

**Marion Township
Zoning Ordinance**
Marion Township, Saginaw County, Michigan

*Effective Date:
January 1, 2005*

Updated April 2015

*Adopted by the Marion Township Board of Trustees
In Accordance with the Township Zoning Act*

Prepared by the
Marion Township Zoning Board

With the assistance of the
Saginaw County Metropolitan Planning Commission

Marion Township Zoning Ordinance

Table of Contents

		Page
Chapter 1:	Miscellaneous Provisions	
101	Short Title	1-1
102	Legal Basis	1-1
103	Purpose	1-1
104	Interpretation	1-2
105	Repeal	1-2
106	Validity	1-2
107	Effective Date	1-2
Chapter 2:	Definitions	
201	Rules of Use and Construction	2-1
202	Definitions	2-1
Chapter 3:	General Requirements	
301	Scope of Regulations	3-1
302	Supplementary Use Regulations	3-1
303	Supplementary Dwelling Regulations	3-3
304	Supplementary Parcel Regulations	3-5
305	Supplementary Structure Regulations	3-5
306	Accessory Structure Regulations	3-7
307	Lot Divided by Zoning District Boundary	3-7
Chapter 4:	Non-Conforming Uses	
401	Purpose	4-1
402	Non-Conforming Buildings and Structures	4-1
403	Non-Conforming Uses of Land	4-1
404	Non-Conforming Uses of Structures	4-2
405	Repairs and Maintenance	4-3
406	Damage of Non-Conforming Use or Building	4-3
407	Change in Tenancy or Ownership	4-3
408	Non-Conforming Lots of Record (Substandard Lots)	4-3
409	Elimination of Non-Conforming Uses	4-4
Chapter 5:	Zoning Districts	
501	Division of the Township	5-1
502	Official Zoning Map (Reference)	5-1
503	Interpretation of Zoning District Boundaries	5-1
504	District Regulations	5-2

	Page
Chapter 6: Special Uses	
601 Purpose	6-1
602 Application Procedures	6-1
603 Notice of Public Hearing	6-1
604 Public Hearing and Review Procedures	6-2
605 Appeal of Decision	6-2
606 General Standards for Approval of Special Uses	6-2
607 Basis for Determination	6-3
608 Performance Guarantee	6-3
609 Compliance With Conditions of Special Use Permit Required	6-3
610 Terms of Permit	6-3
611 Specific Standards, Requirements, and Conditions for Permits	6-4
Chapter 7: Off-Street Parking and Loading Space Requirements	
701 Purpose	7-1
702 General Requirements	7-1
703 Parking Surface Requirements	7-1
704 Parking for Uses Not Specifically Mentioned	7-1
705 Mixed Uses in the Same Building	7-2
706 Reduction in Required Parking for Public Benefits	7-2
707 Additions or Expansions to Buildings and Uses	7-2
708 Driveway Spacing Requirements	7-2
709 Parking Space Dimensions	7-3
710 Driveway and Aisle Configuration	7-3
711 Setbacks Required	7-3
712 Permit Required	7-3
713 Table of Off-Street Parking Requirements	7-3
714 Off-Street Loading Spaces	7-3
715 Other Loading Space Requirements	7-4
Chapter 8: Signs and Billboards	
801 Intent and Purpose	8-1
802 Billboards	8-1
803 Zoning Permit Required	8-1
804 Signs and Activities Exempt from Permit	8-1
805 Prohibited Signs	8-3
806 General Sign Standards	8-4
807 Agricultural and Woodlot Zoning District (A-1)	8-4
808 Rural Residential Zoning District (R-1)	8-5
809 Commercial Zoning District (B-1)	8-5
810 Illumination	8-6
811 Non-Conforming Signs	8-6

	Page
Chapter 9: Administration and Enforcement	
901 Responsibilities in the Zoning Process	9-1
902 Administrative Processes	9-6
903 Authority of the Zoning Board of Appeals	9-10
904 Enforcement	9-13
905 Amendment	9-14
906 Notice Requirements for Public Hearings	9-16
907 Site Plan Review	9-17
908 Review of Subdivision Plats and Land Divisions	9-24
909 Actions Summary Table	9-25
Chapter 10: Marion Township Blight Ordinance 2014-1	 10-1
List of Figures	
2-1 Basement and Story	2-25
2-2 Building Heights	2-26
2-3 Mean Grade	2-27
2-4 Corner Lot	2-28
2-5 Lot Depth	2-29
2-6 Lot Lines and Yards	2-30

Chapter 1

Miscellaneous Provisions

101. Short Title

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

102. Legal Basis

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

103. Purpose

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

- a. Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability, and suitability for particular uses.
- b. Protect the character of the community and enhance the social and economic stability of the Township and the individual zoning districts as set forth in this Ordinance.
- c. Lessen congestion on the public streets and highways, and facilitate safe and convenient access to the various uses of land and buildings throughout the community.
- d. Facilitate adequate provisions for sewage disposal, drainage, water supply, education, recreation, and other public services.
- e. Conserve life, property, natural resources, and the expenditure of public funds for public facilities and services by establishing standards for the physical development of the community, and providing for the enforcement of those standards.
- f. Adopt provisions for each zoning district designated in this Ordinance that shall control the use of land; the use, size and location of buildings; the minimum yards,

courts and other open spaces; and the maximum number of families to be housed in buildings and structures.

104. Interpretation

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

In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks, or parking areas than provided by other laws, ordinances, or private deed restrictions or restrictive covenants, the provisions of this Ordinance shall prevail.

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

105. Repeal

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

106. Validity

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

107 Effective Date

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

Chapter 2 Definitions

201. Rules of Use and Construction

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

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

202. Definitions

(1) **Abutting (lot or parcel)**

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

(2) Access management (access control)

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

(3) Access to property, reasonable

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

(4) Accessory building

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

(5) Accessory Structure

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, and residential swimming pools.

(6) Accessory Use

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

(7) Adjacent (lot or parcel)

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

(8) Adult Entertainment Business

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

(9) Adult Foster Care

A private home licensed by the State of Michigan for the care of sick, elderly, or handicapped adults. A "family" home is further defined as having 1 to 6 adults and a "group" home as having from 7 to 20 adults. This definition does not include the care of persons released from or assigned to adult correctional institutions.

(10) Agriculture

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

(11) Alteration

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

(12) Animal, wild

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

(13) Basement

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

(14) Bed and Breakfast Establishment

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

(15) Berm

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

(16) Billboard

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

(17) Board of Appeals

The Marion Township Zoning Board of Appeals.

(18) Buffer zone

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

(19) Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for

carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

(20) Building height

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2).

(21) Building line

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

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

(23) Building Setback Line

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

(24) Certificate of Occupancy

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

(25) Child Care Center (Day Care Center)

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools.

(26) Church

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

(27) Clinic

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

(28) Club

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

(29) Common land

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

(30) Common open space

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

(31) Condominium Act

Michigan Public Act 59 of 1978, as amended.

(32) Condominium project

Equivalent to "Subdivision" as used in this Ordinance.

(33) Condominium project, mobile home

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

(34) Condominium setbacks shall be measured as follows:

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

Side Yard Setback: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

(35) Condominium subdivision plan

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

(36) Condominium unit

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

(37) Condominium unit site

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

(38) Construction

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

(39) Convenience store with gasoline sales

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

(40) Cul-de-sac

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

(41) Deceleration lane

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

(42) Density

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

(43) Detention facility

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

(44) Development

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

(45) Division

See "Land Division"

(46) Drainageways and streams

Existing permanent or intermittent water courses.

(47) Drive through business

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

(48) Driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

(49) Dwelling, multiple family

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

(50) Dwelling, single family

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

(51) Dwelling, two family

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

(52) Dwelling unit

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

(53) Dwelling unit, attached

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

(54) Dwelling unit, detached

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

(55) Easement

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

(56) Endangered species habitat

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

(57) Erected

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

(58) Essential public services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal

systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

(59) Essential public service building

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

(60) Essential public service building storage yard

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

(61) Excavation

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

(62) Family

- a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

(63) Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products on a parcel that is ten (10) acres or larger in area.

(64) Farm Operation

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

(65) Fence

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

(66) Filling

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

(67) Financial services

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

(68) Flood or flooding

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

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

(69) Flood hazard area

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

(70) Flood Insurance Rate Map (FIRM)

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

(71) Flood Insurance Study

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

(72) Floodplain

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

(73) Floodway

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

(74) Floor area, usable

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

(75) Floor area, gross

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

(76) Floor area, residential

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

(77) Foster care home, family

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

(78) Foster care home, group

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

(79) Freeway Interchange

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

(80) Frontage

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

(81) Frontage road

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

(82) Garage

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

(83) Garden center

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

(84) Glare

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

(85) Grade, average (mean)

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

(86) Grade, finished

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

(87) Grade, natural

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

(88) Greenbelt

A strip of land that contains a sufficient width and density of planting materials to screen adjacent properties from view.

(89) Health Care Institution

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

(90) Home occupation

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

(91) Home Sale

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

(92) Hospital

See "Health Care Institution."

(93) Hotel or Motel

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

(94) Improved area (for a private road) means a road surface that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

(95) Indoor recreation establishment

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

(96) Institutional uses

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

(97) Junk

Junk includes, without limitation, 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 that precludes their use as intended when manufactured.

(98) Junkyard or recycling yard

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

(99) Kennel

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

(100) Land Division (also "Division")

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

(101) Livestock Production Facility

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

(102) Loading space

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

(103) Lot

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

(104) Lot area

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

(105) Lot area, net buildable

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

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

(106) Lot, corner

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

(107) Lot coverage

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

(108) Lot depth

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

(109) Lot frontage

The length of the front lot line.

(110) Lot, interior

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

(111) Lot line

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

(112) Lot lines

- a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 6).
- b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 6).
- c. **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 6)
- d. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:
 1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
 2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

(113) Lot, nonconforming

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

(114) Lot of record

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

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

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

(116) Lot width

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

(117) Manufactured home

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

(118) Medical clinic

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

(119) Mini-warehouse (also "self-storage warehouse")

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

(120) Mobile home

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

(121) Mobile home park

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

(122) Mobile home site or space

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

(123) Mobile home subdivision

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

(124) Motel (See "hotel")

(125) Motor home

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

(126) Non-Conforming use

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

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

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

(128) Non-Conforming structure

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

(129) Nursery, plant

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

(130) Obscuring screen

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

(131) Offset

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

(132) Off-street parking lot

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

(133) Open air business

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

(134) Ordinary high water mark

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

(135) Outdoor recreation establishment

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

(136) Parapet wall

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

(137) Parcel

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

(138) Parking space (stall)

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

(139) Planned unit development

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

(140) Planning Commission

The Marion Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

(141) Plat

A map of a subdivision of land.

(142) Ponds and lakes

Natural or artificial impoundments that retain water year round.

(143) Principal building or structure

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

(144) Principal use

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

(145) Principal use, permitted

A use permitted in each zoning district by right.

(146) Private club

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

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

(148) Public and semi-public institutional buildings, structures and uses

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

(149) Public park

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

(150) Public open space

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

(151) Public street

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

(152) Public utility

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

(153) Radioactive materials

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

(154) Recreational vehicle

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

(155) Retail store

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

(156) Right-of-way

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

(157) Salvage

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

(158) Salvage yard

Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable materials.

(159) Satellite dish antenna

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

(160) Screen

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

(161) Service drive

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

(162) Setback, required

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

(163) Setback, parking lot

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

(164) Shopping center

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

(165) Shoreline

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

(166) Sight distance

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

(167) Sign

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

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.

- c. **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 said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.
- d. **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.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- f. **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.
- g. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- h. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- i. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
- j. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

(168) Site plan

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

(169) Special land use

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

(170) Stable, private

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

(171) Stable, commercial

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

(172) Story

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

(173) Street

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

(174) Structure

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

(175) Structural Alterations

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

(176) Substantial improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(177) Temporary building, structure or use

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

(178) Use

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

(179) Variance

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

(180) Vehicle

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

(181) Vehicle Sales Area

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

(182) Veterinary Clinic

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

(183) Wetland

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

(184) Wetland, regulated

Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to an inland lake or pond, or a river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the

state from pollution, impairment, or destruction and the department has so notified the property owner.

(185) Yard

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

(186) Zoning Act

The Township Rural Zoning Act, Public Act 184 of 1943, as amended.

(187) Zoning Administrator

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

(186) Zoning Board

The Marion Township Zoning Board created under Act 184 of the Public Acts of 1943, as amended.

(188) Zoning Board of Appeals

The Marion Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

(189) Zoning District

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

Chapter 3 General Requirements

Section 301. Scope of Regulations

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

Section 302. Supplementary Use Regulations

- a. **Building Permits Required.** Any construction related to any type of zoning approval shall be commenced only after a building permit has been issued.
- b. **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- c. **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- d. **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for the same period.
- e. **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- f. **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses. Accessory buildings shall meet the requirements of Section 306.
 - (1) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - (2) Buildings or structures necessary for provision of essential services.

- (3) Gardens, garden ornaments, and usual landscape features within a required yard space.
 - (4) Fences within a required yard space, provided that they comply with the requirements of Section 302(10).
 - (5) Retaining walls.
 - (6) Public playgrounds.
 - (7) Off-street parking for licensed motor vehicles as specified in Chapter 7.
 - (8) Home Occupations that comply with all requirements of Section 303.
 - (9) Use of premises as a voting place.
 - (10) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit that is otherwise occupied in a manner permitted in the district in which it is located.
- g. **Inoperative or Dismantled Vehicles.** The storage of more than two (2) dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, within any Zoning District is expressly prohibited *unless*:
- (1) The vehicles are contained within a licensed junkyard or an enclosed structure; or
 - (2) Provided that the storage period does not exceed one (1) week. The storage period may be extended with written permission of the Zoning Administrator.
- h. **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk/salvage, as defined in Chapter 2 of this Ordinance. Garbage, rubbish and junk/salvage in containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.
- i. **Fences, Walls, and Screens.** The following provisions shall apply to all zoning districts:
- (1) No fence, wall, or structural screen, other than plant materials, shall exceed six (6) feet in height on any residential property.
 - (2) No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line.
 - (3) On any corner lot or parcel, no fence or planting shall exceed a height of three (3) feet within twenty (20) feet of any corner to prevent interference with traffic visibility.

- (4) If fencing is to be installed on a lot line separating adjacent properties, it shall be installed with the finished (“good”) side facing toward the adjacent properties. At a minimum of two feet inside of the lot line, the finished side can face either way.

Section 303. Supplementary Dwelling Regulations

- a. **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes in addition to the requirements of this Ordinance. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the “Mobile Home Construction and Safety Standards” of the U.S. Department of Housing and Urban Development.
- b. **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Michigan Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.
- c. **One Single Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, or farm laborers as permitted by special use permit in Chapter 6 of this Ordinance.
- d. **Structures to be of Uniform Quality.** Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- e. **Steps and Porches.** All dwellings must contain steps or porches that are connected to exterior door areas where a difference in elevation requires them.
- f. **Use of Mobile Home for Temporary Dwelling.** A temporary use may be authorized to house family members as provided in Section 303 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the Michigan Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a

temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- g. **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Michigan Building Code.
- h. **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the Michigan Building Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.
- i. **Dimensions.** All single family dwellings must have a minimum width across all front, side, and rear elevations of sixteen (16) feet and must comply in all respects with the Michigan Building Code, including minimum heights for habitable rooms.
- j. **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps porches connected to the doors where required due to a difference in elevation.
- k. **Garage and Yard Sales.** Sales of used material from a single family dwelling may occur twice a year for a period not to exceed two weeks for each occurrence.
- l. **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- m. **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1,500) feet of another State Licensed Residential Facility.
- n. **Home Occupations.** Home occupations are permitted, subject to the following standards:
 - (1) The home occupation must be conducted within the principal dwelling or within a normally associated accessory building.
 - (2) The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
 - (3) The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.

- (4) Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
- (5) There may be not more than one (1) employee not living at the dwelling.

Section 304. Supplementary Parcel Regulations

- a. **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public street and shall have a continuous permanent frontage at the front lot line for the required lot width.
- b. **Access to a Road.** Any parcel created after the effective date of this ordinance shall have access to a maintained public road that is under the jurisdiction of a public agency.
- c. **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- d. **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended). All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.

Section 305. Supplementary Structure Regulations

- a. **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in **Chapter 5, District Regulations**, must be adhered to, as well as any requirements listed in this section.
 - (1) Open porches, paved terraces, and patios, with the following restrictions.
 - Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - (i) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.

- (ii) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.
 - (iii) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
 - (2) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
 - (3) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.
 - (4) Signs, subject to the provisions of **Chapter 8, Sign Regulations**.
- b. **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in **Chapter 5, District Regulations**. These permitted exceptions shall not be used for human occupancy or dwelling purposes. For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall each be increased by one (1) foot. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.
- (1) Appurtenances to mechanical or structural elements such as elevator and stairway penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Business Zoning District.
 - (2) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in any Zoning District.
 - (3) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.
 - (4) Residential television antennas shall be permitted to a maximum height of forty-five (45) feet in any Agricultural or Residential Zoning District.
 - (5) Structures for agricultural operations are permitted up to eighty-five (85) feet.

c **Screening Requirements.** Screening shall be constructed and maintained whenever a non-residential use is established on land sharing a boundary with any Residential Zoning District, and whenever multi-family housing is established adjacent to a single family or two-family residential use. Screening shall be provided by one of the following:

- (1) **Wall or Fence.** A solid wall or fence at least six (6) feet in height with a finished surface fronting on the residential district or use. Open spaces within such walls or fences shall not exceed a one (1) foot square in area.
- (2) **Berm.** A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

Section 306. Accessory Buildings.

a. **Required Yards.**

- (1) **Front yard:** No accessory building, attached or detached, shall project into a required front yard.
 - (2) **Rear yard:** No accessory building, attached or detached, shall be closer than five (5) feet to the rear lot line.
 - (3) **Side yard:** No accessory building in any non-residential district, attached or detached, shall be erected closer to any side lot line than the required side yard setback within that district for the principal building. In a residential district where an accessory building is detached and located a minimum of ten (10) feet to the rear of the principal building, an accessory building shall be no closer than eight (8) feet to a side lot line.
 - (4) **Corner lot:** No accessory building shall be closer to the side street lot line than the side yard setbacks that are required for the principal building on the lot. Where the rear lot line of a corner lot coincides with the side lot 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 Entrances.** The entrance to a garage shall be no less than twenty-five (25) feet from a street right-of-way line.
 - (3) **Maximum Lot Coverage.** In any R or B zoning district, detached accessory buildings shall not occupy more than thirty percent (30%) of the required side and rear yard areas.

Section 307. Lot Divided by Zoning District Boundary.

Where a district boundary line divides a lot or lots in common ownership and of record at the time this Ordinance is enacted, the least restrictive use shall be considered a conforming use extending to the entire lot and deemed a conforming use if at least fifty percent (50%) of the lot is in the less restrictive district.

Chapter 4

Non-Conforming Uses

401. Purpose

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

402. Non-Conforming Buildings and Structures

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

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

403. Non-Conforming Uses of Land

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

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel other than that occupied by the use at the effective date of this Ordinance or its subsequent amendment.
- c. If any such non-conforming use of land ceases for any reason for a period of twelve (12) consecutive months or more, or if it is discontinued for a period of eighteen (18)

months or more in any three (3) year period, the land shall be made to conform to the regulations specified by this Ordinance for the district in which the land is located.

- d. No additional structure that does not conform to the requirements of this Ordinance shall be erected in connection with a non-conforming use of land.

404. Non-Conforming Uses of Structures

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

- a. A lawful non-conforming use of a structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance, but no such non-conforming use shall be extended to occupy any land outside such a building.
- c. If no structural alterations are made, any non-conforming use of a structure, or structures, and land may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the zoning district than the existing non-conforming use.
- d. Whenever a non-conforming use is changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- e. Any non-conforming single family residential structure may be expanded or increased in floor area up to fifty (50) percent of the size of the structure at the effective date of this Ordinance.
- f. When a non-conforming use of a structure, or a structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months or more, or if it is discontinued or abandoned for eighteen (18) months or more in any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
- g. Where non-conforming use status applies to a structure and land in combination, the removal or destruction of the structure shall eliminate the non-conforming status of the land. For the purpose of this Ordinance, "destruction" is defined as damage to an extent greater than one hundred (100) percent of the State Equalized Value at the time of destruction.

405. Repairs and Maintenance

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

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

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

406. Damage of Non-Conforming Use or Building

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

407. Change in Tenancy or Ownership

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

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

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

- a. The minimum lot width shall be one hundred (100) feet.
- b. The front yard setback requirements shall not be reduced.

- c. No side yard setback shall be less than eight (8) feet.

**409. Elimination of
Non-Conforming Uses**

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

Chapter 5 Zoning Districts

501. Division of the Township

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

- A-1 Agricultural District
- R-1 Rural Residential District
- B-1 Community Commercial District

502. Official Zoning Map

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

503. Interpretation of Zoning District Boundaries

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

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

- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

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

504. District Regulations

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

Section 504.1. District Regulations, Continued

<p>A-1 Agricultural Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To preserve, enhance, and stabilize the areas within the Township that are used for food and fiber production. To preserve the essential character and economic value of these areas as agricultural & open lands. 	
<p>Permitted Uses</p> <ol style="list-style-type: none"> General farming and forestry, including field crops, fruit orchards, truck farming, horticulture, aviaries, hatcheries, apiaries, tree nurseries, and similar agricultural enterprises. Plant nurseries & greenhouses without retail sales Specialized agriculture, including the raising & keeping small animals and livestock, including livestock production facilities. Single family dwellings. Roadside stands for sale of produce grown by owner. Public utility transformer stations and substations, including gas regulator stations Public & private conservation areas & structures for the conservation of water, soil, open space, forest, and wildlife resources. Public utility stations and substations for the transmission of electricity and natural gas. Home occupations. State licensed residential facilities. Family child care Accessory uses and structures. 	<p>Special Uses Subject to Review and Approval as Specified in Chapter 6</p> <ol style="list-style-type: none"> Public parks & recreation areas Production of fur-bearing animals Grain & seed elevators Wholesale & cooperative agricultural product storage, including cold storage. Multiple family housing Veterinary clinics Kennels Riding stables Livestock auction yards Housing for seasonal labor Religious, social, and educational institutions Institutions for handicapped persons & substance abuse treatment Aircraft landing strips Public (government) buildings Natural resources extraction: sand, gravel, clay and topsoil removal Manufacturing or processing establishment Cemeteries Communication towers Outdoor uses, including open air businesses and temporary outdoor uses.
<p>Minimum Lot Size Area: One (1) acre in area.</p> <p>Width: Continuous permanent frontage of 150 feet on a public road.</p> <p>Maximum Parcel Coverage: No maximum</p>	<p>Minimum Setbacks Front: 40 feet Side: 35 feet total; minimum of 15 feet on one side. Rear: 40 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions.</i></p>
<p>Minimum Floor Area: 850 square feet for dwelling units <i>(See Chapter 6, Special Uses, for multi-family housing requirements)</i></p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3, Sec. 305(c)</p>	<p>Sign Regulations: See Chapter 8</p>

Section 504.2. District Regulations, Continued

<p>R-1 Rural Residential District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To permit low density residential and related uses that are compatible with a rural environment. To provide appropriate development controls for areas that are in transition between agricultural and non-farm uses. 	
<p>Permitted Uses</p> <ol style="list-style-type: none"> Single family dwellings. Farms and farming operations, excluding livestock production facilities and subject to the “other requirements” indicated below. Home occupations. Public parks & recreation areas State licensed residential facilities. Family child care Roadside stands for sale of produce grown by owner. Accessory uses and structures. 	<p>Special Uses Subject to Review and Approval as Specified in Chapter 6 (Special Use Category)</p> <ol style="list-style-type: none"> Religious, social, and educational institutions Public (government) buildings Two-family dwellings (duplexes) Group child care homes Golf courses and country clubs Cemeteries Outdoor uses, including open air businesses and temporary outdoor uses.
<p>Minimum Lot Size Area: One (1) acre in area.</p> <p>Width: Continuous, permanent frontage of 150 feet on a public road.</p> <p>Maximum Parcel Coverage: A maximum of 25% of a lot may be covered by buildings.</p>	<p>Minimum Setbacks Front: 40 feet Side: 35 feet total; minimum of 15 feet on one side. Rear: 40 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Agricultural operations: 85 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: 850 square feet for single family dwellings</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3, Sec. 305(c)</p>	<p>Sign Regulations: See Chapter 8</p>
<p>Other Requirements:</p> <ol style="list-style-type: none"> No storage or use of manure or odor or dust-producing materials within one hundred fifty (150) feet of any adjoining lot line. Stables and buildings housing farm animals shall not be closer than one hundred fifty (150) feet to any adjoining lot line. No farm building shall be located closer than fifty (50) feet to any lot line. Customary farm animals may be kept on a non-commercial basis when adequately housed and fenced on a parcel of not less than five (5) acres. Large farm animals may be kept on a commercial basis on a parcel of not less than ten (10) acres at the rate of three (3) large animals per acre. Small farm animals may be kept on a commercial basis on a parcel that is at least five (5) acres in area. 	

Section 504.3. District Regulations, Continued

<p>B-1 Community Commercial Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To provide for commercial activities to meet the day-to-day convenience shopping and service needs of Township residents. To provide areas for office uses and certain personal services. 	
<p>Permitted Uses</p> <ol style="list-style-type: none"> General retail businesses, including retail food. Offices and professional services, including medical doctors & dentists; architects, engineers and graphic arts; and other administrative offices. Financial services, including banks and insurance offices. Personal service establishments, including barber & beauty shops, repair shops for personal items; laundromats, and photography studios. Institutions for human care, including hospitals, clinics, and nursing homes. Commercial schools Accessory uses and structures. 	<p>Special Uses Subject to Review and Approval as Specified in Article 6</p> <ol style="list-style-type: none"> Auto service stations. Car washes. Outdoor uses, including open air businesses and temporary outdoor uses. Child care centers Religious, social & educational institutions. Restaurants, including clubs & drinking establishments Hotels and motels Commercial outdoor recreation, including golf driving ranges & miniature golf. Junkyards and salvage yards. Mobile home parks
<p>Minimum Lot Size Area: One (1) acre in area.</p> <p>Width: Continuous, permanent frontage of 150 feet at the front lot line.</p> <p>Maximum Parcel Coverage: No maximum.</p>	<p>Minimum Setbacks Front: 25 feet (May not be used for parking, loading, or accessory structures. Side: 10 feet each side; 20 feet if abutting a residential district. Rear: 20 feet</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet <i>Also see Sec. 305 for permitted height exceptions</i></p>
<p>Minimum Floor Area: No minimum</p>	<p>Off-Street Parking Requirements: See Chapter 7</p>
<p>Screening/Buffering Requirement: See Chapter 3, Sec 305(c)</p>	<p>Sign Regulations: See Chapter 8</p>

Chapter 6 Special Uses

601. Purpose

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

602. Application Procedures

An application for a special use permit shall be submitted to the Zoning Administrator no less **than thirty (30) days** prior to the meeting at which the Zoning Board will consider the application. The review of applications submitted less than thirty (30) days prior to such meetings will be delayed until the next scheduled meeting.

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

- a. A completed Special Use Permit application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in *Chapter 9, Administration and Enforcement*.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 606.

When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Zoning Board to schedule a public hearing on the application.

603. Notice of Public Hearing

Notice of the public hearing on the special use application must be published in a newspaper not more than fifteen (15) days and not less than five (5) days before the date of the meeting at which the public hearing will be held.

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

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);

- c. The date, time, and place of the public hearing;
- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.

604. Public Hearing and Review Procedures

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

Following the public hearing, the Zoning Board shall make a decision based on whether or not the proposed special use is consistent with the specific standards applicable to the special use described in Section 611, as well as the general standards described in Section 606. If it is found that the proposed special use is consistent with these standards, the Zoning Board must approve the proposed special use.

If the Zoning Board finds that the proposed special use is not consistent with the standards in Sections 606 and 611, then it may approve the use with conditions, or it may deny the proposed use altogether. In any event, the decision to approve, approve with conditions, or deny the application must be made within sixty (60) days of the date of the public hearing.

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

605. Appeal of Decision

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

606. General Standards for Approval of Special Uses

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

- a. The property subject to the application is located in a zoning district in which the proposed special use may be established.

- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
- c. The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.
- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- f. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- g. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

607. Basis for Determination

In rendering its decision on a proposed special use, the Zoning Board shall make specific reference to the standards in Section 606, Section 611, and the basis in fact for any conditions attached to the approval of a special use.

608. Performance Guarantee

The Zoning Board may require a performance guarantee **in accordance with Chapter 9, Section 902(4)**.

609. Compliance With Conditions of Special Use Permit Required

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

If the functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

610. Terms of Permit

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.

611. Specific Standards, Requirements, and Conditions for Special Land Use Permits

The following charts in *Section 612* specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

- a. The granting of a Special Use Permit requires Site Plan Review and a public hearing.
- b. A Special Use Permit is a privilege granted by the Township when certain conditions are met. A Special Use is not allowed “by right.”
- c. The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.
- d. Each special use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.
- e. This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards take precedence over the District Regulations.
- f. The Zoning Board may, at its discretion, attach additional conditions to the approval of a special use. These conditions shall be reasonably related to the general standards specified in Section 606.

Section 612(a) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Institutional Uses: Hospitals & nursing homes; churches & religious institutions; public & private schools.	Paved road	1. Hospitals : 10 acres 2. All others: One (1) acre	Same as Zoning District where the proposed Special Use is located.	1. 35 feet from all property lines and road right-of-way lines.	25 %	1. Ambulance and delivery areas shall be screened from adjacent residential properties by a six (6) foot high solid masonry wall.
Golf courses, country clubs & shooting clubs	Paved road	Fifty (50) acres in area	Same as Zoning District where the proposed Special Use is located.	1. 50 feet from road right-of-way. 2. 50 feet from adjacent property lines. 3. Shooting clubs shall provide a 200 foot wide wooded buffer between the perimeter of the site and all shooting areas.	10%	1. For golf course or country club, six (6) foot high visual screen required on any side abutting residential property.
Mobile Home Park	Paved road	Twenty (20) acres in area	750 feet	1. 60 feet from street right-of-way. 2. 60 feet from adjacent property lines.	30%	1. Mobile home park must be licensed by the State of Michigan. 2. Park must comply with all requirements of the Michigan Mobile Home Commission and its Administrative Rules.

Section 612(b) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Group Day Care & Child Care Centers	Same as Zoning District	Same as Zoning District where the proposed Special Use is located.	Same as Zoning District	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. Must be licensed by Michigan Family Independence Agency. 2. Must provide adequate off-street parking for all employees. 3. All outdoor play areas shall be enclosed by a fence at least 6 feet in height.
Funeral Homes & Mortuaries	Paved road	One acre in area	150 feet	<ol style="list-style-type: none"> 1. Front, side & rear yards shall be at least 40 feet on all sides adjacent to residential districts or uses; at least 20 feet on all sides adjacent to non-residential districts. 	Same as Zoning District	<ol style="list-style-type: none"> 1. All yard areas shall be landscaped with trees, shrubs and grass. 2. No parking areas shall be permitted within required front and side yards.
Veterinary Clinics & Kennels	Paved road	Two (2) acres in area	Same as Zoning District	<ol style="list-style-type: none"> 1. All buildings and structures shall be set back at least 100 feet from all property and street lines. 	25%	<ol style="list-style-type: none"> 1. If site abuts property in residential district, the required 100 foot setback described above shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board.

Section 612(c) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>Automobile service facility, including repair, car wash & oil change facilities.</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>Same as Zoning District</p>	<p>Buildings, canopies, fuel pump islands & service drives shall conform to requirements for the district in which the site is located, but shall be no closer than 50 feet to any property line of a residential district or use, unless separated by a public street.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 30 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way.

Section 612(d) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Restaurants, including clubs & drinking establishments (not drive-in or drive-thru businesses)	Site must have at least one property line on a paved road & provide its main access point from that road.	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. 50 feet from all road right-of-way lines 2. 50 feet from adjacent property lines of a residential district or use, unless separated by a public street. 	Same as Zoning District	<ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 30 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. Dancing and/or entertainment shall be addressed through separate Township permit.
Golf driving ranges, miniature golf, and other commercial outdoor recreation uses.	Site must have at least one property line on a paved road & provide its main access point from that road.	Two (2) acres	Same as Zoning District	<ol style="list-style-type: none"> 1. All uses, structures and operations shall be set back at least 100 feet from any public road used for access purposes. 2. All uses, structures and operations shall be set back at least 50 feet from all adjacent property lines. 	Same as Zoning District	<ol style="list-style-type: none"> 1. If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between all structures and operations and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board

Section 612(e) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Riding Stables	Same as Zoning District	Ten (10) acres	Same as Zoning District	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	25%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board in order to effectively screen the site from adjacent areas.
Livestock Auction Yards	County primary road	Two (2) acres	Same as Zoning District	1. All buildings and structures shall be set back at least 200 feet from all property and street lines.	25%	1. If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board in order to effectively screen the site from adjacent areas.
Junk Yards and Salvage Yards	County primary road	Five (5) acres	Same as Zoning District	1. All salvage, storage & any other active work areas shall be set back at least 100 feet from all adjacent property lines and road right-of-way lines.	Same as Zoning District	1. All salvage, storage & any other active work areas shall be enclosed by a solid wall or fence at least eight (8) feet in height. 2. All activities shall be confined to the fenced-in area. No material may be stored above the height of the wall or fence, except that mobile equipment may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced area. 3. If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between the fenced area and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board in order to effectively screen the site from adjacent areas.

Section 612(f) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Manufacturing or Processing Establishment	County primary road	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. All buildings and structures shall be set back at least 50 feet from all property and road right-of-way lines. This setback shall be increased to 100 feet if the use abuts a residential district or use. 2. No side yard setback required if the use is attached to another business or manufacturing use with an approved firewall in between. 	Same as Zoning District	<ol style="list-style-type: none"> 1. If site abuts property in residential district or use, the required 100 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Zoning Board in order to effectively screen the site from adjacent areas.
Hotel or motel	Paved road	<ol style="list-style-type: none"> 1. Minimum site area shall be two acres. 	Same as Zoning District	<ol style="list-style-type: none"> 1. All buildings shall be set back at least 50 feet from any property line or road right-of-way. 	Same as Zoning District	<ol style="list-style-type: none"> 1. Each guest unit shall have a minimum floor area of 250 square feet.

Section 612(g) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Private Aircraft Landing Strips	Site shall have at least one property line abutting a public road.	<ol style="list-style-type: none"> 1. Site dimensions shall be at least 2,640 feet by 500 feet. 2. All landing strips shall have a minimum length of 1,500 feet with a 500 foot clearance at each end. 	See parcel size requirements.	Same as Zoning District	Same as Zoning District	<ol style="list-style-type: none"> 1. Facility shall comply with all applicable Federal and State requirements. 2. Landing strip shall be for the exclusive use of the property owner and shall be situated entirely within the confines of his or her property. 3. No commercial aviation or other commercial activity shall be situated with the landing strip.
Outdoor uses, including open air businesses and temporary uses such as carnival, flea market, Christmas tree sales, and revival tents.	<ol style="list-style-type: none"> 1. Access shall be from an improved county road, with all vehicle entry and exit from that road. 	Same as Zoning District	Same as Zoning District	All activity areas, including parking areas, shall be set back a minimum of 50 feet from all road and adjacent property lines.	Same as Zoning District	<ol style="list-style-type: none"> 1. Zoning Administrator shall determine parking needs for the proposed use. 2. Zoning Board may impose limits on size of display areas, hours of operation, and similar aspects. 3. Applicant must maintain any required state licenses or other permits. 4. Zoning Board may impose other reasonable conditions that are designed to minimize adverse impacts on surrounding areas.

Section 612(h) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>Motorized Race Tracks for Motorcycles, Off-Road Vehicles, Mud Bogs and Similar Uses</p>	<ol style="list-style-type: none"> 1. Access shall be from an improved county road, with all vehicle entry and exit from that road. 2. All vehicle entrance and exit points shall be no closer than 200 feet from the intersection of any two roads. 3. Acceleration and deceleration lanes shall be provided at points of entry and exit to the site. 4. Entrances and exits shall be designed so that all vehicles within 100 feet of a public road have clear vertical and horizontal sight distances of 500 feet in either direction along the public road. 	<p>40 acres</p>	<p>Same as Zoning District</p>	<p>All structures, including fences, shall be set back at least 100 feet from any public road. This yard shall be landscaped in accordance with plans approved by the Zoning Board.</p>	<p>Same as Zoning District</p>	<ol style="list-style-type: none"> 1. Entire periphery of site shall be enclosed with a solid fence at least eight (8) feet in height. Fences shall be painted or otherwise finished attractively and inconspicuously. 2. If the site abuts property within a residential or agricultural zoning district, a buffer strip at least 200 feet wide shall be provide between all operations and structures and the residential or agricultural property. Trees, shrubs, grass and similar plant materials, and structural screens shall be placed with the buffer strip according to plans approved by the Zoning Board.

Section 612(i) Special Land Use Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
Two-Family Homes (Duplexes)	Same as Zoning District	Same as Zoning District	Same as Zoning District	Same as Zoning District	25 %	<ol style="list-style-type: none"> 1. Site plan review and a public hearing are required, in addition to the basic district requirements. 2. Each unit must meet dimensional requirements for a single-family dwelling.
Housing for Seasonal Labor	Same as Zoning District	Same as Zoning District: Seasonal housing may be located on same parcel as main dwelling.	Same as Zoning District	<ol style="list-style-type: none"> 1. Seasonal housing must meet all district requirements for setbacks from roads and adjoining properties. 	Same as Zoning District	None
Second Living Quarters for Family Member	Same as Zoning District	Same as Zoning District: second living quarters may be located on same lot as main dwelling.	Same as Zoning District.	<ol style="list-style-type: none"> 1. Second living quarters must meet all district requirements for setbacks from roads and adjoining properties. 	35%	

Section 612(k) Special Use Permit Requirements

Special Use	Site Access & Location Requirements	Minimum Parcel Size (Lot Area)	Minimum Parcel Width	Minimum Building Setbacks	Maximum Lot Coverage by Buildings	Other Requirements
<p>Communication Towers</p>	<p>Same as Zoning District</p>	<p>4. A minimum lot area of three (3) acres is required. 5. Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</p>	<p>Same as Zoning District</p>	<p>1. No portion of any tower, including any guy wires and support structures, shall be located closer than fifty (50) feet to any property line. 2. All structures shall be located at least two hundred (200) feet from any dwelling.</p>	<p>1. Same as Zoning District 2. Accessory structures associated with a tower shall not exceed six hundred (600) square feet in area.</p>	<p><i>See below</i></p>
<p>Other Requirements:</p> <ol style="list-style-type: none"> 1. It is the policy of the Township to encourage the use of existing structures for communication facilities. Therefore, a permit for a new tower structure shall not be issued unless the applicant clearly demonstrates that co-location on an existing structure is not feasible. 2. If a permit for a new tower is granted, the applicant shall submit a notarized statement that the proposed tower is specifically designed to accommodate additional antennas, and that the applicant shall permit co-location under reasonable conditions. Failure to permit reasonable co-location shall be grounds for revocation of the special use permit and removal of the tower at the owner’s expense. 3. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission. 4. Tower height must comply with any Airport Zoning Regulations that are in effect. In no case may the tower height exceed two hundred (200) feet. 5. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer. 6. Towers shall not be artificially lighted unless required by the Federal Aviation Administration. 7. Towers shall not display advertising or identification of any kind, except as required for emergency purposes. 8. The Township may require a performance bond to ensure the proper construction and maintenance of a tower. 						

Section 612(k). Special Use Permit Requirements, Continued.

Other Requirements for Communication Towers, continued from previous page:

9. The applicant or owner must provide written statements that certify the following to the Township:
 - a. That the owner will notify the Township of any change in ownership or control of the tower.
 - b. That the owner will notify the Township of any change in operation of the tower, including the cessation of operations.
 - c. That if the tower is not operated for a continuous period of 12 months, it shall be considered abandoned, and the owner shall remove the tower within 90 days of notification of such abandonment by the Township. If the owner fails to remove the tower within 90 days, the Township may remove the tower at the owner's expense.
10. Construction of a tower that is authorized under a Special Use Permit shall be completed within one year of the date of the permit, or the permit shall become void.

Chapter 7

Off-Street Parking and Loading Space Requirements

701. Purpose

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

702. General Requirements

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In the Rural Residential (R-1) Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

703. Parking Surface Requirements

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

704. Parking for Uses Not Specifically Mentioned

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

705. Mixed Uses in the Same Building

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

706. Reduction in Required Parking for Public Benefits

a. *Joint Provision of Parking*

Where two or more abutting parcels in the B-1 Zoning District provides vehicular access between parking areas in a manner which allows travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%), in addition to reductions allowed by other provisions of this Chapter.

b. *Further Reductions for Public Benefits*

In the B-1 Zoning District, uses on parcels fronting on county primary roads may reduce the required number of off-street parking spaces by ten percent (10%) if at least two (2) of the following conditions are met. This shall be in addition to reductions allowed by other provisions of this Chapter.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
- (4) A portion of the parcel equal to at least thirty-five (35) percent of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.

707. Additions or Expansions to Buildings and Uses

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

708. Driveway Spacing Requirements

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

709. Parking Space Dimensions

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

710. Driveway and Aisle Configurations

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

- a. **Aisle Width.** Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. **Driveway Configuration.** Each driveway shall be a minimum of fifteen (15) and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area equivalent to five (5) percent of the total number of spaces in the parking area. The stacking area shall not function as an access aisle for parking spaces. The driveway shall intersect the abutting street at a ninety (90) degree angle.
- c. **Deceleration Lane.** Where the posted speed limit for a public thoroughfare is greater than thirty (30) miles per hour and the peak traffic volumes on that thoroughfare exceed one hundred (100) vehicles per hour, a driveway opening onto the thoroughfare shall be served by a right turn deceleration lane that is at least two hundred (200) feet long in advance of the driveway.

710. Setbacks Required

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

712. Permit Required.

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

713. Table of Off-Street Parking Requirements

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

714. Off-Street Loading Spaces

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

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

715. Other Loading Space Requirements

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

Table 7-1. Off-Street Parking Requirements

Land Use	Number of Parking Spaces Required
1. Automobile sales facilities	One (1) customer parking space for each 500 square feet of floor area.
2. Automobile & other vehicle service facilities.	Two (2) spaces for each service stall plus two (2) spaces for each employee.
3. Barber & Beauty shops	Three (3) spaces for each chair or booth.
4. Bowling Alleys	Six (6) spaces for each lane.
5. Churches	One (1) space for each three (3) seats in the main area of worship.
6. Commercial outdoor recreation	Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces.
7. Assembly hall, dance hall, or exhibition hall without fixed seats.	One (1) space for each one hundred (100) square feet of floor area.
8. Drive-in & drive-thru facilities (in addition to required parking for indoor facilities and employees).	Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window.
9. Dwellings	Two (2) spaces per dwelling unit.
10. Funeral homes & mortuaries	One (1) space for each twenty-five (25) square feet of floor area in service parlors and chapels, plus one (1) space for each funeral vehicle maintained on the premises.
11. Furniture sales (retail)	One (1) space for each five hundred (500) square feet of floor area.
12. Hospitals, nursing homes, & related health care facilities.	One (1) space for each two (2) beds plus one (1) space for each employee, including doctors.
13. Hotels & Motels	One (1) space for each lodging room plus one (1) space for each full-time employee.
14. Libraries, museums & government administration buildings.	One (1) space for each one hundred (100) square feet of floor area.

Land Use	Number of Parking Spaces Required
15. Manufacturing & industrial uses	Two (2) spaces for each employee on the largest shift. If there is only one shift, there shall be one (1) space for each employee.
16. Medical offices & clinics, including veterinary clinics.	Six (6) spaces for each doctor plus one (1) space for each additional employee.
17. Office buildings (for business & professional offices), banks, and financial institutions.	One space for each two hundred (200) square feet of floor area.
18. Retail sales & personal services.	One (1) space for each one hundred (100) square feet of floor area.
19. Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities).	One (1) space for each three (3) seats provided for patrons plus one (1) space for each employee.
20. Schools: Elementary, Middle, and Junior High Schools.	Two (2) spaces for each three (3) employees plus one (1) space for each eight (8) auditorium seats.
21. Schools: Senior High Schools & colleges, including vocational & trade schools.	One (1) space for each employee plus one (1) space for each two (2) students enrolled, plus parking as required for gymnasiums and sports facilities.
22. Stadiums, gymnasiums, and sports facilities.	One (1) space for each three (3) seats or six (6) feet of bench seating.
23. Theaters and auditoriums (not incidental to schools).	One (1) space for each four (4) seats plus one (1) space for each two (2) employees.
24. Warehouses, storage buildings, lumber & building supply facilities, and wholesale outlets.	One (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each employee.

Chapter 8 Sign Regulations

801. Intent and Purpose

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

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

802. Billboards Prohibited.

Billboards, as defined by this Ordinance, are prohibited in Marion Township after the effective date of this Ordinance.

803. Zoning Permit Required.

Unless a sign is exempt from permit requirements as specified in Section 804, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

804. Signs and Activities Exempt from Permit

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

a. Temporary Construction Signs:

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

b. Directional Signs:

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

c. **Political Signs:**

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

d. **Public Signs or Notices:**

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

e. **Real Estate Signs:**

(1) For parcels less than two (2) acres, one (1) non-illuminated real estate sign not to exceed eight (8) square feet in area is permitted.

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

f. **Name Plates:**

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

g. **Home Occupation Signs:**

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

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

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

i. **Retail Fuel Pricing Signs:**

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

j. **Corporate Logo Signs:**

Corporation logo signs of less than six (6) square feet and independent of other advertising of messages. The number of such signs shall be limited to one (1) per street frontage.

k. **Historic Sites:**

Signs designating sites recognized by the State Historical Commission.

l. **Miscellaneous Signs:**

Placards posted to control or prohibit hunting or trespassing on public or private property, and signs that identify crop varieties.

m. Replacement of Copy:

The replacement or changing of copy on an approved sign does not require a Zoning Permit. However, if the replacement creates a sign that violates the provisions of this Chapter, it shall be deemed a violation of this Ordinance and any Zoning Permit issued for the sign shall be invalidated.

n. Maintenance:

Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit.

805. Prohibited Signs

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

- a. Billboards
- b. Abandoned signs or signs in disrepair that are safety hazards.
- c. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a genuine, non-commercial, public message may be permitted subject to Zoning Board approval.
- d. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and an obstructed view of approaching, intersecting, or merging traffic.
- e. Signs advertising a commodity or service not available within Marion Township.
- f. Signs that do not comply with the Building and Safety Codes of Marion Township.
- g. Signs, other than public signs or notices, placed in a designated public right of way unless permission to authorize such placement has been given, in writing, by the public agency having jurisdiction over said right of way. A copy of such written permission shall be provided to the Township prior to placement of such sign.
- h. Signs imitating or resembling official traffic or government signs or signals.
- i. Signs that by their location and character cause a hazard to air traffic.
- j. Signs that do not advertise or identify a product, service, or establishment located on the parcel to which the sign is attached.

806. General Sign Standards

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

807. Agricultural and Woodlot Zoning District (A-1 District)

Signs as specified in Section 804 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 803.

- a. One (1) on premise, non-illuminated, sign of not more than six (6) square feet advertising a permitted non-residential use or an authorized special use.
- b. One (1) on-premise, non-illuminated, sign displayed on a seasonal basis advertising the sale of farm produce to the general public. The sign shall not exceed thirty-two (32) square feet in sign area and shall be displayed only during the seasonal period of time which sales occur. The sign shall be removed within fourteen (14) days of the closure of the public sales.

808. Rural Residential Zoning District (R-1 District)

Signs as specified in Section 804 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 803.

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

809. Commercial Zoning District (B-1 District)

Signs as specified in Section 804 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 803.

- a. Wall signs, provided that such signs do not exceed ten (10) percent of the area of the wall face upon which the sign or signs are attached or painted, or one hundred (100) square feet, whichever is greater. Wall signs shall be attached and parallel to the face of the building wall.
- c. Signs may be attached to or painted on a marquee or canopy, provided that such signs are at least ten (10) feet above grade.
- d. No sign shall project above the roofline of the building to which it is attached.
- e. One portable sign not to exceed thirty-two (32) square feet, provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all County and Township Building and Safety Codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
- f. Pennants and banners may be displayed on commercial property of a retail sales nature provided that they shall be securely anchored.
- g. Ground signs not exceeding thirty-two (32) square feet in area nor six (6) feet in height.

- h. Illumination of signs is permitted in the B-1 district, provided that it complies with the standards specified in Section 810.

810. Illumination

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

811. Non-Conforming Signs

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

- a. Be changed to another non-conforming sign;
- b. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign;
- c. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer; or
- d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

Chapter 9

Administration and Enforcement

SECTION 901. RESPONSIBILITIES IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the Marion Township Zoning Board, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

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

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

- (A) **APPLICATIONS AND PERMITS.** All applications for Certificate of Occupancy shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Certificate of Occupancy for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Certificates of Occupancy.
- (B) **WRITTEN DENIAL.** When any application for a Certificate of Occupancy is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (C) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Zoning Board or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notices as required by this Ordinance.
- (D) **INSPECTIONS.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce this Ordinance.

- (E) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3, Section 301.
 - (F) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 6.
 - (G) **RECORD VARIANCES, ADMINISTRATIVE REVIEWS, AND INTERPRETATIONS.** The Zoning Administrator shall maintain a concise record of all variances, administrative reviews, and interpretations of this Ordinance rendered by the Zoning Board of Appeals under Section 904. This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
 - (H) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.
 - (I) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Zoning Board meeting.
 - (J) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
 - (K) **PUBLICIZE AMENDMENTS.** The Zoning Administrator shall file copies of all amendments to this Ordinance with the Township Clerk and publish notices of all amendments as required by Section 905.
- (2) **ZONING BOARD.** The Marion Township Board has previously established a Township Zoning Board in accordance with Act 184 of 1943, the Township Rural Zoning Act. The Zoning Board shall be responsible for the following administrative and enforcement activities under this Ordinance.
- (A) **SITE PLAN APPROVAL.** The Zoning Board shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Section 907.

- (B) **SPECIAL USE PERMITS.** The Zoning Board shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Zoning Board shall review and approve or deny said application. The Zoning Board shall also take any necessary action to revoke a Special Use Permit as provided by Section 502(6).
- (C) **REZONING OR AMENDMENT.** The Zoning Board shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 903. Following a public hearing, the Zoning Board shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Zoning Board may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- (D) **PLAT REVIEW.** The Zoning Board shall review proposed plats as provided by Section 908.

(3) ZONING BOARD OF APPEALS.

- (A) **CONTINUATION OF CURRENT BOARD.** The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals (ZBA). Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof.
- (B) **MEMBERSHIP.**
 - (i) **REGULAR MEMBERS.** The Marion Township Zoning Board of Appeals shall consist of four (4) members. The first member of the Board of Appeals shall be the Chairperson of the Township Zoning Board, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the ZBA shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
 - (ii) **ALTERNATE MEMBERS.** The Township Board may appoint not more than two (2) alternate members for the same term as

regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- (C) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Zoning Board or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (D) **PER DIEM OR EXPENSES.** The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.
- (E) **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.
- (F) **MEETINGS.** Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- (G) **RECORDS.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- (H) **MAJORITY VOTE REQUIRED.** The concurring vote of a majority of

the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.

- (I) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of a request or appeal, unless a further time is agreed upon by the applicant. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of three (3) working days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Certificate of Occupancy authorized by such a decision shall be issued until the decision has taken effect.
- (J) **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (K) **DUTIES.** The Marion Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined herein. The ZBA shall *not* have the power to alter or change the Zoning District classification of any property, or to change the terms or intent of this Ordinance.
 - (1) **VARIANCES.** The Zoning Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance. See Section 903 and sections referenced therein.
 - (2) **ADMINISTRATIVE REVIEW.** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or denial made by the Zoning Administrator. See Section 903.
 - (3) **INTERPRETATION.** Upon request, the ZBA shall have the power to interpret the provisions of this Ordinance so as to carry out its intent and purpose. See Section 903.
- (4) **TOWNSHIP BOARD.** On recommendation of the Zoning Board, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may take other actions related to this Ordinance, as follows:

- (A) **AMEND.** The Township Board, upon the advice of the Zoning Board, may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning), according to the procedures defined in Section 905.
- (B) **SET FEES.** The Township Board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Certificate of Occupancy applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, and any other actions the Township Board sees fit to add.
- (C) **WAIVE FEES.** By resolution, the Township Board may waive the fee for any application requesting one or more of the actions listed above.

SECTION 902. ADMINISTRATIVE PROCESSES.

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

application shall consist of the following material:

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

she shall issue a Certificate of Occupancy which shall show such compliance. When a Certificate of Occupancy is denied on the grounds that there is a zoning violation, the denial shall be stated in writing with the reasons for the denial.

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

(4) PERFORMANCE GUARANTEE.

- (A) **AUTHORIZATION AND INTENT.** The Zoning Board and Zoning Board of Appeals are hereby authorized to require a sum of money be deposited with the Township Treasurer, payable by check or money order, as a guarantee of performance for any conditions attached to approval of Certificates of Occupancy that come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.
- (B) **AMOUNT.** The Zoning Board or Zoning Board of Appeals shall specify the amount of any required cash deposit and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified condition.
- (C) **USE OF ESCROWED FUNDS.** If the Zoning Administrator determines that a condition of a Certificate of Occupancy has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Zoning Board that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Zoning Board shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Zoning Boards' review. ***ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE MARION TOWNSHIP BOARD.*** Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.

- (D) **RETURN OF CASH DEPOSIT.** The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
- (5) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Certificate of Occupancy that has been submitted, including the disposition of each one. This record shall be a public record and open for inspection upon request.
- (6) **VALIDITY OF BUILDING PERMIT.** A Building Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Building Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Building Permit may be extended not more than once by the Zoning Administrator, for a period not to exceed one (1) additional year. An extension must be requested in writing by the permit holder before the expiration of the initial permit period.
- (7) **VOIDING OF BUILDING PERMIT.** If the permit holder fails to initiate the activity authorized by the Building Permit by the end of one (1) year from the date the permit was issued, the Building Permit is automatically null and void. Any additional rights associated with the Building Permit that have been granted by the Zoning Board or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Building Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township that were to be covered by the guarantee. If any amount of the guarantee remains after the costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

- (8) **RE-ISSUANCE OF PERMIT.** Re-issuance of a Building Permit that has expired requires a new Permit Application Form to be filed with the Zoning Administrator and fully processed.

SECTION 903. AUTHORITY OF THE ZONING BOARD OF APPEALS.

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

- (1) **VARIANCE.** Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance that can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.

- (2) **APPEALS OF ADMINISTRATIVE ACTIONS.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator.
 - (A) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any aggrieved person, or by any officer, department, or board of local, county, or state government. Any such request must be made in writing not more than ten (10) days after the date of the decision being appealed. The request shall be filed with the Zoning Administrator and shall identify the applicant, the proposed activity, the action being appealed, and the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.

 - (B) **STAY.** An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after an appeal has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

- (3) **INTERPRETATION.** The Zoning Board of Appeals (ZBA) may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises that has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
 - (A) **DISTRICT BOUNDARIES.** The ZBA may determine the precise location

of the boundary lines between zoning districts.

- (B) **ACTIVITY CLASSIFICATION.** The ZBA may classify any activity which is not specifically mentioned in the Table of District Regulations in Chapter 3 for any Zoning District as a Permitted Use or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - (C) **PARKING AND LOADING SPACES.** The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
 - (D) **CLARIFICATION.** The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- (4) **FEES.** A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.
- (5) **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**
- (A) **PUBLIC HEARING.** The Zoning Board of Appeals must hold a public hearing before making a decision on a variance, appeal, or interpretation. Mailed notice, as specified by Section 906, shall be given not less than five (5) nor more than fifteen (15) days before the date of the hearing. At the hearing, a party may appear in person or may be represented by an agent or attorney.
 - (B) **INTENT.** Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - (C) **USE VARIANCE PROHIBITED.** No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only classify a use which is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must

apply, and not vary, the terms of the Zoning Ordinance.

- (D) **CONSIDER PROPERTY VALUES.** In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.
- (E) **SINGLE PARCEL.** Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for ZBA action.
- (F) **PROFIT IS NOT A MOTIVE.** No approval shall be granted by the ZBA simply to prevent an economic loss. The improvement of an owner's opportunity to profit from the sale of a parcel is *not* an objective of this Ordinance.
- (G) **DECISION OF ZBA IS FINAL.** A decision of the Zoning Board of Appeals is final, and any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted *unless* the applicant demonstrates that there is new evidence or changed conditions that are pertinent to the case. If new evidence or changed conditions are found, the ZBA may elect to rehear a case at its discretion.
- (H) **CONDITIONS.** The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Certificate of Occupancy granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 902(4).
- (I) **PRACTICAL DIFFICULTY.** A variance may only be granted upon a showing of practical difficulties by the applicant that prevent carrying out the strict letter of this Ordinance. These practical difficulties are to be evaluated in terms of the applicants's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.
- (J) **ISSUANCE OF PERMIT.** A variance or site plan approval granted under the provisions of this Section becomes a condition of the Certificate of Occupancy granted pursuant to such action. If the Certificate of Occupancy expires as defined by Section 902(6), any rights granted by the Zoning Board of Appeals expire together with the Certificate of Occupancy.

- (K) **REQUIRED RECORDS.** The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any conditions that may be attached to issuance of a Certificate of Occupancy.
- (L) **RECURRENT ISSUES.** If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the ZBA shall suggest a general regulation for such conditions to be considered by the Zoning Board.

SECTION 904. ENFORCEMENT.

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a nuisance *per se*. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.
 - (A) **INSPECTION AND ORDER.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - (B) **CORRECTION PERIOD.** Orders to correct violations shall allow a correction period of not less than thirty (30) days nor more than sixty (60) days, as the Zoning Administrator deems necessary.
 - (C) **ACTION BY TOWNSHIP ATTORNEY.** A violation not corrected within the specified period shall be reported to the Township Attorney, who shall initiate procedures to eliminate the violation. Once a violation has been referred to the Township Attorney, any legal action that the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.
 - (D) **PENALTIES.** 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 Ordinance, shall be guilty of maintaining a nuisance *per se* and shall further be guilty of a municipal civil infraction as provided in

the Marion Township Municipal Sanctions for Ordinance Violations Ordinance. The penalty shall be a civil fine that is determined in accordance with the Township's Municipal Sanctions for Ordinance Violations Ordinance. For each and every day the violation continues beyond the correction period identified by Section 904(2)(B), 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.

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

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

SECTION 905. AMENDMENT.

(1) **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.

(2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Zoning Board, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.

(3) **AMENDMENT PROCEDURE.**

(A) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Zoning Board for recommended action.

(B) **PUBLIC HEARING.** Before voting on any proposed amendment to this

Ordinance, the Zoning Board shall conduct a public hearing, with notice being given by the Zoning Administrator as specified by Sections 906(1) and (2) and by the following paragraphs:

- (1) PUBLISHED NOTICE. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.
 - (2) MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Sections 906(3) and (4).
- (C) RECOMMENDATION. The Zoning Board shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Zoning Board may recommend any additions or modifications to the original amendment petition.
- (D) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing and approval by the Township Zoning Board, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless the Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- (E) TOWNSHIP BOARD ACTION. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Zoning Board. The Township Board may deny or adopt the amendment with or without changes by a majority vote of its membership, following its standard procedures for the adoption of ordinances. The Township Board may also refer the amendment back to the Township Zoning Board for further changes or clarification.
- (1) ADDITIONAL PUBLIC HEARING. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Zoning Board shall be notified of the hearing, which may be held at a

regular meeting or at a special meeting called for that purpose.

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

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

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

- (F) **AMENDMENT TO CONFORM WITH COURT DECREE.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (G) **RE-SUBMITTAL.** No application for a rezoning which has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 906. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

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

may be examined and copies purchased.

- (G) A statement of where and when both written and verbal comments will be received concerning the request.
- (2) **AFFIDAVIT OF MAILING.** An affidavit of mailing that identifies all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is to be held.
- (3) **MAILED NOTICE.** Whenever this Ordinance requires mailed notice of a public hearing, the mailing list shall be compiled from the following sources:
 - (A) The owner(s) of the parcel(s) in question.
 - (B) All persons to whom real property is assessed in Marion Township or any adjoining governmental unit, where any part of their parcel lies within three hundred feet (300') of the parcel that is the subject of the hearing.
 - (C) The occupants of all buildings on parcels within three hundred (300') of the parcel that is the subject of the hearing. Each dwelling unit or tenant in such buildings shall receive one (1) notice of the hearing. If the name of an occupant is not known, the term "occupant" may be used in the address. For any building containing more than four (4) dwelling units, the notice may be mailed to the manager or the owner of the building who shall be requested to post the notice at the building's primary entrance.
- (4) **NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES.** Not less than 20 days notice of any Zoning Board hearing regarding amendment of this Ordinance shall be given by certified mail to each public utility or railroad company serving Marion Township, at the mailing address identified by each company for the purpose of receiving such notices.

SECTION 907. SITE PLAN REVIEW

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

- (1) **SITUATIONS THAT REQUIRE SITE PLAN REVIEW.** Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements. Site plan review and approval is required:
 - (A) For all non-residential land uses permitted in all zoning districts, except home occupations and farming operations.
 - (B) For all special uses. A site plan shall be submitted at the time application is made for a Special Use Permit. Review of the site plan shall be concurrent with deliberations on the application for a Special Use Permit.
 - (C) For all Planned Unit Developments (PUD's), if permitted elsewhere in this Ordinance. A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.
 - (D) All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).

- (2) **SITE PLAN REVIEW NOT REQUIRED FOR REZONING.** Site Plan Review shall not be required as part of the decision process for a rezoning application. The decision to rezone property is based on consideration of its effect on the long-range development of the Township, especially in regard to all the potential uses that the rezoning would permit on the subject parcel. In contrast, the scope of site plan review is limited to the specific use that is proposed. Also, conditions may be attached to site plan approval. Conditions may *not* be attached to the rezoning of property.

- (3) **THE SITE PLAN REVIEW PROCESS.**
 - (A) **APPLICATION DEADLINE.** If a Zoning Permit application requires a Site Plan Review pursuant to Section 907(1), the complete application package must be received at least fifteen (15) days before the Zoning Board meeting at which the application is to be considered. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application deadline for the specific process will apply.

 - (B) **APPLICATION MATERIAL.** The application package for a Site Plan Review must meet the requirements of Section 902(2) and be accompanied by a Site Plan Review fee as established by the Township Board and at least four (4) copies of a site plan that meets the requirements of Section 907(3)(C) as described below. The application will not be reviewed until all the listed items have been received.

- (C) **SITE PLAN REQUIREMENTS.** Any details depicted in the site plan will be relied upon by the Zoning Board in its review. Therefore, these details become conditions for approval of the site plan. Failure to abide by such conditions is a violation of the terms of any Zoning Permit issued pursuant to site plan approval, and is subject to enforcement under Section 904 of this Ordinance. The site plan shall show the following information:
- (1) Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for parcels three (3) acres or more in size.
 - (2) Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.
 - (3) The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
 - (4) Legal description of the property subject to the application.
 - (5) Name and address (or approximate location) of the proposed land use or land development project.
 - (6) Size of the property in acres and square feet.
 - (7) Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.
 - (8) A small-scale map (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
 - (9) The exterior property lines (boundaries) of the property subject to the application.
 - (10) The zoning classification of the property subject to review, as well as that of adjoining properties.
 - (11) The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property.

- (12) The location, name, pavement width, and right-of-way width of existing and proposed private roadways.
 - (13) The location, width, and purpose of other existing and proposed easements or rights-of-way.
 - (14) Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings, and existing and proposed setbacks from property lines must be indicated in feet.
 - (15) Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively numbered.
 - (16) The location of existing and proposed stormwater management facilities. The Zoning Board may require that applicants submit a separate storm drainage plan.
 - (17) The location and height of existing fences or walls, including the type of fencing proposed.
 - (18) The location of required landscaped buffers and screening, as well as other landscape improvements. The Zoning Board may require that applicants submit a separate landscaping plan.
 - (19) The location and type of existing natural features on the site, including but not limited to, major topographic features, wetlands, watercourses, floodplains, ponds, wooded areas, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
 - (20) The location, height, and design of existing and proposed signs and exterior lighting fixtures.
- (D) REVIEW OF SITE PLAN. Within two (2) working days of receipt of a site plan for review by the Zoning Board, the Zoning Administrator shall notify all Township departments that it has been received. Any interested department may comment on the site plan in writing to the Zoning Administrator at least five (5) days before the Zoning Board meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified in Section 907 (4) and any applicable Special Use Permit Standards listed in Chapter 6. After reviewing such comments, the Zoning Administrator shall recommend to the Zoning

Board what action should be taken.

- (E) **ZONING BOARD REVIEW OF SITE PLAN.** The Zoning Board shall conduct their Site Plan Review at a public meeting. A public hearing on the site plan will be held only if any party submits a written request for a hearing to the Township Clerk prior to the Zoning Board meeting. In such cases, the public will be heard before the Zoning Board acts on the site plan. However, a Site Plan Review conducted pursuant to Section 907(1) does not require special notification of any party. The review findings by the Zoning Administrator, any other Township departments and staff, and any public comments shall be considered by the Zoning Board, but they are not binding on it in any way. The Zoning Board should take one of the following actions at the meeting that considers the Site Plan:
- (1) **APPROVAL.** An affirmative vote by a majority of the Zoning Board is necessary to approve a site plan. An approved site plan becomes a condition of any resulting Zoning Permit. Deviations from the site plan are permitted only as specified by Section 907(3)(F).
 - (2) **CONDITIONAL APPROVAL.** The Zoning Board may attach conditions to approval of a site plan as justified by the requirements of this Ordinance, or other local, state, or federal laws. These conditions and their justification must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions then become part of the site plan, just as if they were part of the original submission, and they shall be reflected in any resulting Zoning Permit. Deviations from the conditions are permitted only as described by Section 907(2)(F). Approval of any site plan that must also be approved by other public agencies shall be conditioned upon the granting of the other agency approvals, including variances from the Zoning Board of Appeals. Approval of a variance that specifies conditions different from those depicted on the site plan or identified in a conditional approval does not require an additional Site Plan Review.
 - (3) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the standards listed in Section 907(4) is the only justification for denial of a site plan. A majority vote of the Zoning Board is required to deny a site plan. The motion to deny must state which Review Standards were not met by the site plan, and it failed to meet them. The applicant shall be notified in writing of the denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- (4) **TABLE TO SPECIFIED MEETING.** The Zoning Board may choose to delay its decision for any specified reason by tabling the action to another meeting. The date, time, and place of the meeting shall be identified in the motion to table and clearly stated for the benefit of any persons in attendance.
- (F) **ACCEPTABLE DEVIATIONS FROM APPROVED SITE PLAN.** Unforeseen circumstances can cause changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review standards have been met. These deviations shall be documented as described in Section 907(2)(H).
- (G) **UNACCEPTABLE DEVIATIONS FROM SITE PLAN.** If the Zoning Administrator finds that a deviation from an approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Zoning Board in writing that the site plan approval has been suspended. The notice to the permit holder shall be sent by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector with respect to that portion of the project that is not in compliance with the Site Plan Review Standards. Once site plan approval has been suspended, the permit holder may change the project plans to conform to the Review Standards, or restart the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice of this to the permit holder, the Township Building Inspector, and the Zoning Board.
- This provision shall not prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and the approved site plan.
- (H) **RECORD TO BE MAINTAINED.** The Zoning Administrator shall maintain the record relating to any approved site plan with the records pertaining to the Zoning Permit for the project. This record shall include an official copy of the site plan as approved by the Zoning Board. The official copy shall be signed and dated by the permit holder, the Zoning Board Chair, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence that these conditions have been satisfied, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, an “as built” version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Zoning Permit may be fully refunded.

- (4) **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to determine whether a site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions that are contrary to the intent and objectives of this Ordinance, this lack is sufficient justification for denial of the site plan.
- (A) There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
 - (B) Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
 - (C) All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
 - (D) As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the discharge of water. Reasonable buffer and open space areas may be required.
 - (E) The site shall be improved with a storm drainage system that maintains stormwater runoff at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.
 - (F) Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.
 - (G) The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
 - (H) All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year. Particular attention shall be paid to site access in the event of fire or other emergency.
 - (I) The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

908 REVIEW OF SUBDIVISION PLATS

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

(2) **PLAT APPROVAL PROCESS**

(A) **SUBMISSION OF PLAT.** When a preliminary of final plat has been submitted to the Marion Township Board for approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the plat within ninety (90) days of submission, the Zoning Administrator and Zoning Board Chair shall convene a special meeting of the Zoning Board, if necessary, to provide a recommendation to the Township Board.

(B) **ZONING BOARD REVIEW AND RECOMMENDATION.** The Zoning Board shall review the plat to determine if it complies with all provisions of this Ordinance, and any other applicable Township ordinances, at an open public meeting. A public hearing is not required. However, any person who wishes to address the Zoning Board shall be permitted to do so. If all standards are met, the Zoning Board shall recommend approval of the plat to the Township Board. If all standards are not met, the Zoning Board shall recommend denial of the plat, noting which standards were not met.

SECTION 909. ACTIONS SUMMARY TABLE

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

**Zoning Ordinance Actions Table
Summary of Procedural Requirements for Zoning Decisions**

Type of Action	Who May Initiate Action?	What Body Makes the Decision?	Is a Public Hearing Required	Published Notices – Number of Days Before Hearing	Mailed Notice to All Owners and Occupants Within 300 feet – Days Before Hearing	Where Can Applicant Appeal a Denial
Variance	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not required	Not less than 5 days	Circuit
Interpretation	Applicant or Zoning Admin.	Zoning Board of Appeals	Yes	Not required	Not less than 5 days, if required ¹	Circuit
Administrative Review, including appeal of Zoning Administrator’s Decision	Any aggrieved party ²	Zoning Board of Appeals	Yes	Not required	Not less than 5 days, if required ¹	Circuit
Site Plan Review	Applicant or Zoning Admin.	Zoning Board	If requested by any party	Not required	Not required	Circuit Court
Special Use Permit	Applicant or Zoning Admin.	Zoning Board	Yes	Not more than 15 days or less than 5	Not more than 15 days or less than 5	Circuit Court
Text or Map Amendment (Rezoning)	Applicant, Zoning Admin, Zoning Board, or Township Board	Step 1: Zoning Board recommends to Township Board	Yes	First: Not more than 30 or less than 20 Second: Not less than 8	Not less than 8, if required ¹	No appeal until after Twp Board action
		Step 2: Twp. Board acts on amendment	If requested by any party up to one week before meeting	Not more than 15 or less than 5	Not required	Circuit Court or may resubmit to Twp after one year
Fee Waiver	Applicant	Township Board	No	Not required	Not required	None

Notes: (1) Mailed notice required only if an action relates to a single parcel or group of contiguous parcels.
(2) Includes any state, county, or township officer, board, bureau, or department.

Chapter 10 Blight Ordinance

**TOWNSHIP OF MARION
COUNTY OF SAGINAW, STATE OF MICHIGAN**

TOWNSHIP ORDINANCE NO: 2014-1

MARION TOWNSHIP BLIGHT ORDINANCE

An Ordinance to prohibit the maintenance of blighting conditions and factors and to safeguard structures upon which the public good depends, and to provide for the enforcement thereof and to provide penalties for the violation thereof. This Ordinance shall be referred to as the "Marion Township Blight Ordinance".

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

Section 1. -- PURPOSE

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce, or eliminate blight or potential blight in Marion Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may, in the future, exist in said Township.

Section 2. -- CAUSES OF BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors which, if allowed to exist, will result in blighted neighborhoods and will harm the economic structure upon which the public good depends. On and after the effective date of this Ordinance no person, firm, corporation or any group of any kind shall maintain or permit to be maintained any of these blights or blighting conditions upon any land or premises in the Township of Marion.

The following activities are expressly prohibited in the Township of Marion.

1. In any area zoned residential by Ordinance of the Township of Marion, the existence of any junk motor vehicle, except in a completely enclosed building is expressly prohibited. For the purpose of this Ordinance the term "junk" motor vehicle shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days.

2. In any area zoned residential by said Zoning Ordinance, the out of doors storage upon any premises of building materials unless construction work is being done on said premises under a building permit and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts, or equipment, shingles, mortar, concrete or cement, nails, screws, or any materials used in constructing any structure, provided further, that all construction debris shall be removed from any premises, prior to the issuance of a certificate of occupancy by the Building Inspector.

3. In any area zoned residential by said Zoning Ordinance, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, construction machinery or parts thereof unused stoves or other appliances stored in the open, metal or any other material or other castoff material of any kind whether or not same could be put to any reasonable use.

4. In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or out-building unless the same is kept securely locked, windows kept glazed or boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.

5. In any area zoned other than residential by said Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of the use lawfully being conducted upon the premises involved.

6. In area, the existence of any structure or part of structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.

7. In any area, the existence of any partially completed structure, unless such structure is the course of construction in accordance with a valid and existing building permit issued by the Township of Marion and unless exterior construction is completed within one year after issuance thereof; unless this time is extended by the Building Inspector

Section 3. – ENFORCEMENT AND PENALTIES

1. This Ordinance shall be enforced by the Building Official and/or Ordinance Enforcement Officer of the Township of Marion.

2. The owner and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes from such property within ten (10) days after service of the notice upon him. Such notice may be served by ordinary mail. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting are in progress.

3. Failure to comply with such notice within the time allowed the owner and/or occupant shall constitute a violation of this Ordinance. Each day that there is such a failure to comply shall constitute a separate offense.

4. Violation of this Ordinance shall be deemed to be a nuisance per se. Any person or anyone acting on behalf of any such person who shall violate any provisions of this Ordinance, or who shall fail to comply with any of the requirements thereof shall be guilty of a municipal civil infraction as provided in Ordinance No. 99-4, Marion Township Municipal Sanctions for Ordinance Violations Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including costs and attorneys' fees.

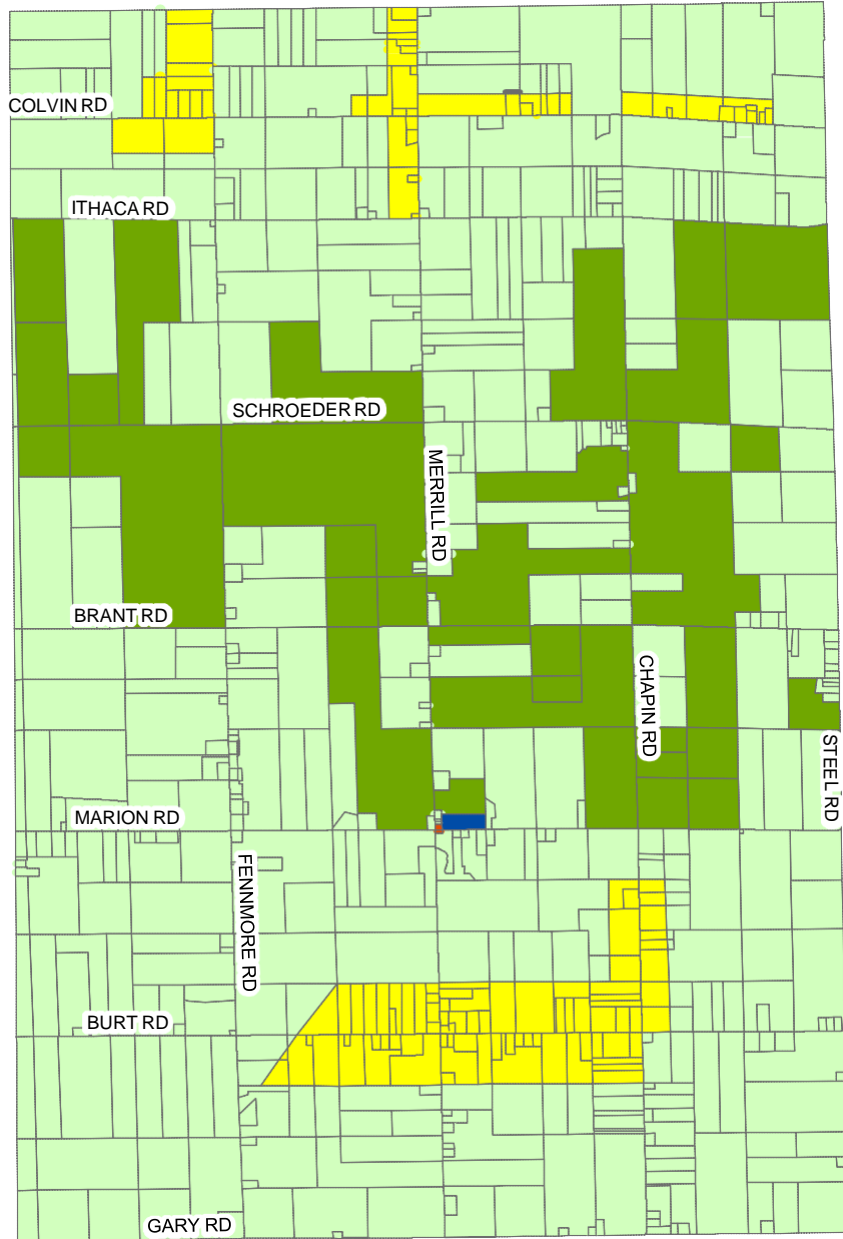
Section 4. -- SEVERABILITY

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 5. -- REPPEAL CLAUSE

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

MARION TOWNSHIP ZONING MAP



Legend
Zoning

- A-1 Agricultural
- R-1 Rural Residential
- B-1 Commercial
- State Game Area (A-1)
- Public Park

