-Scale on-site wind turbine towers shall be located so that the level of noise produced by wind turbine operation shall not exceed forty-five (45) dBA, measured at any site from the property line, except that the level of noise generated by a wind turbine operation may exceed forty-five (45) dBA during short term events such as power outages and severe wind storms. If the tower is installed in an area of already higher sound levels, the ambient sound level plus five (5) dBA shall be used.

#### **F. Minimum Ground Clearance.**

1. The vertical distance from the ground level to the tip of a wind generator blade on a Wind Turbine Facility, when the blade is at its lowest point must be at least seventy-five (75) feet.
2. The vertical distance from the ground level to the tip of a wind generator blade on a Small-Scale on-site wind turbine, when the blade is at its lowest point must be at least twenty five (25) feet.

#### **G. Shadow Flicker.**

The applicant of a large scale wind energy facility shall be required to conduct an analysis on potential shadow flicker at nearby occupied structures. Any analysis shall identify the receptor locations of shadow flicker that may be caused by the project and the expected durations of the flicker at each receptor from sun-rise to sun-set over the course of a year. All existing occupied structures, structures permitted for construction and roadways shall be identified within the model as receptors.

Wind Turbines shall be sited such that shadow flicker will not fall directly on a receptor or provide written documentation describing measures that shall be taken to eliminate or mitigate the problem. Shadow flicker expected to fall on a roadway may be acceptable if all of the following conditions are satisfied:

- a. The flicker will not exceed 10 hours per year at any one receptor measured as the sum of those times during which shadow flicker occurs during any calendar year.
- b. The traffic volumes are less than 500 vehicles per day on the affected roadway.
- c. The flicker will not fall onto an intersection.

#### **H. Signal Interference.**

No Large-Scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception. No Large-Scale Wind Energy Facility shall be installed in any location

along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

## **I. Safety.**

- 1) All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulations shall not be considered a sufficient braking system for over speed protection.
- 2) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 3) All wind energy towers shall have lightning protection.
- 4) Large Wind Turbine towers shall not be climbable on the exterior.
- 5) All access doors to wind turbine towers and electrical equipment shall be lockable.
- 6) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facilities entrances.
- 7) The owner/operator of a wind energy facility shall post and maintain at each wind turbine system a 24 hour a day manned telephone number in case of emergency.
- 8) All sub-stations shall be fenced to prevent public access and may be installed to a height of eight (8) feet.
- 9) A Small-Scale on-site wind energy system designed for the home, business, or farm shall have braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8') feet of the ground that is readily accessible to the public.

## **J. Certification.**

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

## **K. Inspections.**

The applicant of a Wind Turbine Facility shall submit bi-annual inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices.

The applicant(s) of all on-site small-scale wind turbine systems, including towers, shall comply with all applicable State construction and electrical codes and local building permit requirements. The owner must have received the required inspections from a State and Federal licensed inspector showing that the wind energy system complies with all applicable codes before placing it into operation. Interconnected (on-grid) systems must comply with the Michigan Public Service Commission Standards.

## **L. Decommissioning.**

The applicant of a large scale wind energy facility shall submit a decommissioning plan prior to the project approval. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored. Any foundation shall be removed to a minimum depth of four (4) feet below grade, by the owner of the facility or its assigned.

Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Saginaw County Register of Deeds.

Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner requests in writing a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.

A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township [to be utilized in the event the decommissioning plan needs to be enforced with the respect to the tower removal, site restoration, etc.]. The bond shall be in favor of Lakefield Township and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that such single instrument shall be in an amount of at least \$1 million/unit and shall contain a replenishment obligation. In the event of bankruptcy, there needs to be protection with a prepayment within three (3) years

**M. Complaint Resolution.**

The applicant of a large wind energy facility shall develop a process to resolve complaints from nearby residents concerning the construction or operation of a project. The process may use an independent mediator or arbitrator and shall include a time limit for action on a complaint. The process shall not preclude the Township from acting on a complaint. During the construction process, the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

**N. Indemnification.**

The owner of a large wind energy facility shall defend, indemnify, and hold harmless the Township and their officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind energy facility without limitation, whether said liability is premised on contractor tort.

**Section 2 – SEVERABILITY**

This ordinance and the various parts, sentences and clauses thereof are hereby declared to be severable and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or 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 unconstitutional and invalid.

**Section 3. – REPEAL CLAUSE**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

**Section 4. – EFFECTIVE DATE**

This ordinance shall take effect and be in force thirty days after its publication.

Chapter 7 (B)

# Solar Farms

TOWNSHIP OF LAKEFIELD  
COUNTY OF SAGINAW, STATE OF MICHIGAN  
TOWNSHIP ORDINANCE NO. \_\_\_\_\_

## **ORDINANCE TO AMEND THE LAKEFIELD TOWNSHIP ZONING ORDINANCE**

AN ORDINANCE AMENDING THE LAKEFIELD TOWNSHIP ZONING ORDINANCE  
IN ORDER TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF  
SOLAR FARMS WITHIN THE TOWNSHIP

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF LAKEFIELD, SAGINAW  
COUNTY, MICHIGAN:

### **Sec. 1. – ORDINANCE AMENDMENT**

The Lakefield Township Zoning Ordinance shall be amended to add Section 702 to the Ordinance as follows:

#### **Section 702 SOLAR FARM**

##### **(a) – Intent and Purpose:**

To promote the use of Solar Energy within Lakefield Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

**(b) – Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.

**(c) Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.

**(d) Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of twenty (20) feet from any road or highway right-of-way.

**(e) Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.

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

**(g) Noise:** No large photovoltaic solar farm facilities shall exceed forty-five (45) dBA as measured at the property line.

**(h) Landscaping:** Large photovoltaic solar farm facilities shall be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road or highway frontage. The equivalent of one (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and remain in good condition for the life of the large photovoltaic solar farm.

**(i) Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U. S. Government, State of Michigan, Saginaw County and Lakefield Township, and comply with standards of the State of Michigan adopted codes.

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

**(k) Additional Special Use Criteria:** the following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:

- 1) Project description and rationale: identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;



- 2) Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
- 3) Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;
- 4) Wildlife: Review potential impact on wildlife on the site;
- 5) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
- 6) Waste: Identify solid waste or hazardous waste generated by the project;
- 7) Lighting: provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height;
- 8) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plan service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site;
- 9) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
- 10) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;
- 11) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project.

**(I) Decommissioning.**

The applicant of a solar farm shall submit a decommissioning plan prior to the project approval. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and

restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored. Any foundation shall be removed to a minimum depth of four (4) feet below grade, by the owner of the facility or its assigned.

Following removal, the location of any solar farm foundation shall be identified on a map as such and recorded with the deed to the property with the Saginaw County Register of Deeds.

Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner requests in writing a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.

A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township [to be utilized in the event the decommissioning plan needs to be enforced with the respect to the panel removal, site restoration, etc.]. The bond shall be in favor of Lakefield Township and may be provided jointly as a single instrument for multiple townships within a solar farm, provided that such single instrument shall be in an amount of at least \$1 million/unit and shall contain a replenishment obligation. In the event of bankruptcy, there needs to be protection with a prepayment within three (3) years

**(M) Complaint Resolution.**

The applicant of a solar farm shall develop a process to resolve complaints from nearby residents concerning the construction or operation of a project. The process may use an independent mediator or arbitrator and shall include a time limit for action on a complaint. The process shall not preclude the Township from acting on a complaint. During the construction process, the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

**(N) Indemnification.**

The owner of a solar farm shall defend, indemnify, and hold harmless the Township and their officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator

concerning the operation of the solar farm without limitation, whether said liability is premised on contractor tort.

**(O) The Planning commission Review:**

Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section. The Planning Commission shall not have the authority to review or to allow large photovoltaic solar farm facilities within any other zoning district.

**Section 2 – SEVERABILITY**

This ordinance and the various parts, sentences and clauses thereof are hereby declared to be severable and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or 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 unconstitutional and invalid.

**Section 3. – REPEAL CLAUSE**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

**Section 4. – EFFECTIVE DATE**

This ordinance shall take effect and be in force thirty days after its publication.

## Chapter 7 (C)

### Lakefield Residential Solar Ordinance

1. Solar panels and solar energy systems shall be allowed on all types of structures, lots, or parcels and in all zoning districts as an accessory use. The installations of such devices shall comply with the following:
  - a. All devices shall comply with the Michigan building Code and be required to obtain a building permit.
  - b. All ground-mounted solar panels and solar energy systems shall comply with the following:
    - i. Shall be located on parcels of a minimum of 15,000 square feet in size.
    - ii. All set back requirements for accessory structures shall be met;
    - iii. Shall be located in the side or rear yard (may be allowed in the front yard with a 100-foot setback from all rights of way);
    - iv. For all lots less than one (1) acre in size, all ground mounted solar panels and solar energy systems shall not exceed 10 feet in height when utilized in conjunction with residential properties or structures; all other uses and properties shall comply with the structure height requirements for the applicable land use district; and,
    - v. For lots less than one (1) acre in size, the total surface area of all solar panels and solar energy systems shall not exceed 800 square feet when in a residential land use district or a lot containing a residential structure.
    - vi. Adjacent lot owners will not be required to alter landscaping to facilitate an adjoining property solar panel installation
  - c. The installation of solar panels or solar energy systems on rooftops or structures shall comply with the following:
    - i. all structure height requirements for the applicable land use district shall be complied with, inclusive of the solar panel or solar energy system;
    - ii. no part of the solar panel or solar energy system and equipment shall extend beyond the edge of the roof; and
    - iii. required accessory equipment may be permitted on the roof or ground.  
Accessory equipment on the ground shall meet all accessory structure setbacks.
  - d. Any solar panel or solar energy system that has generated no electricity for a period of 12 months shall be deemed to be abandoned and shall be removed within 90 days of such abandonment. This shall include the removal of the entire solar panel or solar energy system and any associated facilities and equipment connected thereto from the premises and the restoration of the area to a compliant pre-installation condition.
  - e. A variance may be requested for lot size, setbacks, height or solar panel or system location.

CHAPTER 8

"A" Agricultural and Woodlot District

SECTION 801. INTENT AND PURPOSE.

This district is intended to preserve, enhance and stabilize areas within the Township which are presently being used for food and fiber production. It is the purpose of the regulations for this district to promote the orderly, harmonious development of the Township and to preserve the essential characteristics and economic value of these areas as agricultural and open lands.

SECTION 802. USES PERMITTED BY RIGHT.

The following are the principal permitted uses by right within an "A" District:

- (1) Single Family Dwellings.
- (2) General Farming and Forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises.
- (3) Farming including the raising and keeping of large and small animals and livestock, however, excluding cats, canines, and exotic animals.
- (4) Public and Private Conservation Areas and Structures for the conservation of water, soil, open space, forest or wildlife resources.
- (5) Customary Accessory Uses to any of the permitted uses listed in the "A" District and as defined in Chapter 2, Section 202.
- (6) Customary Home Occupations as specified for "R" Districts.
- (7) Public Utility Transformer stations and substations, as well as gas regulator stations.
- (8) Roadside stands selling products grown by the owner of the property upon which the stand is located provided that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area.

- (9) Cemeteries, public and private, subject to the following conditions:
- (a) The site shall be at least five (5) acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
  - (b) No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned property line.
  - (c) 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.
  - (d) 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 requirements for the residential zone.
- (10) Signs as provided in Chapter 5.
- (11) Off-street parking and loading as required and allowed.

SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the "A" District by the issuance of a special use permit when all the procedural requirements specified in Chapter 16 together with all applicable standards as cited in Chapter 16 are met.

- (1) Public Parks and Recreation Areas.
- (2) Production of fur bearing animals for profit.
- (3) Seasonal labor housing complexes associated with agricultural enterprise.
- (4) 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 therein.
- (5) Institutional uses including religious institutions; institutions for human care; educational and social institutions; and, public buildings and service installations.

- (6) Institutions for the mentally retarded, drug or alcoholic patients and camps or correctional institutions.
- (7) Sand, Gravel, or Clay pits and quarries.
- (8) Incinerators and sanitary fills.
- (9) Educational and Social Institutions.
- (10) Public Buildings.
- (11) Riding Stables and Livestock Auction Yards.
- (12) Veterinary Hospitals, Clinics, and Kennels.
- (13) Private Airplane Landing Strips.
- (14) Windmills and Wind Powered Electrical Generating Devices.
- (15) Multiple Family Dwellings including conversions from single-family structures.
- (16) Private Recreational Uses such as all-terrain vehicles and radio-controlled planes and boats.

SECTION 804. DIMENSIONAL REQUIREMENTS.

- (1) MINIMUM LOT SIZE.
  - (a) Each lot shall contain a minimum of forty-three thousand five hundred sixty (43,560) square feet per dwelling unit measured from the edge of the road right-of-way as defined in Chapter 2, Section 202.
  - (b) Each lot shall have a minimum continuous permanent frontage of one hundred sixty-five (165) feet on a public or private road.
- (2) MINIMUM YARD REQUIREMENTS.
  - (a) Each lot shall have a minimum front yard of forty (40) feet.
  - (b) Each lot shall have a total side yard of at least thirty-five (35) feet, with a minimum of fifteen (15) feet on one side.
  - (c) Each lot shall have a minimum rear yard of forty (40) feet.

(d) In the case of a corner lot, the side yard on the street side shall not be less than twenty-five (25) feet, and the remaining side yard shall be a minimum of fifteen (15) feet.

(3) MINIMUM FLOOR AREA PER DWELLING UNIT.

(a) Each dwelling unit shall contain a minimum of nine hundred sixty (960) square feet of living area.

(4) MAXIMUM BUILDING HEIGHT,

(a) Two and one-half (2-1/2) stories, or thirty - five (35) feet.

(b) Exceptions (refer to Chapter 3, Section 305).

(5) MAXIMUM LOT COVERAGE.

(a) None required.

(6) OFF-STREET PARKING REQUIREMENTS.

(a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in Chapter 4.

(7) LOADING REQUIREMENTS.

(a) None required in "A" Districts.



CHAPTER 9

COMMUNITY WIDE ORDINANCES

Purpose: The following Ordinances are designed to protect the Health, Safety, and general Welfare of the residents of Lakefield Township, while maintaining the property values and the esthetic beauty of Lakefield Township.

SECTION 901: Inoperative or Junk Vehicles

SECTION 902: Outside Storage of Junk or Rubbish

SECTION 903: Abandoned and / or Dangerous Buildings

SECTION 904: Fence Ordinance

SECTION 905: Permitted Accessory Buildings

SECTION 906: Garage Sales

SECTION 907: Outdoor Wood-Fired Heaters

Enforcement and Penalties:

The owner, if possible, and the occupant of any property upon which any of the causes of undesirable conditions exist shall be notified in writing to remove or eliminate such conditions from the property within ninety (90) days after service of notice upon him. Additional time may be granted where bona fide efforts to remove or eliminate the undesirable causes are in progress.

(1) Failure to comply with such notice within the time allowed by the owner and / or occupant shall constitute a violation of these ordinances. This violation will be deemed a Civil Infraction which could result in a civil fine of up to \$500.00.

(a) These Ordinances shall be enforced by such persons as shall be designed by the Lakefield Township Board.

SECTION 901: INOPERATIVE OR DISMANTLED VEHICLES

The storage of dismantled, wrecked and / or unlicensed vehicles, including recreational equipment, in any zoning district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed one (1) week. Note that the storage period may be extended with written permission of the zoning enforcement officer.

SECTION 902: OUTSIDE STORAGE OF JUNK AND RUBBISH

All parcels must be kept free of all rubbish and junk, as defined in this ordinance. Rubbish and junk containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.

SECTION 903: ABANDONED and / or DANGEROUS BUILDINGS

(1) Unlawful Conduct

It is unlawful for any owner or owner's Agent to keep or maintain any building or structure or part of a building or structure which is a dangerous building.

(2) Definition

As used herein, "Dangerous Building" means a building or structure which has any of the following defects or is in any of the following conditions:

- (a) The existence of any structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable, or useful for its intended purpose, or is prohibited, or has become a threat to the health, safety, and welfare of the community.
- (b) The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the township building inspector and construction is ongoing and completed within the time allowed under the building permit.

(3) A Dangerous Building Shall Be Deemed a "Nuisance Per Se".

SECTION 904: FENCES, WALLS, AND SCREENS

All fences must satisfy standards in design for the intended purpose of fencing. Fences must be restricted by the following guidelines:

- (1) Height: No fence, wall, or structural screen, other than plant materials, shall exceed a height of three feet within street side yard or front yard setbacks of any street right-of-way line. Fences, walls or structural screens shall not exceed three feet in any front yard or six feet in any side of rear yard. On any corner lot or parcel, no fence or planting shall exceed a height of three feet within twenty feet of any corner so as not to interfere with traffic visibility across the corner.
- (2) Location: Fences shall be located outside of the road right-of-way and inside all property lines.
- (3) Material: Fences shall be constructed of metal, wire, iron, vinyl, composite, naturally durable wood or treated wood. Hedges, ornamental shrubs, trees, and bushes shall be considered fences when placed in a manner or position to serve as such.
- (4) Construction / Maintenance: It shall be the responsibility of the property owner to ensure that all fences and walls on the property are installed and maintained plumb. The property owner is responsible for maintenance of the property and upkeep of the fence within any property setback strip.

For all fences, walls or screens erected after November 10, 2009, the public face of such fences, walls or screens shall face the outside of the property with any visible posts, or supports being located on the inside of the fence, wall, or screen.

Fences, walls or screens already erected prior to November 10, 2009 may be maintained at their current height and location as long as such is in compliance with the law at the time of erection. However, the height and location of any such fence, wall, or screen must be made to comply with this amended ordinance if any change in fence material or design is made or if any structural alteration is necessary to maintain the fence, wall, or screen.

## SECTION 905: ACCESSORY BUILDINGS

### Permitted Accessory Building

No mobile home, tank, junk object, salvage materials, semi-trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure, provided however, that such requirement shall not be applicable to tool shed, or similar temporary storage structures utilized pursuant to the construction of a building as long as the period of construction does not exceed one (1) year.

#### (1) Required Yards

- (a) In front yards: No accessory building (attached or detached) shall not project into any front yard setback.
- (b) In a rear yard: No accessory building, including attached or detached garages, shall be closer than ten (10) feet to the rear lot line.
- (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 R OR B DISTRICT, detached accessory buildings shall comply with the regulations:
- (a) They shall not be used in any part for dwelling purposes.
  - (b) Rural Residential:  
They shall not be more than one (1) story.  
  
Communitywide Commercial:  
They shall not be more than three (3) stories.
  - (c) Rural Residential:  
They shall not occupy more than twenty five (25%) percent of the required side and rear yard area.  
  
Communitywide Commercial:  
There are no restrictions.

SECTION 906: GARAGE SALES

(1) Definitions

For the purpose of this ordinance the following definitions shall apply:

(a) GARAGE SALES

All sales entitled "garage sale", "rummage sale", "tag sale", "attic sale", "moving sale", "flea market sale", "lawn sale", "junk sale", or any other sale of tangible personal property by private individuals which is advertised or display by any means whereby the public at large is or can be made aware of the sale.

(b) GOODS

Any household or personnel merchandise being the object of a sale, excluding farm machinery and titled/registered vehicles or watercraft.

(c) REMOVAL FROM PUBLIC VIEW

Garage sale items shall be removed from the yard or driveway where they were displayed for sale, and placed in a structure or behind a fence out of public view.

(2) GARAGE SALE REGULATIONS

(a) LIMITATION OF NUMBER OF SALES ANNUALLY

Any person or address shall only by permitted to have a Garage sale maximum of three(3) times within a calendar year (1/1-12/31) and for no more than (4) consecutive calendar days each.

(b) REMOVAL FROM PUBLIC VIEW

Garage sale items (goods) shall only be on display when a garage sale is in effect. The garage sale items/goods shall be removed from public view when the garage sale is not in effect. After the completion of the sale, all signs pertaining to the said sale must be removed.

Section 907: OUTDOOR WOOD-FIRED HEATERS

(1) Definitions:

(a) CLEAN WOOD

Wood that has not been painted, stained, coated, preserved, or treated with chemicals such as cooper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.

(b) NUISANCE

A nuisance is an "offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeat invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident to that property.

(c) OUTDOOR WOOD-FIRED HYDRONIC HEATER (OWHH) OR OUTDOOR WOOD BOILER

A fuel burning device designed to burn wood or other solid fuels that the manufacture specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds: and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

(2) PERMIT REQUIREMENTS

No OWHH may be installed or relocated from one lot to another in any district without first obtaining a permit from the Building Department. Any new installation or relocation of an OWHH must be inspected by the Building Inspector prior to use.

(3) UNIT REQUIREMENTS

(a) No person shall from the effective date of this ordinance, operate an existing OWHH such operation conforms to the manufacturer's instruction regarding such operation and the requirements or this ordinance regarding solid fuels that may be burned in an OWHH.

(b) All new OWHH shall be constructed, established, installed, operated and maintained in conformance with the manufacture's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

- (c) All new OWHH shall be laboratory tested and listed to appropriate safety standards such as UL, CAN, CSA, ANSI or other applicable safety standards.
- (d) The owner of any new OWHH shall produce a copy of the manufacturer's Owner Manual or Installation Instructions and a site plan of Where the furnace will be located to the Building Department to Review prior to installation.

(4) SETBACK REQUIREMENTS

The OWHH shall be located:

- (a) A minimum of fifteen (15) feet from the property line.
- (b) At least one hundred fifty (150) feet from any residence that Is not served by the OWHH.

(5) PERMITTED FUELS

Permitted fuels that may be burned in an OWHH are:

- (a) Clean Wood, or wood pellets made from clean wood.
- (b) Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired OWHHS.
- (c) Biofuels recommended by the manufacturer.

(6) PROHIBITED FUELS

Prohibited Fuels include but are not limited to:

- (a) Wood that does not meet the definition of clean wood.
- (b) Garbage, tires, refuse, yard waste, or materials containing plastic or rubber.
- (c) Newspaper, cardboard or any product with ink or dye products.
- (d) Petroleum products, including asphalt products, other than those That are permitted fuels.
- (e) Paints, paint thinners, chemicals and bituminous coal.
- (f) Plywood, particleboard, manure or other animal products or wastes.

(7) FUEL STORAGE

Fuel must be stored in the rear or side yard and meet the minimum Setback requirements for accessory buildings.

(8) NUISANCE

If an existing OWHH is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps shall be taken by the owner and the appropriate department having jurisdiction:

- (a) Modifications made to the unit to eliminate the nuisance, such as extending the chimney/stack, or relocating the OWHH, or both.
- (b) Cease and desist operating the unit until reasonable steps can be taken to ensure that the OWHH will not be a nuisance.

CHAPTER 10

"R" Rural Residential District

SECTION 1001. INTENT AND PURPOSE.

This district is intended for yet open rural agricultural areas which are of prime potential for urban development.

The regulations herein set forth are designed for the purposes of encouraging and allowing well planned low density residential and related uses.

SECTION 1002. USES PERMITTED BY RIGHT.

The following are the principal permitted uses by right within an "R" District.

- (1) Single family dwelling not to exceed one (1) single family dwelling per lot.
- (2) Public parks, public playgrounds, public recreational grounds, and grounds for games and sports except those the chief activity of which is carried on, or is customarily carried on, as a business.
- (3) Customary Accessory Uses to any of the permitted uses listed in the "R" District, and as defined in Chapter 2, Section 202.
- (4) Customary Home Occupations as defined in Chapter 2, Section 202 and provided at least one (1) additional off-street parking space is provided, in addition to that required for the residential use, with a maximum of three (3) spaces.
- (5) Cemeteries, public and private, subject to the following conditions:
  - (a) The site shall be at least five (5) acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
  - (b) No principal or accessory building shall be closer than ten (10) feet to any abutting residentially zoned property line.
  - (c) 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.
  - (d) 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 requirements for the residential zone.



- (6) Customary agricultural operations including: general farming, truck farming, fruit orchards, nursery, greenhouses and usual farm buildings but subject to the following restrictions:
- (a) No storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of any adjoining lot and one hundred and fifty (150) from adjoining residence.
  - (b) The manure must be handled in accordance to the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices (GAAMPs).
  - (c) Stables and buildings housing large and small farm animals and livestock shall not be closer to an adjoining lot line than fifty (50) feet and one hundred and fifty (150) from an adjoining residence.
  - (d) Stables and buildings housing large and small farm animals and livestock shall not be closer than one hundred (100) feet from the public right of way.
  - (e) Customary farm animals - except swine, poultry, rabbits, and dogs other than household pets - may be kept on a non-commercial basis when adequately housed and fenced on a parcel of land not less than five (5) acres.
- (7) Signs as provided in Chapter 5.
- (8) Off-Street Parking and Loading as required and allowed.

Note: The American Heritage College Dictionary defines a residence as:  
"a place in which one lives; a dwelling"

SECTION 1003. USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and building may be permitted in the "R" Districts by the issuance of a Special Use Permit when all the procedural requirements specified in Chapter 16 together with the applicable standards cited in Chapter 16 are met:

- (1) Institutional Uses including: religious institutions; institutions for human care; educational and social institutions; and public buildings and service installations.
- (2) Golf Courses and Country Clubs other than golf driving ranges and miniature golf courses.
- (3) Two Family Dwellings including conversions from single-family structures.
- (4) Private Recreational Uses such as all-terrain vehicles and radio-controlled planes and boats.

SECTION 1004. DIMENSIONAL REQUIREMENTS.

(1) MINIMUM LOT SIZE.

- (a) Each lot shall contain a minimum of forty-three thousand five hundred sixty (43,560) square feet per dwelling unit measured from the edge of the road right-of-way as defined in Chapter 2, Section 201.
- (b) Each lot shall have a minimum continuous permanent frontage of one hundred sixty-five (165) feet on a public or private road.

(2) MINIMUM YARD REQUIREMENTS.

- (a) Each lot shall have a minimum front yard of forty (40) feet.
- (b) Each lot shall have a total side yard of at least thirty-five (35) feet, with a minimum of fifteen (15) feet on one (1) side.
- (c) Each lot shall have a minimum rear yard of forty (40) feet.
- (d) In the case of a corner lot, the side yard on the street side shall not be less than twenty-five (25) feet, and the remaining side yard shall be a minimum of fifteen (15) feet.

(3) MINIMUM FLOOR AREA PER DWELLING UNIT.

- (a) Each dwelling unit shall contain a minimum of nine hundred sixty (960) square feet of living area.

(4) MAXIMUM BUILDING HEIGHT.

- (a) Two and one-half (2-1/2) stories, or thirty-five (35) feet.
- (b) Exceptions (refer to Chapter 3, Section 305).

(5) MAXIMUM LOT COVERAGE.

- (a) A maximum of twenty-five (25) percent of the lot may be covered by all buildings.

(6) OFF STREET PARKING REQUIREMENTS

- (a) Requirements for an allowed use shall be determined from the "Schedule of parking Requirements" in Chapter 4 (refer to Section 404).

(7) LOADING REQUIREMENTS.

- (a) None required in "R" Districts.



CHAPTER 11

Chapter Reserved For Future Use

CHAPTER 12

"B" Communitywide Commercial District

SECTION 1201. INTENT AND PURPOSE.

The "B" Commercial Districts are designed and intended as neighborhood centers, to meet the day-to-day convenience shopping and service need of persons residing in adjacent residential areas and to accommodate office uses together with office sales uses and certain personal services.

It is the purpose of this district to accommodate commercial activities primarily offering goods or services which are required by a family at intervals of a week or less and at the same time to protect adjacent residential areas from the adverse effects of uncontrolled or unlimited commercial activity which can result in blighting influences upon residential uses. Under appropriate conditions medium density apartment developments, mobile home parks, and office and related uses which integrate compatibly with the major street system and surrounding land uses are allowed.

SECTION 1202. USES PERMITTED BY RIGHT.

The following are the principal permitted uses by right within a "B" District and all the uses must be conducted wholly in a permanent, fully enclosed building (except required off-street parking and loading):

- (1) Retail Food Establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Food-stuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store.
- (2) Other Retail Businesses such as drug, variety, dry goods clothing, notions, music, book, or hardware stores which supply commodities on the premises.
- (3) Personal Service establishments which perform services on the premises, such as barber or beauty shops; repair shops for shoes, radio, television, jewelry; self-service laundries; and photographic studios.
- (4) Offices for Professional Services such as offices of doctors, dentists, and similar or allied professions.

- (5) Institutions for Human Care including hospitals, clinics, sanitariums, nursing or convalescent homes.
- (6) Professional Offices for architects, engineers, artists, and others employed in the graphic arts field.
- (7) Banks and other financial corporation offices.
- (8) Administrative Offices in which the personnel will be employed in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, and similar enterprises, including both public and private.
- (9) Commercial Schools including art, business, music, dance, professional and trade.
- (10) Motel or Motel-Hotel, provided the following conditions are met:
  - (a) Minimum floor area of two hundred fifty (250) square feet per guest unit shall be provided.
  - (b) Minimum lot area of one (1) acre is required together with a minimum width of one hundred fifty (150) feet, plus there shall be no less than eight hundred (800) square feet of lot area for each guest unit.
  - (c) Maximum lot coverage including all buildings, both principal and accessory, shall be forty (40) percent.
  - (d) Minimum yard dimensions require all buildings to be set back no less than forty (40) feet from any street property line and no less than thirty (30) feet from any side or rear property line, except that the side yard, for a corner lot which is adjacent to the street, shall be no less than forty (40) feet.
- (11) Customary Accessory Uses to any of the permitted uses listed in the "B" Districts and as defined in Chapter 2, Section 202.
- (12) Signs as provided in Chapter 5.
- (13) Off-street Parking and Loading as required and allowed.

SECTION 1203. USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land or structures may be permitted by the issuance of a special use permit when specified procedures of Chapter 16 and all requirements as outlined in the Chapter and Sections cited, are met:

- (1) Automobile service station, subject to the site development standards cited in Chapter 16.
- (2) Automobile car wash subject to the site development standards required for Gasoline Service Stations in Chapter 16.
- (3) Day Nurseries subject to the standards specified in Chapter 16.
- (4) Institutional Uses subject to the standards specified in Chapter 16.
- (5) Restaurants, Clubs 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.
- (6) Junkyard or Salvage Yard
- (7) Adult Business
- (8) Outdoor Sales Space, subject to the standards specified in Chapter 16.

SECTION 1204. DIMENSIONAL REQUIREMENTS.

- (1) MINIMUM LOT SIZE.
  - (a) Each lot shall contain a minimum area of twelve thousand five hundred (12,500) square feet, measured from the edge of the road right-of-way as defined in Chapter 2, Section 202.
  - (b) Each lot shall maintain a minimum contiguous permanent frontage of one hundred (100) feet in width at the front lot line.
- (2) MINIMUM YARD REQUIREMENTS.
  - (a) 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.



- (b) Each lot shall have a minimum side yard of ten (10) feet on each side except on that side of the lot abutting upon a residential district, in which case there shall be a side yard of not less than twenty (20) 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 and further except that if walls of structures facing an interior lot line contain windows or other openings there shall be a ten (10) foot side yard.
  - (c) Each lot shall have a rear yard of twenty (20) feet.
- (3) MAXIMUM BUILDING HEIGHT.
  - (a) The maximum building height shall be three (3) stories or forty (40) feet.
  - (b) Exceptions. (Refer to Chapter 3, Section 305).
- (4) OFF-STREET PARKING REQUIREMENTS.
  - (a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in Chapter 4 (refer to Section 404) .
- (5) LOADING REQUIREMENTS.
  - (a) Any use engaged in the sale of merchandise, including prepared foods and beverages 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. All office buildings shall provide one loading space.
  - (b) Supplementary regulations are contained in Chapter 4.

**LAKEFIELD TOWNSHIP  
SAGINAW COUNTY, MICHIGAN**

**Chapter 13**

**ORDINANCE NO. 01-2019**

**PROHIBITION OF MARIJUANA ESTABLISHMENTS ORDINANCE**

The Township Board for the Township of Lakefield, Michigan has enacted an ordinance to prohibit marijuana establishments within the bounties of Lakefield Township.

**SECTION I- TITLE**

The Ordinance shall be cited as the Lakefield Township Prohibition of Marijuana Establishments Ordinance.

**SECTION II- DEFINITIONS**

The definitions shall follow MCL 333. et seq., as may be amended.

**SECTION III- NO MARIJUANA ESTABLISHMENTS**

The ordinance prohibits all marijuana establishments within the bounties of Lakefield Township.

**SECTION IV- VIOLATIONS AND PENALTIES**

A violation is a nuisance per se and a municipal civil infraction with penalties from \$100 to \$500.

**SECTION V- SEVERABILITY**

The ordinance shall be enforced as authorized by the court.

**SECTION VI- REPEAL**

All ordinances in conflict are revoked.

**SECTION VII- EFFECTIVE DATE**

The ordinance shall take effect upon publication.

Tracey Slodowski, Lakefield Township Clerk

CHAPTER 14

Chapter Reserved For Future Use

CHAPTER 15

Chapter Reserved For Future Use

PART THREE

Special uses

CHAPTER 16

Special Use Permit Requirements

SECTION 1601. INTENT AND PURPOSE.

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structures 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 the cited Special uses within the various districts, are operational under the conditions and standards of Chapter 16.

| <u>USE</u>  | <u>SECTION</u> |
|---|----------------|
| Institutional Uses  | 1604           |
| Golf Courses, Shooting Clubs, Archery Clubs,<br>Paint/Splat Ball Ranges, and Country Clubs  | 1605           |
| Mobile Home Park Developments   | 1606           |
| Day Nurseries   | 1607           |
| Automobile Service Stations   | 1608           |
| Restaurants and Clubs   | 1609           |
| Miscellaneous Special Uses  | 1610           |
| Incinerators and Sanitary Landfills   | 1610(3)        |
| Junk/Salvage Yards  | 1610(4)        |
| Sewage Treatment and Disposal<br>Installations  | 1610(5)        |
| Drive-in Theatres, Race Tracks,<br>Golf Driving Ranges, and Miniature<br>Golf Courses or Similar Uses   | 1610(6)        |
| Recreational Open Space Uses  | 1610(7)        |
| Institutions for the Mentally Retarded<br>and Physically Handicapped, Drug or<br>Alcoholic Patients and Camps or<br>Correctional Institutions | 1610(8)        |
| Sand, Clay, or Gravel Pits, Quarries  | 1610(9-1)      |
| Ponds   | 1610(9-2)      |
| Temporary Permits   | 1610(10)       |
| Model Homes   | 1610(11)       |
| Riding Stables  | 1610(12)       |
| Livestock Auction Yards   | 1610(13)       |

|   |           |
|---|-----------|
| Veterinary Hospitals, Clinics,<br>and Kennels | 1610 (14) |
| Outdoor Sales Space                           | 1610 (15) |
| Private Airplane Landing Strips               | 1610 (16) |
| Two-Family Dwellings                          | 1610 (17) |
| Public and Private Roads                      | 1610 (18) |
| Wireless Communication Cell Tower             | 1610 (19) |
| Second Living Quarters for Family Member      | 1610 (20) |

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

SECTION 1602. 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 Planning Commission on a special form for that purpose. Each application shall be accompanied by the fee as established by the 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) The special form completed in full by the applicant including a statement by the applicant that Section 1603 can be complied with.
  - (b) Site plan drawn to scale (preferable 1 inch equals 100 feet) of the total property involved showing the location of all abutting streets, the locations of all existing and proposed structures and uses of the property and any natural or man-made features which affect the property, together with an 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. After review and study of any application

and related material the Planning Commission shall hold a public hearing after at least one (1) publication in a newspaper of general circulation in the Township. Such notice shall be given not less than fifteen (15) days before the date of such meeting. Notice shall also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. Such notice shall indicate the place, time, and purpose of the hearing. Upon conclusion of such hearing the Planning Commission shall approve or deny the application for a Special Use Permit, and only upon approval of the Planning Commission may a Special Use Permit be issued by the Building Inspector.

- (4) 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 applicant in writing of the expiration of said permit.
- (5) 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 16, or other applicable sections. Written notice of violation shall be given by the Building Inspector 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, and the use for which the permit was granted must cease within sixty (60) days from date of second notice.
- (6) 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 of change of conditions.

SECTION 1603. PERMIT STANDARDS.

Before approving or denying 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 but 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, or schools.
  - (d) Not create excessive additional requirements 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.
- (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 insuring 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 Permits. 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 as noted in Part II and as herein regulated, controlled, or defined.



SECTION 1604. INSTITUTIONAL USES.

- (1) AUTHORIZATION. In recognition of the many institutional types of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this section can be complied with.
  
- (2) USES. The following uses may be authorized in those districts as noted in Part II provided the applicable conditions are complied with:
  - (a) Institutions for Human Care. Hospitals, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions.
  
  - (b) Religious Institutions. Churches or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
  
  - (c) Educational and Social Institutions. Public and private elementary and secondary schools and institutions for higher education, PROVIDED that none are operated for profit; also auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities, other than activities conducted as a gainful business or of a commercial nature.
  
  - (d) Public Buildings and Public Service Installations. Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substations, and gas regulator stations.
  
- (3) INSTITUTIONS SPECIFICALLY PROHIBITED. The following types of uses, but not limited to those enumerated, shall not be permitted in any residential district but may be allowed in an agricultural district.
  - (a) Prison camps or correctional institutions.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles may be altered, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed.
- (a) Any institutional structure or use to be located within a residential district should preferably be located at the edge of a residential district, abutting either a Business or Industrial District, or adjacent to a public open space.
  - (b) Any institutional structure or use to be located in an agricultural district should be located on soils having limited agricultural capabilities and which are not currently farmed.
  - (c) The use should provide some type of service to persons residing or working in the vicinity.
  - (d) Any institutional structure or use shall not be located on a site of ecological importance, such as a bog, swamp, or marsh.
  - (e) Motor vehicle entrance should be made on a major thoroughfare or immediately accessible from a major thoroughfare so as to avoid the impact of traffic generated by the institutional use upon a residential area.
  - (f) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.
- (5) DEVELOPMENT REQUIREMENTS. A Special Use Permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted:
- (a) Hospitals:
    - (1) The proposed site shall be at least ten (10) acres in area.

- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial or principal collector as classified on the adopted major street plan. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the major thoroughfare.
- (3) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be setback from the initial sixty (60) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (5) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major or minor arterial or principal collector thoroughfare.
- (6) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (7) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(b) Churches:

- (1) The proposed site shall be at least one-half (1/2) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- (2) The proposed site shall be so located as to have at least one property line on a major, minor or collector street as classified by the adopted street plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.

- (3) No building shall be closer than thirty-five (35) 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 thirty-five (35) feet an additional one (1) foot for each additional foot above the district height limitations.
  - (4) No more than twenty-five (25) percent of the gross site area shall be covered by buildings.
  - (5) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (6) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.
- (c) For all other institutional uses that may be permitted, except public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:
- (1) The proposed site shall be at least one (1) acre in area.
  - (2) No building shall be closer than thirty-five (35) 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, except as may be provided under height exceptions for the district in question.
  - (3) No more than twenty-five (25) percent of the gross site area shall be covered by buildings.
  - (4) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
  - (5) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (6) Off-street parking shall be provided in accordance with the schedule outlined in Chapter 4. No parking space shall be provided in the front yard and the parking area shall be screened from surrounding residential area by a wall or fence, in combination with suitable plant material, not less than four (4) feet in height.

(d) For public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:

- (1) Lot area and lot width shall be not less than that specified for the district in which the proposed use should be located.
- (2) Yard and setback requirements shall be not less than that specified for the district in which the proposed use would be located.
- (3) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.
- (4) Not more than thirty (30) percent of the lot area may be covered by buildings.
- (5) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- (6) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
- (7) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (8) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

SECTION 1605. GOLF COURSES. SHOOTING CLUBS. ARCHERY CLUBS. PAINT/SPLAT BALL RANGES. AND COUNTRY CLUBS.

- (1) AUTHORIZATION. In recognition of the basic open space and recreation character of golf courses and shooting or country clubs, these uses may be permitted within agricultural and specified residential districts by issuance of a Special Use Permit pursuant to district allowance and all standards herein specified.

(2) USES. The following uses may be authorized in any district so listed within Part II, provided the applicable requirements are complied with.

- (a) Golf Courses
- (b) Shooting Clubs
- (c) Country Clubs

Accessory uses for a golf course or permitted club shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

(3) USE SPECIFICALLY PROHIBITED. Driving ranges and miniature golf courses are specifically prohibited.

(4) SITE LOCATION PRINCIPLES. The following principles shall be used in evaluating the proposed location of any golf course, shooting club, or country club within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of these uses upon the district in which such use is proposed.

- (a) Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street.
- (b) Allowed use should be located on soils having limited agricultural capabilities and which are not currently farmed.
- (c) Site location should be allowed which enhances the natural environment and amenities for community use.

(5) DEVELOPMENT REQUIREMENTS. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.

- (a) Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or collector.
- (b) Site design principles should be such that areas of ecological significance, such as floodplains and marshes are not disturbed.

- (c) Shooting clubs shall provide a two hundred (200) foot wooded buffer around their exterior.
- (d) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential land which adjoins the site.
- (e) Off-street parking shall be provided as required in Chapter 4, which shall include additional spaces which may be required for such accessory uses as a restaurant or bar.
- (f) Signs shall be in accordance with the schedule outlined in Chapter 5.
- (g) Minimum Yard and Height Standards require that no building be closer than fifty (50) 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, except as may be provided under height exceptions for the district in question.

SECTION 1606. MOBILE HOME PARK DEVELOPMENTS.

- (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.

In order to maintain adequate provision for the protection of the health, safety, convenience and general welfare of the Township and to provide for the proper balance of residential uses in the Township and to insure optimum development of all types of such uses as well as to insure adequate public services at all times, the total number of mobile homes within the Township at any one time should not exceed ten (10) percent of the total number of all dwelling units within the Township, as determined by the last official census.

The special features and demands of mobile home parks require full consideration 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, where compatible, in the districts so listed for said use in Part II.

- (2) 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 current state mobile home laws. The development proposal must meet these standards and conditions and all other provisions as herein established:
- (a) Mobile Homes designed for occupancy as dwelling units and containing a minimum of nine hundred sixty (960) square feet of living area within 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 or needs of persons residing within the park and may be permitted PROVIDED that such uses:
    - (1) Shall not occupy more than ten (10) 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 may be established, however, a caretaker's residence may be established within or in addition to said permanent building.
- (3) 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 improved highways or have access by construction of less than one-half (1/2) mile of newroad.
  - (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.
- (4) USES SPECIFICALLY PROHIBITED. The sale, display or storage of mobile homes for such uses within any portion of the mobile home park under Section 1606 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 provisions as herein set out.
- (5) DEVELOPMENT REQUIREMENTS. All mobile home parks shall comply with all site, development, and other standards and requirements of Acts 419 of 1976 and 243 of 1959, as amended, proof of which shall be established by presentation of a certified copy of a construction permit issued by the State prior to final approval of a Special Use Permit by Lakefield Township.

SECTION 1607. DAY NURSERIES.

- (1) AUTHORIZATION. In order to facilitate the care of preschool children within a desirable home environment, this Section provides for the inclusion of nursery schools and child care centers within the noted Residential District and in churches within any zone district. This use may be authorized by the issuance of a Special Use Permit when all of the procedures and applicable requirements of this Section can be complied with.
- (2) USES THAT MAY BE PERMITTED. Nursery schools, day nurseries, and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit based for residential purposes on the site.

- (3) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Day Nursery within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a Day Nursery upon the district in which such use is proposed.
- (a) Sites which are not on major arterials are to be preferred.
  - (b) Sites with low levels of noise and air pollution are to be preferred.
  - (c) Sites with access to parks, libraries, etc. are to be preferred.
- (4) DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Twelve thousand five hundred (12,500) square feet with a lot width of one hundred (100) feet PROVIDED that no more than four (4) children shall be kept on the premises in addition to the children of the foster family. For each child not a member of the family in excess of four (4), there shall be provided two hundred (200) square feet of lot area in addition to the base figure of twelve thousand five hundred (12,500) square feet.
  - (b) YARDS: Front, side, and rear yards shall conform to the requirements of the "R" Residential District (Chapter 10, Section 1004).
  - (c) MAXIMUM BUILDING HEIGHT AND MAXIMUM LOT COVERAGE shall be no greater than that permitted in the "R" District.
  - (d) OFF-STREET PARKING shall be provided in conformance with the Schedule outlined in Chapter 4.
  - (e) SIGNS: As provided in Chapter 5.
  - (f) PLAY AREAS: There shall be provided on the site a usable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by a suitable plant material.

SECTION 1608. AUTOMOBILE SERVICE STATIONS.

- (1) AUTHORIZATION. Facilities to serve motor vehicles are of considerable importance where the basic mode of transportation is private automobile. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a gasoline service station as a permitted use within various commercial districts.
  
- (2) OBJECTIVES. It is the intent of this Section to exercise a measure of control over service stations and permitted buildings and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this Section are to:
  - (a) Promote type of development which will be compatible with other land use activities located in areas where service stations will be constructed.
  - (b) Control those aspects of service station design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
  - (c) Minimize the traffic congestion and safety hazards which are inherent to service station activity.
  
- (3) USES THAT MAY BE PERMITTED. Gasoline service stations as defined in Chapter 2, Section 202, including the servicing of motor vehicles under one and one-half (1-1/2) tons rated capacity such as minor adjustments to minor vehicles, sales and installation of automotive accessories and other servicing of motor vehicles, PROVIDED such accessory uses and services are 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.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any automobile service station within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
- (a) The site should have direct access to an arterial street.
  - (b) Automobile service stations should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
  - (c) Automobile service stations should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (d) Stations should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (5) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Thirty-three thousand (33,000) square feet with a minimum width of one hundred sixty-five (165) feet.
  - (b) SITE LOCATION: The proposed site shall have at least one (1) property line on a major or minor arterial.
  - (c) BUILDING SETBACK: The service station or permitted buildings shall be setback fifty (50) feet from all street right-of-way lines and shall not be located closer than fifty (50) to any property line in a residential district unless separated there from by a street or alley.

- (1) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.
  - (2) Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- (d) ACCESS DRIVES: No more than two (2) driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
- (1) If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.
  - (2) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall be no less than twenty-five (25) feet from any adjacent lot within an R District as extended to the curb or pavement.
  - (3) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.
- (e) CURBING AND PAVING: A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (f) FENCING: A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- (g) SIGNS as provided in Chapter 5, PROVIDED that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.

- (h) OFF-STREET PARKING shall be provided in conformance with the schedule outlined in Chapter 4.
- (i) LIGHTING: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.

SECTION 1609. RESTAURANTS AND CLUBS.

- (1) AUTHORIZATION. Facilities to serve food and beverages are of considerable importance within urbanizing areas. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the restaurant function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a restaurant or club as a permitted use within the commercial district.
- (2) OBJECTIVES. It is the intent of this Section to exercise a measure of control over restaurant and club sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of these uses. The objectives of the regulations set forth in this Section are to:
  - (a) Promote the type of development which will be compatible with other land use activities located in areas where restaurants and clubs will be constructed.
  - (b) Control those aspects of restaurant design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
  - (c) Minimize the traffic congestion and circulation problems associated with these uses.
- (3) USES THAT MAY BE PERMITTED. Restaurants, clubs 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 without Special Permit by the Planning Commission.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any restaurant within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
- (a) The site should have direct access to an arterial street.
  - (b) Uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
  - (c) Restaurants should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (d) Restaurants should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (5) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Thirty-three thousand (33,000) square feet with a minimum width of one hundred sixty-five (165) feet.
  - (b) SITE LOCATION: The proposed site shall have at least one (1) property line on a major or minor arterial.
  - (c) BUILDING SETBACK: The permitted buildings shall be set back fifty (50) feet from all street right-of-way lines and shall not be located closer than fifty (50) feet to any property line in a residential district unless, separated there from by a street or alley.
    - (1) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.

- (d) ACCESS DRIVES: No more than two (2) driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
  - (1) If the permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.
  - (2) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall be no less than twenty-five (25) feet from any adjacent lot within an R District as extended to the curb or pavement.
- (e) CURBING AND PAVING: A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (f) FENCING: A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- (g) SIGNS as provided in Chapter 5, PROVIDED that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.
- (h) OFF-STREET PARKING shall be provided in conformance with the schedule outlined in Chapter 4.
- (i) LIGHTING: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.

SECTION 1610. MISCELLANEOUS SPECIAL 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 Township 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 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 Part II, PROVIDED that requirements specified and the applicable specified conditions established herein can be complied with:
- (a) Incinerators and sanitary fills.
  - (b) Junk yards.
  - (c) Sewage treatment and disposal installations as an integral design of a mobile home park as permitted and designed only for service to that mobile home park development.
  - (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, recreational camps, and other open space uses operated for profit within any designated zone district. Also including such private recreational uses as all-terrain vehicles and radio-controlled planes and boats.
  - (f) Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions.
  - (g) Sand, gravel, and clay pits or quarries.
  - (h) Temporary Permits.
  - (i) Model Homes.
  - (j) Riding Stables.
  - (k) Livestock Auction Yards.
  - (l) Veterinary Hospitals, Clinics, and Kennels.
  - (m) Outdoor Sales Space.
  - (n) Private Airplane Landing Strips.
  - (o) Two-Family Dwellings.
  - (p) Private and Public Roads.
  - (q) Wireless Cell Communication Tower

(3) INCINERATORS, AND SANITARY FILLS.

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Incinerator or Sanitary Landfill within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such facilities upon the district in which they are proposed.

- (1) 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.
- (2) No residential subdivisions with officially filed plats should exist within one mile of the facility.
- (3) The uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marches need not be disturbed.
- (4) The uses should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
- (5) The uses should be developed on sites where their operation will not air or noise pollution for adjacent uses.

(b) SITE DEVELOPMENT CRITERIA. The following requirements for site development as well as any other requirements in this Ordinance shall be complied with:

Berms and fences will be constructed as is required by the Regulations promulgated for PA 641. The berms and fences will be placed on the interior of vegetated buffers and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.

(2) Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than one hundred (100) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.

(3) No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited in the site.

(4) Grading or reseeding upon completion of operations in a portion of the site is required. Each used portion of the site must be restored with topsoil or with a comparable material approved by the Township Board. The material will be graded and revegetated in such a way so as not to interfere with existing drainage. The restoration shall eliminate all hazards, and be blended to the general surrounding ground form.

(5) Routes for truck movement to and from the site shall be identified by the Planning Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.

(4) JUNK/SALVAGE YARDS:

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.

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

(1) 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.

- (2) Junk yards should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be destroyed.
  - (3) Junk yards should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- (1) The site shall be a minimum of ten (10) acres in size.
  - (2) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
  - (3) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
  - (4) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation.
  - (5) 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.
  - (6) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential or agricultural district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.

(5) SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS:

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.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Sewage Treatment and Disposal Installation within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.

- (1) 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.
- (2) Sewage Treatment and Disposal Facilities should be developed where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The facility should be developed on soils of limited agricultural capability, or on soils which are not farmed.
- (4) The facility should be on a site which can serve both existing development and anticipated new development.
- (5) The facility should be developed on a site where their operation will not cause a serious, detrimental level of air or noise pollution or other nuisance factors upon adjacent uses.

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

- (1) All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
- (2) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials, and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

(6) DRIVE-IN THEATRES, RACE TRACKS, GOLF DRIVING RANGES, AND MINIATURE GOLF COURSES OR SIMILAR USES.

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

(1) 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.

(2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.

(3) The use should be developed on soils of limited agricultural capability or on soils which are not farmed.

(4) The use should be developed on sites where their operation will not create a significant and detrimental increase in the level of air and noise pollution and other nuisance factors upon adjacent uses.

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

(1) Traffic patterns, ingress and egress. All traffic ingress and egress shall be from a side thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and simple 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.

Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.

- (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.

Race tracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8) feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.

- (3) Ticket Gates and Screens. Drive-in theater ticket gates shall be provided in accordance with the following ratios:

One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) percent of the vehicular capacity of the theater.

Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in height.

(7) RECREATIONAL OPEN SPACE USES:

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Recreational Open Space Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The recreational open space use should have direct access to an improved arterial.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

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

- (1) The proposed site shall be at least two (2) acres in area.



- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
  - (3) 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.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
  - (5) 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.
- (8) INSTITUTIONS FOR THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED, DRUG OR ALCOHOLIC PATIENTS AND CAMPS OR CORRECTIONAL INSTITUTIONS.
- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such institutional use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which such use are proposed.
- (1) The use should have direct access to a major arterial.
  - (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (4) The use should provide some type of service or employment for persons residing in the vicinity.

- (5) The use should be developed on sites separated from concentrations of residential, commercial, or industrial developments.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
- (1) The proposed site shall be at least twenty (20) acres in area.
  - (2) The proposed site shall have at least one (1) property line abutting a major or minor thoroughfare or principal collector. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare, or collector.
  - (3) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) feet setback an additional one (1) foot for each foot of additional height above two (2) stories.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
  - (5) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
  - (6) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (7) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(9-1) SAND, CLAY, OR GRAVEL PITS, QUARRIES:

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.

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.
- (1) 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.
  - (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on a site of limited agricultural capability or on soils which are not farmed.
  - (4) The use should be developed on a site separated by one (1) mile from concentrations of residential and commercial uses.
  - (5) The use should be developed on a site where its operation will not cause a serious, detrimental level of air or noise pollution for adjacent uses.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of the Ordinance shall be complied with:
- (1) 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 of any street right-of-way line or property line in order to insure sublaterals support for surrounding property.

- (2) 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 trespassing, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
- (3) No slope shall exceed an angle with the horizontal of forty-five (45) degrees to a depth of six (6) feet all around the perimeter.
- (4) 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.
- (5) 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.
- (6) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (7) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stock piling excavated material upon the site.
- (8) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than a slope of 3 - 1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Planning Commission shall be spread over the excavated area, except exposed rock surfaces, or areas 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 grass and maintained until the area is stabilized and approved by the Planning Commission.

- (9) Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.

(9-2) PONDS:

All uses shall be established and maintained in accordance with applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements will prevail.

A Pond is defined as any manmade excavated depression in the soil that is filled with water and is a minimum of twenty-four (24) inches deep at the center and a minimum of one thousand (1000) square feet.

(a) SITE LOCATION PRINCIPLES:

- (1) No pond shall be allowed on a parcel of land that is less than ten (10) acres in size.
- (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps and marches need not be disturbed.
- (3) No cut or excavation shall be closer than fifty (50) feet of any street right-of-way line property line, or utility line in order to ensure sublaterals support for the surrounding property.

(b) SITE DEVELOPMENT REQUIREMENTS:

The following requirements for site development, together with any other applicable requirements of the Ordinance shall be complied with:

- (1) No slope shall exceed an angle of forty-five (45) degrees to a depth of six (6) feet all around the perimeter.
- (2) All permitted installation shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (3) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when necessary; limitations upon the practice of stockpiling excavated material upon the site.

- (4) When excavation and removal operations or either of them is completed, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than 3-1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Planning Commission shall be spread over excavated area, except exposed rock surfaces, or areas laying 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 perennial grass and maintained until the area is stabilized and approved by the Planning Commission.
- (5) All proper permits must be obtained from the Building Administrator.

(10) TEMPORARY PERMITS. Temporary structures, such as a garage, partial structure, cellar, mobile home or house trailer, or basement to be used as a dwelling units, are subject to the following procedures and limitations:

(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 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 one thousand (1000) feet of the affected property at least fifteen (15) days before the hearing.

(c) A temporary permit shall not be granted unless the Planning Commission finds adequate evidence that:

- (1) The applicant is the absolute owner, or has a land contract buyer's interest in the real estate, and that the deed or land contract is recorded at the Office of the Register of Deeds;
- (2) That the proposed water supply and sanitary facilities have been inspected and approved by the Saginaw County Health Department.
- (3) That a building permit for the construction of a residential structure to be constructed on the premises, has been issued;
- (4) That the proposed location of the use will not be detrimental to the property or to the use of property, in the immediate vicinity;

- (5) That a bond required, in an ample sum, but not to exceed five thousand (5,000) dollars, to secure compliance imposed with the granting of the temporary use can be or has been provided;
  - (6) The applicant can demonstrate the ability to finance the construction of the dwelling for which the building permit under section (c) hereof, has been secured.
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- (d) 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.
  - (e) Unique and temporary conditions shall exist which justify the need for a temporary permit 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 principal dwelling on the property in question.
  - (f) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 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.
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- (11) MODEL HOMES. Use of a "model home" within a residential district shall be allowed provided the permit is for one (1) year, which may be renewed and, provided that all regulations of the district within which the use is proposed are followed. This provision includes module and sectional homes but excludes mobile home sales.
  - (12) RIDING STABLES:
    - (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Riding Stables within a permitted district.

These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.

- (1) The property should have direct access to a paved improved street.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

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

- (1) The proposed site shall be at least ten (10) acres in area.
- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
- (3) 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.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (5) Accessory uses for a permitted use shall be construed to include retail sales directly connected with the principal riding stable operation.



(13) LIVESTOCK AUCTION YARDS:

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Livestock Auction Yard Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The Livestock Auction Yard use should have direct access to an arterial.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

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

- (1) The proposed site shall be at least five (5) acres in area.
- (2) The proposed site shall have at least one (1) property line abutting a major arterial. All ingress and egress to the site shall be directly from said arterial.
- (3) 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 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.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.

(14) VETERINARY HOSPITALS, CLINICS, AND KENNELS:

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of Veterinary Hospitals, Clinics and Kennels within a permitted district. 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.
- (1) The use should have direct access to an improved arterial.
  - (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on soils of limited capability or on soils which are not farmed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- (1) The proposed site shall be at least twenty (20) acres in area.
  - (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
  - (3) All buildings and structures shall be set back at least seven hundred fifty (750) feet from any residential structure. Whenever the installation abuts upon property within a residential district, this seven hundred fifty (750) 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.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.

(15) OUTDOOR SALES SPACE.

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any spaces for exclusive sale of new or used automobiles, trucks, mobile homes, travel trailers, boats, and farm machinery or equipment. Within a permitted district, the following shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.
- (1) 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 road.
  - (2) The use should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
  - (3) The uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with other applicable requirements of this Ordinance shall be complied with:
- (1) The lot (only that area used) shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  - (2) 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.

(16) PRIVATE AIRPLANE LANDING STRIPS.

(a) ) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of 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.

- (1) Such strips shall be for the exclusive private use of the property owner and shall be situated wholly within the confines of his property.
- (2) No commercial aviation or other commercial activity of any sort shall be associated with the existence or functioning of said strip.
- (3) Aircraft using such strips shall be limited to those owned or hired by the property owner and used only for personal travel or recreation, crop-dusting, and similar limited activity.
- (4) The site of any strip shall have at least one (1) property line abutting a public street.

(b) SITE DEVELOPMENT REQUIREMENTS:

- (1) The proposed site shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.
- (2) All strips shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each end.
- (3) Buildings, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations.
- (4) 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.

(17) TWO-FAMILY DWELLINGS.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Two-Family Dwelling Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The two-family dwelling use should have direct access to an improved arterial.
- (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

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

- (1) The proposed site for a two-family dwelling shall contain at least forty thousand (40,000) square feet in area.
- (2) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (3) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (4) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(18) PUBLIC AND PRIVATE ROADS.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any public and private roads within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are imposed.

- (1) The placement and length of a road must be in compliance with all requirements under the township ordinances and be approved by the Saginaw County Road Commission.
- (2) The applicant / developer shall be responsible for naming the road and for placement of the signage. The road name must be unique and not be a road name used elsewhere in the county. The signage must be clear and of the type used in the county.
- (3) Public roads must be approved, dedicated to and accepted by, the Saginaw County Road Commission.
- (4) If the road is a private road, the deeds to abutting properties must contain covenants running with the land that the road is a "private road" and that the owners of said properties are responsible for their pro-rata share of the cost of continued maintenance and repair of the private road according to Saginaw County Road Commission standards.
- (5) The owners of property abutting the private road shall maintain and repair the private road according to Saginaw County Road Commission standards for as long as the road remains a private road.
- (6) The applicant / developer shall provide to the township a set of drawings of the proposed road with the stamp of a licensed engineer on them.
- (7) The township may, in its discretion, hire a consultant of its choosing to represent the interests of the township residents. The applicant / developer shall reimburse the township for the consultant's fees.
- (8) The township shall not approve the construction of the road until the applicant / developer has provided complete construction drawings and has secured all required permits.
- (9) The decision of the Saginaw County Road Commission shall resolve any engineering disagreements, said decision deemed to be final.

(10) A performance bond shall be posted with the township in an amount 110% of the project cost.

(11) All fees and costs incurred by the township, including engineering and legal fees, shall be paid by the applicant / developer.

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

(1) A complete set of engineering drawings are to be submitted to, and verified by, the township consultant.

(2) The construction, composition, and Specifications of a public road shall meet the requirements of the Saginaw County Road Commission.

(3) The construction and composition of the roadbed and driving surface of a private road shall meet the specifications of the Saginaw County Road Commission.

(4) The construction of a cul-de-sac for public and private roads shall meet all specifications of the Saginaw County Road Commission and the Saginaw County Drain Commission.

(5) Drainage systems on private roads shall comply with the recommendations of the Saginaw County Drain Commission. The applicant / developer shall obtain all permits required by any county, state, or federal agency.

(6) All road designs shall allow for the safe ingress and egress of motor vehicles.

(7) The vertical clearance shall be at least eighteen feet.

(19) WIRELESS COMMUNICATION CELL TOWER

Intent and Purpose

Changing technology in the field of communications has resulted in reliance upon more versatile convenient forms of communication. Businesses, individuals and government have developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones has proven themselves over and over again in emergency situations. The intent and purpose of the ordinance is to enable construction and operation of wireless communication systems while providing a regulatory scheme and reasonable restrictions which will preserve public health, safety and welfare.

(a) Qualifying conditions:

- (1) Communication Towers shall be restricted to self-supporting structures. The use of guy wires is prohibited.
- (2) The base of the tower and accessory structures shall be enclosed with a minimum six (6') foot high fence.

(b) Performance and Development Standards: All communication towers shall satisfy and comply with the following performance and site development standards:

(1) Construction

- (a) The tower shall be a self-supporting lattice tower or self-supporting monopole.
- (b) Accessory structures shall not exceed four hundred (400) square feet of gross building area per structure.
- (c) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (d) The plans of the tower construction shall be certified by a structural engineer registered in the State of Michigan.
- (e) The application shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (f) All towers must meet the standards of the Aviation administration, the Federal Communication Commission and the Tri-City Area Joint Airport Zoning Board.
- (g) Communication towers in excess of one hundred seventy-five (175') feet in height above grade level shall be prohibited within two (2) miles of a public airport property boundary or a ½ mile radius of a helipad.



- (h) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connection with all applicable local statutes, regulations and standards.
- (i) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight (8') feet above ground at all points, unless buried underground.
- (j) The base of the tower shall occupy no more than five hundred (500') square feet.
- (k) Height of the tower shall not exceed two hundred (200') feet from grade within all applicable zoning districts.
- (l) Towers shall not be artificially lit unless required by the Federal Aviation Administration.
- (m) Towers shall be designed to provide co-location. If the applicant demonstrates that they cannot co-locate on the existing tower, applicant must provide documentation satisfactory to the Township that co-location is not possible.
- (n) The use of guy wires is strictly in all zoning districts.
- (o) All parking and drive must be, at a minimum, gravel surface or comparable material.

(2) Location

- (a) The tower must be set back from all property lines a distance equal to or greater than its height when erected on a parcel that abuts other A-1 or residentially zoned or used parcels, unless engineering plans and specifications have been verified by a report from a structural engineer registered in the State of Michigan showing the tower antennae capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. The applicant shall incur all costs associated with the review of such a report.
- (b) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet.
- (c) Towers shall be located so that they do not interfere With reception in nearby residential areas.
- (d) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.

- (e) A conceptual plan which indicates the contemplated area for the installation of other wireless towers must be submitted by the applicant.
- (f) Minimum spacing between tower locations shall not be less than 1½ mile radius to prevent a concentration of towers in one area. This shall include a distance of neighboring township towers.
- (g) A minimum site of one (1) acre with a minimum of twenty (20') feet of road frontage for access.

(3) Appearance

- (a) Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick façade and a pitched roof.
- (b) Metal towers shall be constructed of or treated with corrosive-resistant material and shall be painted white or off-white. Applicant shall submit a maintenance program acceptable to the Township. The antenna shall be painted to match the exterior treatment of the tower.
- (c) Existing on-site vegetation shall be preserved to the maximum extent possible.
- (d) There shall not be displayed advertising or identification of any kind intended to be visible from ground or other structures, except as required for emergency purposes.
- (e) Where the property adjoins any rural residentially zoned property or land use, the site shall be landscaped in accordance with the landscape requirement established by the Planning Commission. Existing mature tree growth and natural landforms on the site may be used in lieu of required landscaping where approved by the Planning Commission.

(4) Use

- (a) Subject to the conditions in this subsection the Township may permit the location of Personal Wireless Communication Facilities on any Township owned or occupied land.

- (b) The applicant shall submit a copy of a valid FCC license for the proposed activity, or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- (c) If co-location is used, one such accessory structure is allowed for each provider not exceeding five accessory structures.
- (d) No employees shall be located on the site on a permanent basis. Occasional or temporary repair and service activities are excluded from this restriction.
- (e) The owner of the tower or property owner must provide written statements that certify the following to the Township:
  - 1. That the owner will notify the Township of any change in ownership or control of the tower.
  - 2. That the owner of the tower will notify the Township of any change in operation of the tower, including the cessation of the operations.
- (f) The property owner or lessee shall remove the tower within six (6) months of being abandoned. The communication tower shall be deemed abandoned if, for a continuous period of six (6) months, none of the antenna or other communication devices attached thereto are operational. The Township shall require a \$10,000.00 performance bond to ensure its removal.

(20) SECOND LIVING QUARTERS FOR FAMILY MEMBER.

(a) SITE USE REQUIREMENTS. The following requirements for site use, together with any other applicable requirements of this Ordinance shall be complied with.

- (1) No more than a combined area of the principal dwelling plus the second living quarters, shall exceed 25% of the gross site area.
- (2) The second living quarters must meet all district requirements for setbacks from roads and adjoining properties.
- (3) A person is deemed to be elderly if the person is age 65 and older.
- (4) Restricted to the situation where the intended occupant of the second quarters requires frequent care or living assistance due to medical condition or disability, as verified in writing by a medical physician.
- (5) A Special Use Permit, valid for one (1) year, must be obtained from the Township to establish a second living quarters. The permit shall be issued by the Zoning Administrator. The permit may be renewed for successive one-year periods if compliance with these provisions is maintained, as verified by the Zoning Administrator and the Planning Commission.

PART FOUR

Administration and Enforcement

CHAPTER 17

Administration

SECTION 1701. GENERAL ADMINISTRATION.

The provisions of this ordinance shall be administered by the Township Zoning Board, the Board of Zoning Appeals, and the Township Board in conformance with applicable State of Michigan enabling legislation.

- (1) RESPONSIBILITY. The Lakefield Township Board with the recommendation of the Planning Commission shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The Township Board may designate the Building Inspector as the Zoning Administrator. The term of employment, compensation, and any other conditions of employment shall be established by the Township Board.
- (2) DUTIES OF ZONING ADMINISTRATOR. All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance.

The Zoning Administrator shall record all noncon-forming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties.

- (3) SIGN PERMIT. Prior to the construction, erection, or structural alteration of a sign, a permit shall be obtained from the Zoning Administrator. Application shall be on a standard prepared form obtained from the Zoning Administrator.
- (4) CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy shall be obtained from the Zoning Administrator before any of the following:

- (a) Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered.
- (b) Change in the use of land or building, except to another use which represents a continuation of a use under a previous Certificate of Occupancy.
- (c) Any change in use of a nonconforming use or building.

(5) APPLICATION FOR CERTIFICATE OF OCCUPANCY.

- (a) APPLICATION. In all cases where a building permit is required, said permit shall be obtained from the building inspector not less than ten (10) days prior to the time when construction of a new, changed, or enlarged use of a building, structure, or premise is intended to begin.
- (b) INFORMATION REQUIRED. Application for a building permit shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimensions of the premises to which the building permit is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easements of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and, such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
- (c) ACCESSORY BUILDINGS OR STRUCTURES. When erected at the same time as the principal building or structures on a lot shown on the application, accessory buildings shall not require separate building permits.
- (d) RECORD OF APPLICATION. A record of all such applications for building permits shall be kept on file by the building inspector. Whenever the building, structures, premises and uses thereof as set forth on the application, are in conformity with the provisions of this code and other applicable regulations, it shall be the duty of the Building Inspector to issue any necessary building permit and when such permit is denied, to state such refusal in writing, with cause.

(e) ISSUANCE OF CERTIFICATE OF OCCUPANCY.

After notification that the building, structure, or premises, or part thereof is ready for occupancy and inspection, the building inspector shall make final inspection thereof and if all provisions of this code and other applicable regulations have been complied with, he shall issue a Certificate of Occupancy which shall show such compliance. When a Certificate of Occupancy is denied on the grounds of a zoning violation, such refusal shall be stated in writing with reasons for said denial.

A temporary Certificate of Occupancy may be issued by the building inspector for a part of a building or structure or premise prior to completion of the entire building, structure or premise, PROVIDED it is sufficiently clear all provisions of this Ordinance will be met.

SECTION 1702. ENFORCEMENT.

The building inspector shall enforce the provisions of this Ordinance.

(1) 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 considered possible violations of the provisions of this Ordinance observed by or communicated to a Township Official or employee shall be reported to the building inspector.

(a) INSPECTION OF VIOLATION. The building inspector shall inspect each alleged violation he observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

(b) CORRECTION PERIOD. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the building inspector shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Attorney, who is hereby authorized to and shall initiate procedures to eliminate such violation.

(c) PENALTIES. Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this code, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than five hundred (500) dollars or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this Ordinance.

(d) CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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

SECTION 1703. 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 zoning board, or by petition of one (1) or more owners of property to be affected by the proposed amendment.



(3) AMENDMENT PROCEDURE.

- (a) PETITION TO TOWNSHIP BOARD. 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 investigation of the amendment request. The Township Clerk shall transmit the application to the zoning board for recommended action.
  
- (b) RECOMMENDATION. The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the development plans for the community. The planning commission may recommend any additions or modifications to the original amendment petition.
  
- (c) PUBLIC HEARING. After deliberation on any proposal the planning commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the Township. Such notice shall be given not less than fifteen (15) days before the date of such hearing. Also not less than fifteen (15) days before such hearing, notice of the time and place of such hearing shall also be given by certified mail, to each public utility company servicing the community, and which has registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.

The Township planning commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premise in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last

assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the planning commission before the hearing. The notice shall be made not less than eight (8) days before the hearing stating the time/place, date, and purpose of the hearing. 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 act.

- (d) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing, the Township planning commission shall submit the proposed amendment including any zoning district map, to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission shall within thirty (30) days of its receipt, have notified the Township Board of its disapproval or approval.
- (e) TOWNSHIP BOARD. Upon receipt of the planning commission's recommendation, the Township Board shall review said recommendations.

If the Township Board shall deem advisable any amendments, changes, additions, or departures to the proposed Ordinance amendment recommended by the planning commission, it shall refer the same back to the planning commission for a report thereon within a time specified by the Township Board.

After receiving the proposed amendment recommendation, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Clerk of the Township Board. The planning commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing shall be published in a newspaper which circulates in the Township not less than fifteen (15) days before the hearing.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership.

**(f)** 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 found, upon inspection by the Township Board, to be valid.

SECTION 1704. BOARD OF APPEALS.

**(1)** CREATION AND MEMBERSHIP.

(a) ESTABLISHMENT. The Township Board upon exercising the authority of Act 184 of the Public Acts of 1943, as amended, provides, that a Township Board of Appeals be established.

(b) MEMBERSHIP, TERMS OF OFFICE. The Township Board of Appeals shall consist of three (3) members. The first member of such Board of Appeals shall be the chairman of the Township planning commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be provided annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

**(2)** ORGANIZATION AND PROCEDURES.

(a) RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairman, and in his absence, an acting chairman.

- (b) MEETINGS. Meetings shall be held at the call of the chairman and at such times as the Board of Appeals may determine. All meetings by the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- (c) RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.
- (d) COUNSEL. The Township Attorney shall act as legal counsel for the Board of Appeals and shall be present at all meetings upon request by the Board of Appeals.
- (e) HEARINGS. When an application which requests consideration of a matter is received, a notice which publicizes the request must be distributed.
  - (1) Content of Notice. The notice shall include the following:
    - (a) Nature of the request.
    - (b) Indication of the property which is the subject of the request.
    - (c) Statement of where and when the request will be considered.
    - (d) Statement of where and when written comments will be received concerning the request.
    - (e) Indication that a public hearing on the request may be requested by any property owner, or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered.
  - (2) Method of Circulation. This notice shall be published in a newspaper which circulates within the Township and shall also be delivered by mail or personal delivery to the following parties:
    - (a) Owners of property for which approval is being considered.

- (b) All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
  - (c) Occupants of all structures within three hundred (300) feet.
- (3) Notice and Multiple Occupancy. Notification need not be given to more than one (1) occupant of a structure, unless that structure contains more than one (1) and less than (4) spatial areas owned or leased by different individuals, partnerships, businesses or organizations. In this case, each unit or area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas which are owned or leased by different individuals, partnerships, businesses, or organizations, the notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- (4) DATE OF NOTIFICATION. Notice shall be given not less than fifteen (15) days before the date the application will be considered.
- (5) WAIVER OF NOTICE. If the applicant or the Board of Appeals requests a public hearing, only notification of the public hearing need be made.
- (6) PUBLIC HEARING. A request for public hearing may be initiated by the Board of Appeals or by a property owner or occupant located within three hundred (300) feet of the boundary of the property under consideration. Hearing notification shall be made using the same process described for notice of request for Special Use Permit approval (Section 1602).
- (f) DECISIONS. The Board of Zoning Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed unless a further time is agreed upon by the parties concerned. Any decision of

the Board of Zoning Appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Board of Zoning Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

- (g) MAJORITY VOTE. The concurring vote of a majority of the members of the Board of Zoning Appeals present at the meeting shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in the Ordinance.

(3) APPEALS.

- (a) FILING OF APPEALS. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officer, department, or board of the local government.

Any appeal from the ruling of the building inspector concerning the enforcement of the provisions of this Ordinance may be made to the Board of Zoning Appeals within ten (10) days after the date of the mailing of the building inspector's decision. Such appeal shall be filed with the building inspector and shall specify the grounds for the appeal. The building inspector shall immediately transmit to the Secretary of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

- (b) STAY. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or, on application, by a court of record.

- (c) FEES. A fee as established by the Township

Board shall be paid to the building inspector at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.

(4) DUTIES AND POWERS.

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- (a) REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the building inspector or by any other official in administering or enforcing any provisions of this Ordinance.
- (b) INTERPRETATION. (See Section 604). The Board of Appeals shall have the power to: Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

Determine the precise location of the boundary lines between zoning districts.

Classify a use which is not specifically mentioned as part of the use regulations of any zone district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.

Determine the off-street parking and loading space requirements of any use not specifically mentioned in Chapter 4, Section 404.

- (c) VARIANCES. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied:

- (1) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - (2) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district.
  - (3) Will not cause a substantial adverse effect upon the property values in the immediate vicinity or in the district in which the property of the applicant is located.
  - (4) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  - (5) Will relate only to property that is under control of the applicant.
- (d) SPECIAL CONDITIONS. When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE of the following special conditions can be clearly demonstrated:
- (1) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - (2) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
  - (3) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- (e) RULES. The following rules shall be applied in the granting of variances:



(1) The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit grant.

(2) Each variance granted under the provisions of this Ordinance shall become null and void unless:

The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.

The occupancy of land, premise, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.

(3) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board of Appeals, to be valid.

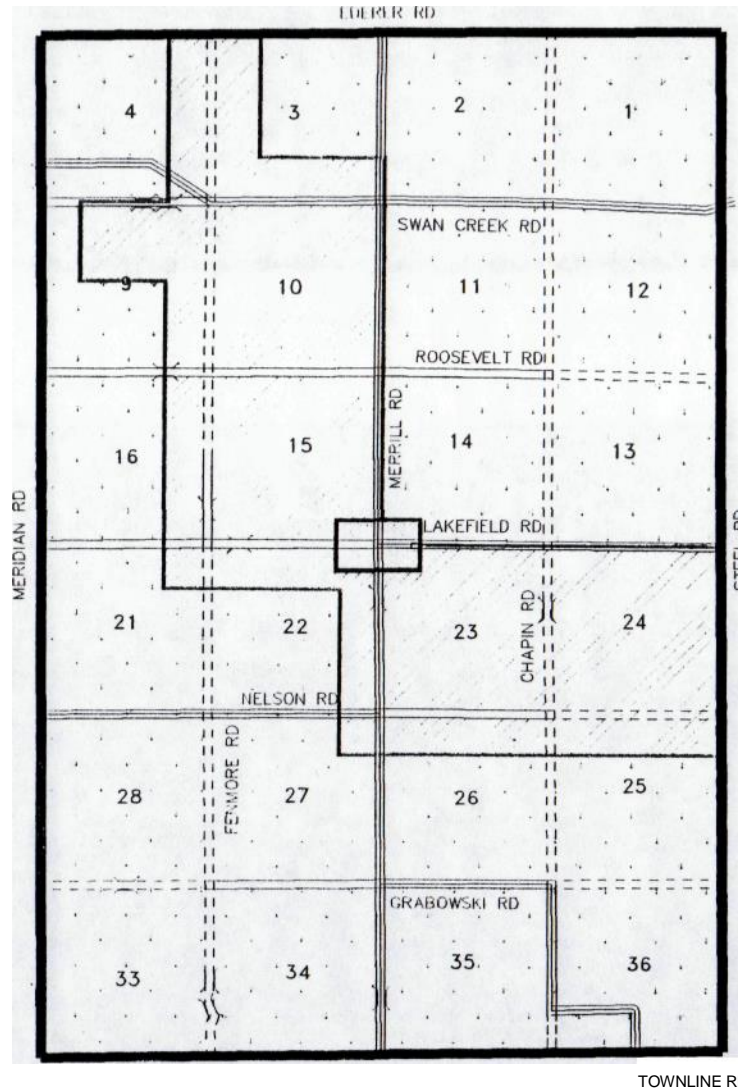
(5) BOND FOR COMPLIANCE.

(a) Bond Authorized. In authorizing any variance the Board of Appeals may require that a bond of ample sum, but not to exceed five thousand (5,000) dollars, be furnished to ensure compliance with, specifications and conditions imposed with the grant or variance.

| TYPE OF ACTION                    | II PARTIES WHO MAY INITIATE ACTION   | I BODY MAKING DECISION                             | I PUBLIC HEARING REQUIRED?  | I PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING                     | I MAILED NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET - DAYS BEFORE HEARING | I BODY TO WHICH APPLICANT MAY APPEAL A DENIAL |
|-----------------------------------|--|--|-----------------------------|---|---|---|
| VARIANCE                          | II Applicant or Administrator  | I Zoning Board of Appeals                          | I Yes                       | I Not required  | I Not less than 5.  | I Circuit Court                               |
| INTERPRETATION                    | II Applicant or Administrator  | I Zoning Board of Appeals                          | I Yes                       | I Not required  | I Not less than 5, if applicable,   | I Circuit Court                               |
| APPEAL OF ADMINISTRATIVE DECISION | II Any aggrieved party or any State, County or Township officer, board, bureau or deptmt | I Zoning Board of Appeals                          | I Yes                       | I Not required  | I Not less than 5.  | I Circuit Court                               |
| SITE PLAN APPROVAL                | II Applicant or Administrator  | I Planning Commission                              | I If requested by any party | I Not more than 15, or less than 5.                                       | I Not more than 15, or less than 5.   | I Township Board, after 2nd denial            |
| APPEAL OF SITE PLAN DENIAL        | II Applicant, after 2nd site plan denial   | I Township Board                                   | I Yes                       | I Not more than 15, or less than 5.                                       | I Not more than 15, or less than 5.   | I Circuit Court                               |
| SPECIAL USE PERMIT                | II Applicant or Administrator  | I Planning Commission                              | I Yes                       | I Not more than 15, or less than 5.                                       | I Not more than 15, or less than 5.   | I Circuit Court                               |
| PLANNED UNIT DEVELOPMENT          | II Applicant or Administrator  | I Planning Commission                              | I Yes                       | I Not more than 15, or less than 5.                                       | I Not more than 15, or less than 5.   | I Circuit Court                               |
| REZONING                          | II Applicant, Planning Commission or Township Board                                      | I Planning Commission recommends to Township Board | I Yes                       | I FIRST: Not more than 30, or less than 20.<br>I SECOND: Not less than 8. | I Not less than 8.  | I No appeal until after Township Board action |
|                                   | II   | I Township Board                                   | I If requested by any party | I Not more than 15, or less than 5.                                       | I Not required.   | I Circuit Court                               |
| TEXT CHANGE                       | II Applicant, Planning Commission or Township Board                                      | I Planning Commission recommends to Township Board | I Yes                       | I FIRST: Not more than 30, or less than 20.<br>I SECOND: Not less than 8. | I Not less than 8 if applicable.  | I No appeal until after Township Board action |
|                                   | II   | I Township Board                                   | I If requested by any party | I Not more than 15, or less than 5.                                       | I Not required.   | I Circuit Court                               |
| FEE WAIVER                        | II Applicant   | I Township Board                                   | I No                        | I Not required  | I Not required.   | I Circuit Court                               |

# LAKE FIELD TOWNSHIP

Zoning Map



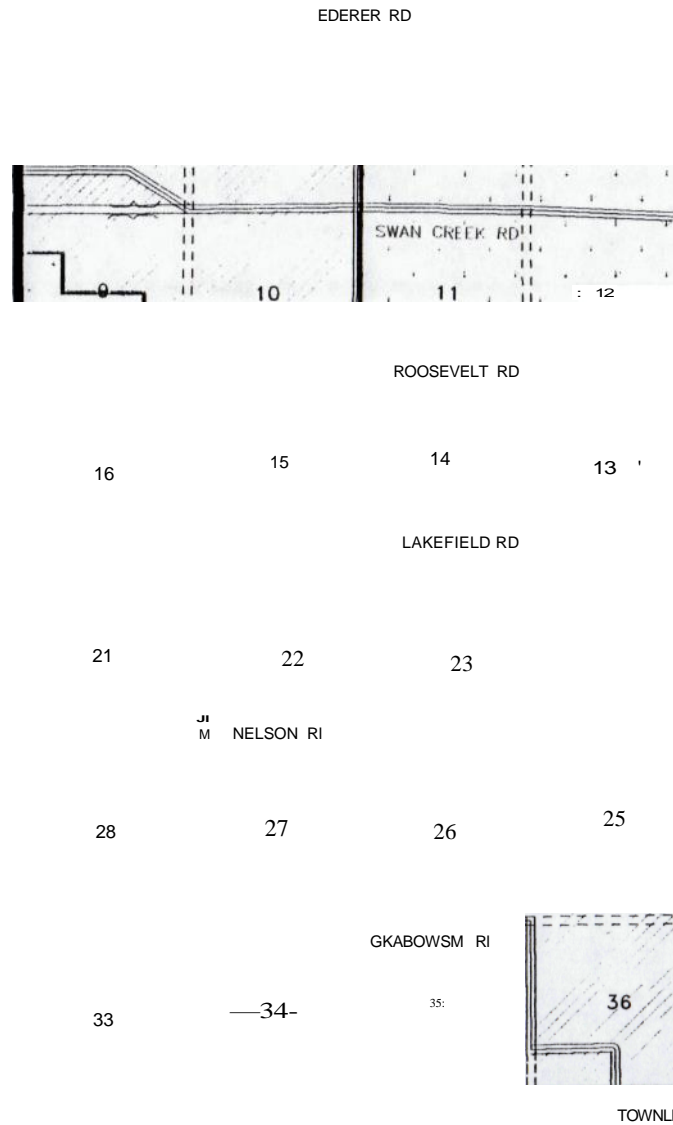
## LEGEND

- "A"— Agricultural
- "R"-Rural Residential
- "B" Community Wide Commercial

SAGINAW COUNTY  
METROPOLITAN PLANNING COMMISSION  
LAKEFIELD TOWNSHIP  
Zoning Map

# LAKEFIELD TOWNSHIP

## Development Plan Map



### LEGEND

Agricultural

Rural

Commercial

2000 4000 6000  
SCALE IN FEET

SAGINAW COUNTY  
METROPOLITAN PLANNING COMMISSION

LAKEFIELD TOWNSHIP  
Development Plan Map

Drawn by: JAY  
Designed by:  
Approved by:

Date 3/10/97  
Scale:  
File no: