

Taymouth Township

Zoning Ordinance

Effective: March 6, 2019

Amended: January 8, 2020

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ZONING ORDINANCE

Ord. of February 13, 2019
Adopted: February 13, 2019

PREAMBLE

An Ordinance enacted by the Township under Michigan Zoning Enabling Act 110 of 2006, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of the Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of the Ordinance. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P. A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.

ARTICLE 1
TITLE, INTENT, AND PURPOSE

Section 1.01 Title

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

Section 1.02 Intent and Purpose

It is the purpose of this Zoning Ordinance to promote public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties; to carry out the goals, objectives, and policies contained in the Master Plan for the Township adopted pursuant to the Township Planning Act, Public Act 168 of 1959, and as may be periodically amended or newly adopted pursuant to the Planning Enabling Act, Public Act 33 of 2008; and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

ARTICLE 2
DEFINITIONS

Section 2.01 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows.

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "*person*" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "*building*" includes the word "*structure*" and either includes any part thereof.
- D. The word "*lot*" includes the word "*plot*", "*tract*", or "*parcel*".
- E. The term "*shall*" is always mandatory and not discretionary; the word "*may*" is permissive.
- F. The word "*used*" or "*occupied*" as applied to any land or building shall be construed to include the words intended, arranged, maintained for, or designed to be used or occupied.
- G. The words "*this Ordinance*" means the text of this Ordinance as well as all maps, tables, graphics, and schedules as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "*and*", "*or*", "*either...or*", the conjunction shall be interpreted as follows.
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. "*Township*" is the Township of Taymouth in the County of Saginaw, State of Michigan; the "*Township Board*", "*Zoning Board of Appeals (ZBA)*" and "*Planning Commission*" are, respectively, the Township Board of Trustees, ZBA, and Planning Commission of the Township.

- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.02 Definitions

- A. Definitions of words and phrases beginning with the letters “a” through “e”.

Abutting (lot or parcel). A lot or parcel which shares a common border with the subject lot or parcel.

Accessory building. A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Not to be used for human habitation.

Agricultural building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

Alley. A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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; or any change which may be referred to as altered or reconstructed.

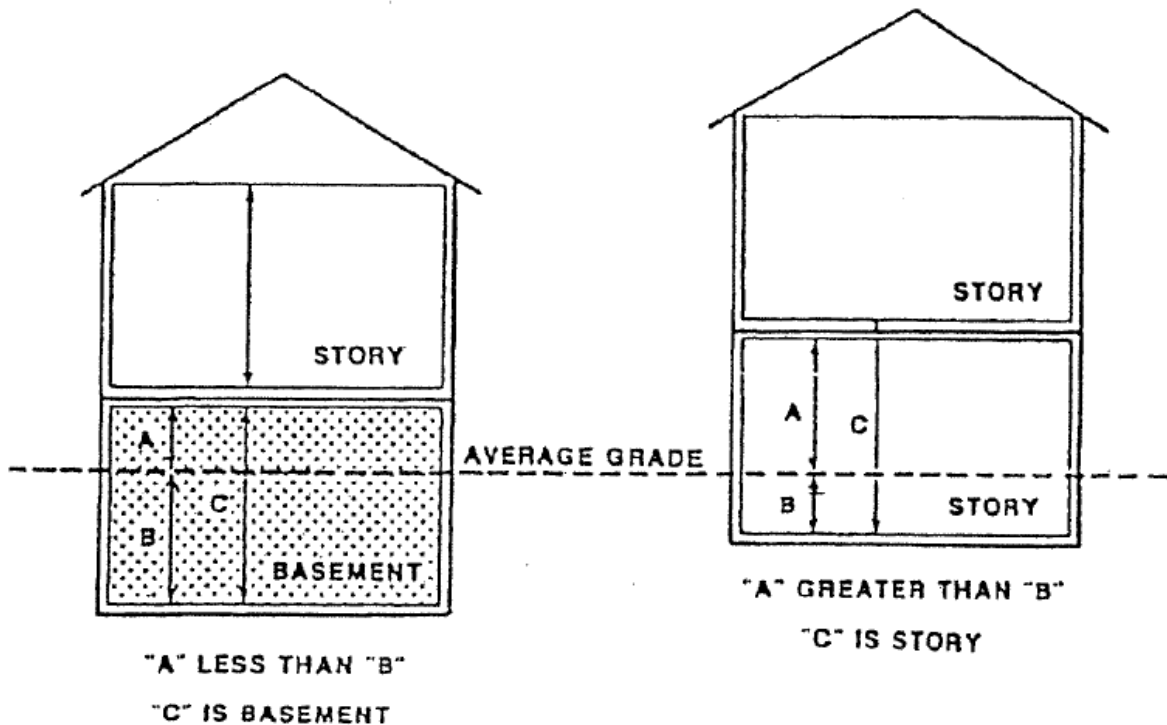
Animal units. Animal units are a measure of the relative intensity of livestock or poultry raising operations, defined in terms of the relative volume of waste material produced by various types of livestock. The following standards identify the number of animal units associated with a single animal of the following types.

Slaughter steer or heifer:	one animal unit
Horse:	two animal units
Mature dairy cow:	one and four tenths (1.4) animal units
Swine:	four tenths (0.4) of an animal unit
Sheep:	one tenth (0.1) of an animal unit
All fowl:	five one-hundredths (0.05) of an animal unit

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year. This flood is also referred to as the 100-year flood.

Basement. That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined, shall not be counted as a story (see Figure 2-1). A cellar is a basement.

Figure 2-1: BASEMENT AND STORY



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 to provide a transition between uses of differing intensity.

Buffer area. A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

Building. Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building inspector. An individual hired by the Township Board to administer the Building Code.

Building Permit. A permit signifying compliance with the provisions of the Taymouth Township Building Code.

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

Canopy Sign. A sign affixed flat against the surface of a canopy.

Canopy Structure. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Certificate of occupancy. A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/ reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance.

Change of use. A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Changeable message board. A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

Condominium project. A plan or project consisting of two or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium subdivision. A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

Condominium subdivision plan. The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.

Condominium unit. That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, 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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

dBA. A measurement for sound pressure or the relative loudness of sound in decibels as measured on a sound level meter using the A-weighting network. A decibel (dB) is a unit for measuring the volume of a sound equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter). All sound measurements shall be made on a sound level meter which meets American National Standards Institute (ANSI) specifications S1.4-1983; S1.4A-1985 or successor documents for type I or type II equipment. The sound-level meter must include a peak/hold circuit when measuring impulsive sound.

Deed restriction. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the Saginaw County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

Density. The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets.

District. An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

Driveway. A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Saginaw County Road Commission or State of Michigan.

Dwelling. Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

Dwelling unit. One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

Easement, permanent recorded. A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Saginaw County Register of Deeds.

Equivalent A-weighted Continuous Sound Level (LEQ): The level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as $L_{eq A}$, and expressed as dBA.

Erected. The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection when done in conjunction with a structure.

Essential services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel, or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar accessories in connection which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

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

B. Definitions of words and phrases beginning with the letters "f" through "j".

Family.

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, 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 or other similar determinable period.

The definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm. Land used for commercial agriculture comprising at least 10 contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship or corporation and including all necessary farm buildings, structures, and machinery.

Farm products. Those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, and trees; fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur.

Fence. An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or any manufactured materials erected for the enclosure of yard areas.

Filling. The depositing or dumping of any matter into or onto the ground.

Flood hazard area. Land which, on the basis of available flood plain information, is subject to a 1 percent or greater chance of flooding in any given year. The 100-year flood plain shall be the same as the Flood Hazard Area.

Floodway. The channel of the watercourse and portions of adjoining lands which carry and discharge the flood waters associated with a base flood.

Floor area, gross. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor area, usable. For the purposes of computing parking requirements, usable floor area shall be considered as 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 restrooms and janitorial service rooms, shall be excluded from this 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.

Footing. That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

Frontage. The total continuous length of the front lot line.

Garage, parking. A structure or series of structures for the temporary storage or parking of motor vehicles.

Grade, average. The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure (see Figure 2-2).

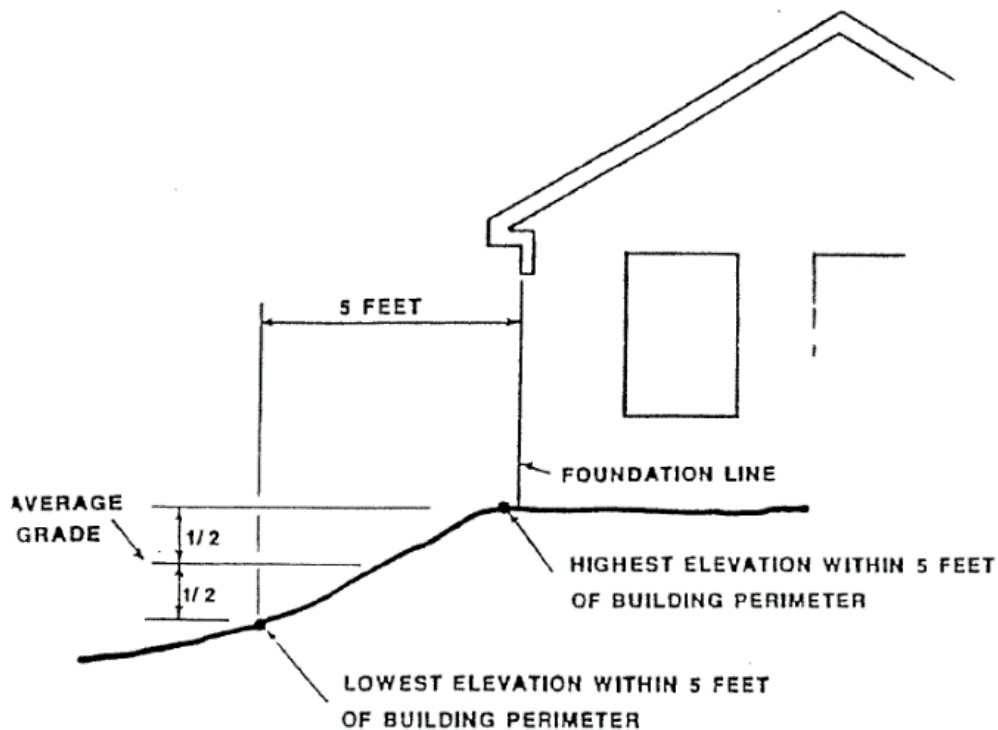


Figure 2-2: AVERAGE GRADE

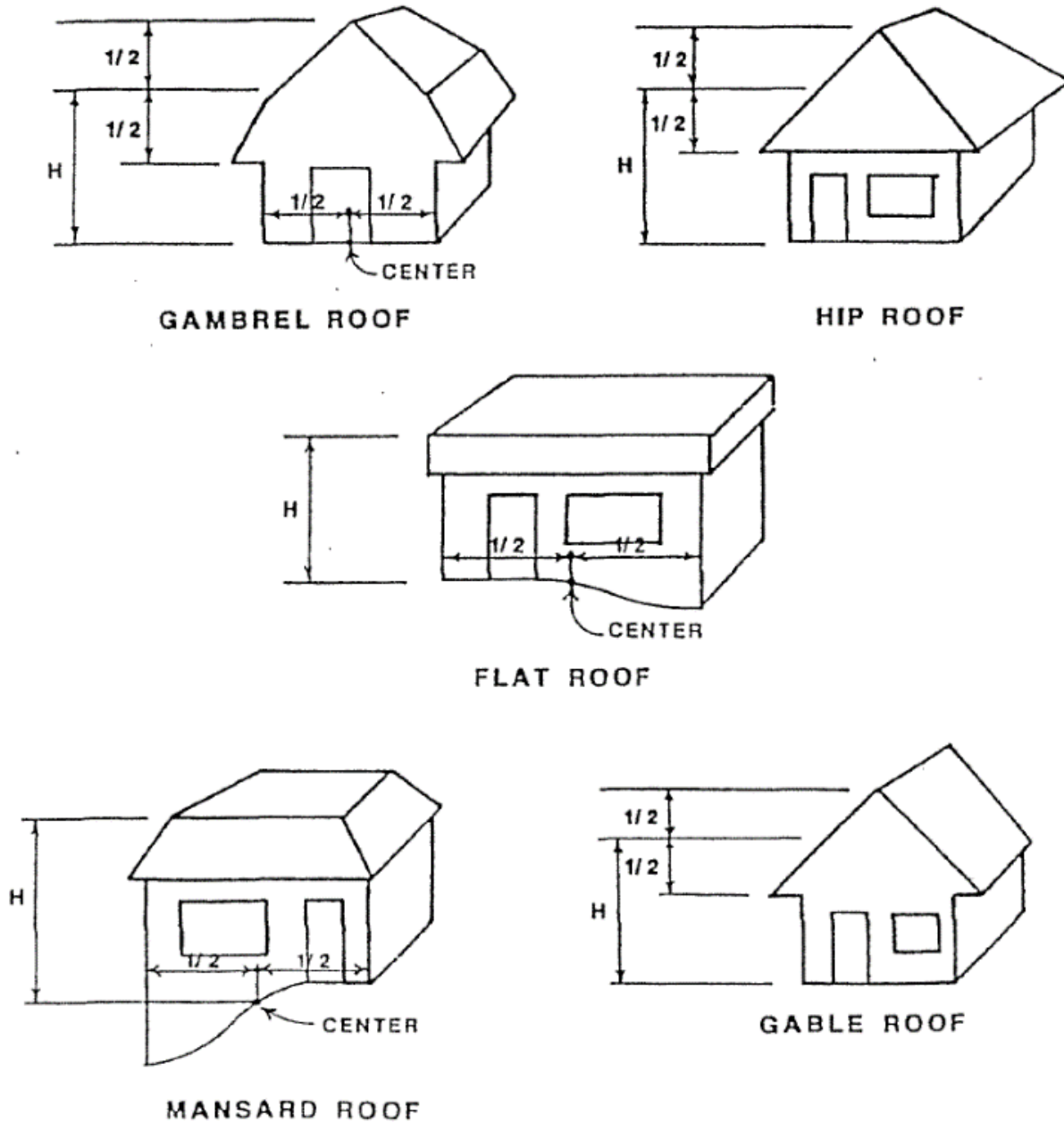
Grade, finished. The lowest point of elevation between the exterior wall of the structure and a line 5 feet from the exterior wall of the structure.

Habitable space. Space in a dwelling unit, or structure, used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the structure's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

Height. In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building footprint abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-3). The measurement of height of an accessory building or structure

shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.

Figure 2-3: BUILDING HEIGHTS



Horse. Includes mule, burro, pony, jack, tunny, and all other quadrupeds of the genus equus.

Inoperable or abandoned motor vehicle. Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk. Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is 30 feet or more from any residential structure for a period not to exceed seven days.

C. Definitions of words and phrases beginning with the letters “k” through “o”.

Livestock. Cattle, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

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 or unloading merchandise or materials.

Lot. Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use, or group of buildings. A conforming lot is one having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage, and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (see Figure 2-4).

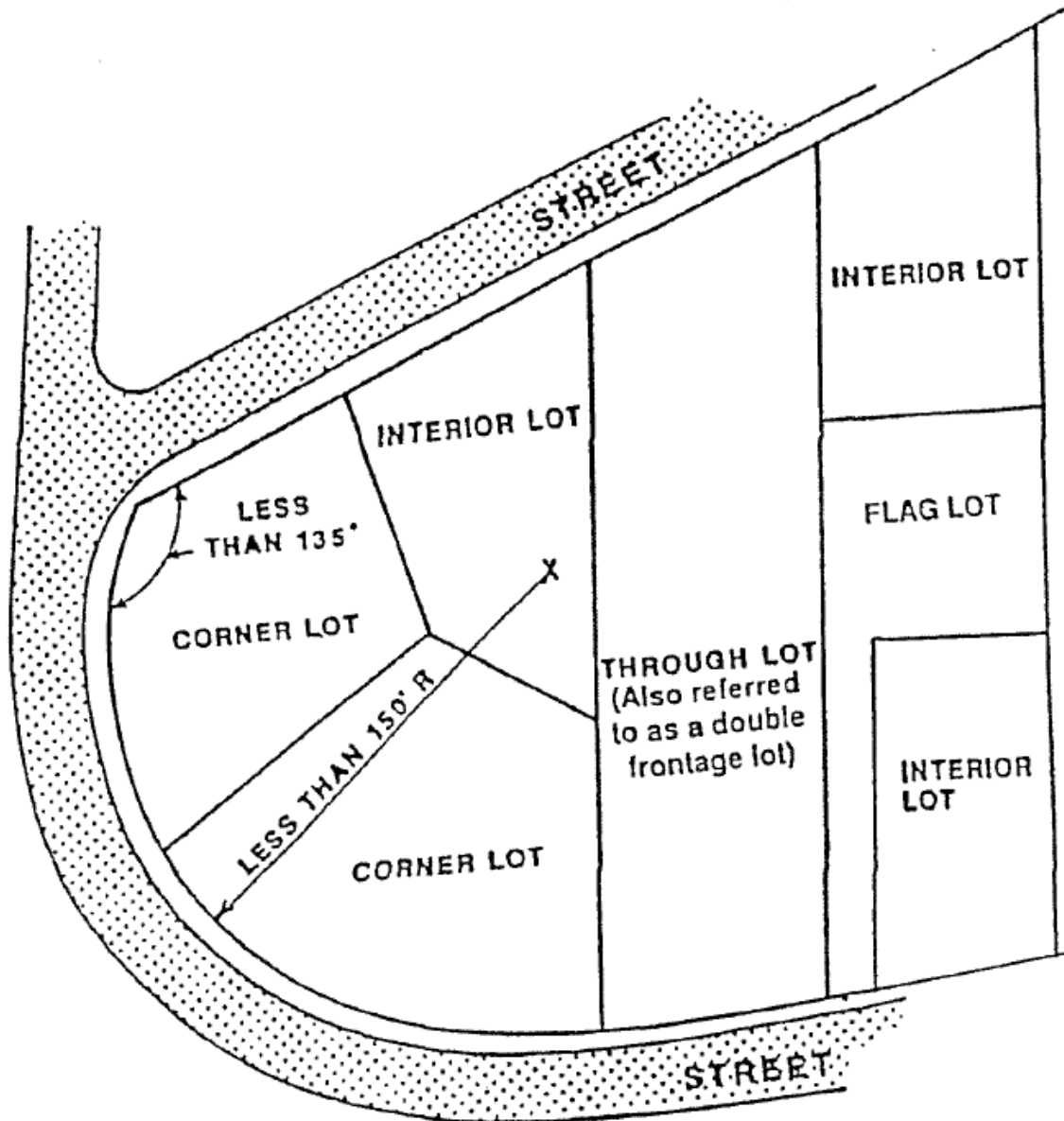


Figure 2-4: LOT TYPES

Lot area, gross. The area contained within the lot lines or property boundary including floodplains, wetlands, water bodies, and street right-of-way (see Figure 2-5).

Lot area, net. The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot (see Figure 2-5).

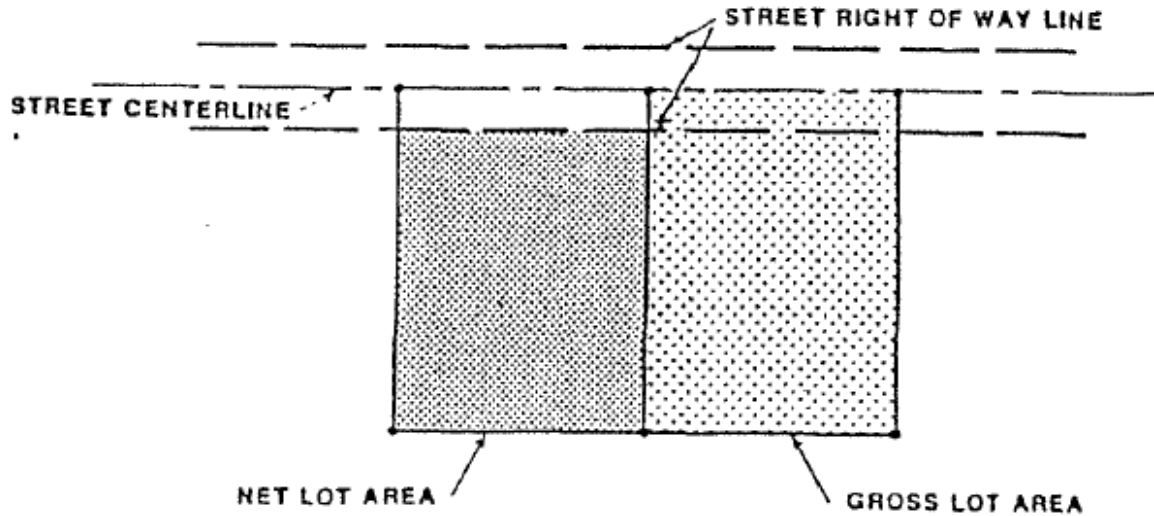
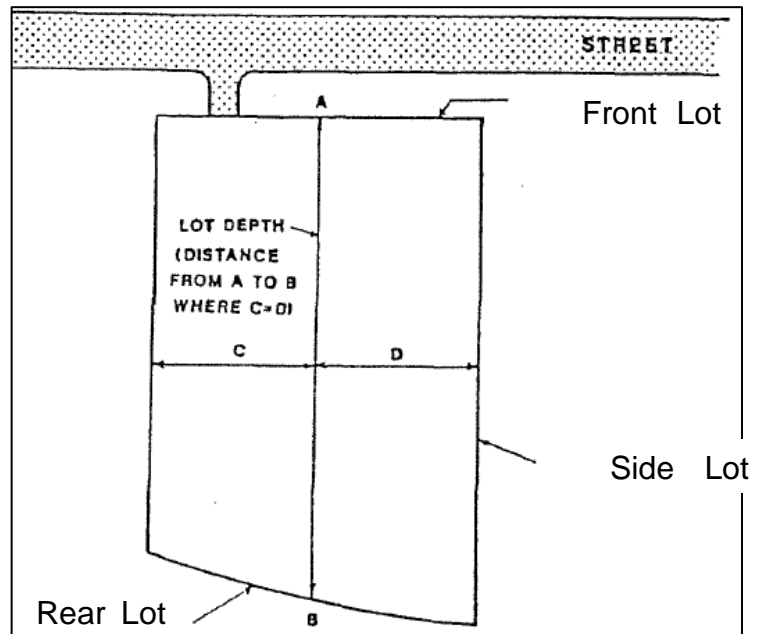


Figure 2-5: NET AND GROSS LOT AREA

Lot, corner. A lot which has at least two contiguous sides abutting upon a public street for their full length (see Figure 2-4).

Lot coverage. The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be considered to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be considered to include fences, walls, or hedges used as fences, unroofed decks or patios, or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Figure 2-6: LOT DEPTH



Lot, depth of. The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot (see Figure 2-6).

Lot, flag. A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located (see Figure 2-4 and Figure 2-8).

Lot frontage. The length of the front lot line.

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 (see Figure 2-4).

Lot lines. The lines bounding a lot or parcel (see Figure 2-8).

Lot line, front. The line(s) separating the lot from the street right-of-way, private road or other access easement (see Figure 2-8). If there are multiple lot lines adjacent to a road right-of-way, such as a corner or through lot, all such lot lines shall be a front lot line.

Lot line, rear. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least 10 feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (see Figure 2-8).

Lot line, side. Any lot line other than a front or rear lot line (see Figure 2-8).

Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the Office of the Saginaw County Register of Deeds before the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Saginaw County Register of Deeds before the adoption or amendment of this Ordinance.

Lot, through. An interior lot having frontage on two more or less parallel streets (see Figure 2-4).

Lot width. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line (see Figure 2-8), except in the case of curvilinear front lot lines, in which case the lot width shall be measured along the chord of the arc created by the setback line for lots with a concave front lot line and along the chord of the arc created by a line 40 feet to the rear of, and parallel to, the setback line for lots with a convex front lot line (see Figure 2-7).

Figure 2-7: CONCAVE AND CONVEX

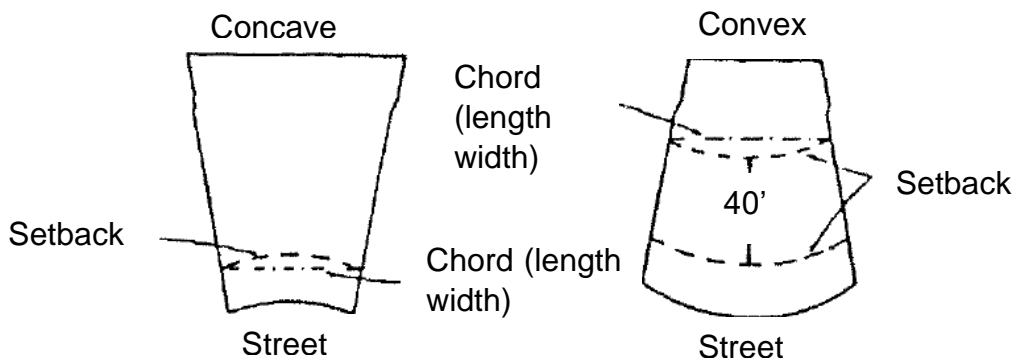
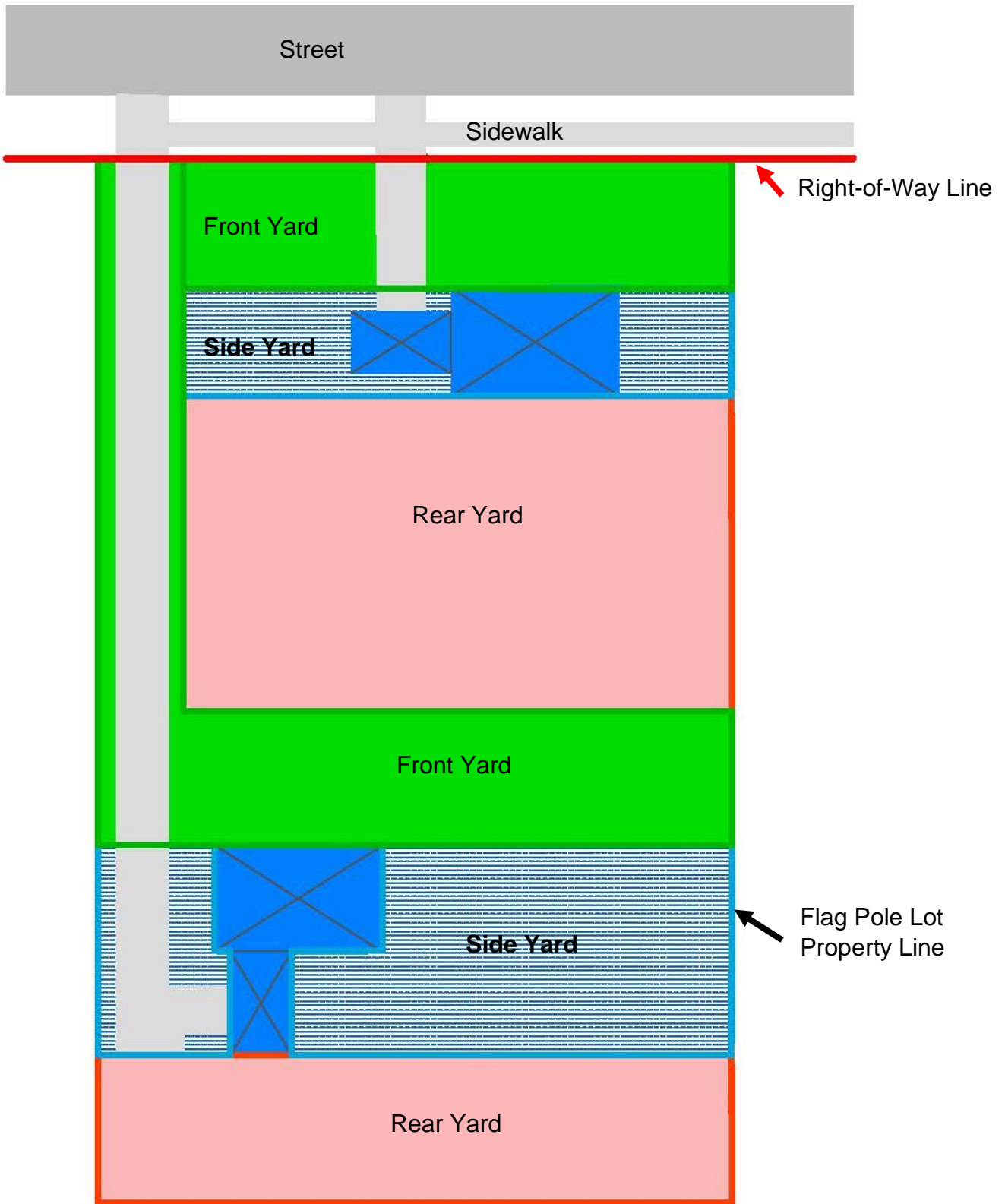


Figure 2-8: LOT LINES AND YARDS



Major thoroughfare. A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which has been classified as a County Primary, State Trunkline, or U.S. Trunkline.

Manufactured housing. A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Master deed. The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan. The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions.

Minor thoroughfare. A public street identified as a county local road by the Saginaw County Road Commission, except that no street in a platted subdivision or condominium subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

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

Municipal water supply. A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Nonconforming building (nonconforming structure). A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, or yards for the zoning district in which it is located.

Nonconforming lot of record (substandard lot). A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming use. A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Non-Participating Parcel: A property that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for an application for the purposes of constructing a wind energy conversion system.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

1. Noise;
2. Dust;
3. Smoke;
4. Odor;
5. Glare;
6. Fumes;
7. Flashes;
8. Vibration;
9. Objectionable effluent;
10. Noise of a congregation of people, particularly at night;
11. Passing traffic; or
12. Invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Open space, common. Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open space, dedicated. Common open space dedicated through a permanent recorded deed restriction or easement.

Ordinary high water mark. The line 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 of the soil, and the vegetation.

Owner. The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lease, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

D. Definitions of words and phrases beginning with the letters “p” through “t”.

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

Parking area, off-street. A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three or more automobiles or trucks.

Parking space. An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Participating Parcel. A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting an application for the purposes of developing of a Wind Energy Conversion System.

Planned unit development. A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved Site Plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space, and other land uses as provided in this Ordinance.

Planning Commission. The Planning Commission of the Township.

Plat. A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

Plot Plan. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A Plot Plan depicts a subset of the information required by this Ordinance for a Site Plan.

Portable or moveable sign. A sign designed to be easily and not permanently attached to the ground, structure, or building including signs with wheels, poster panel signs, signs mounted on vehicles for advertising purposes, hot-air and gas filled balloons, pennants, streamers, ribbons, pinwheels, nongovernmental flags, and searchlights.

Principal building. The main building on a lot in which the principal use exists or is served by.

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

Private road. A private way or means of approach which meets the requirements of this Ordinance to provide access to two or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private sanitary sewage disposal system. An individual on-site sewage disposal system as defined in the Saginaw County Health Department Sanitary Code.

Private water supply. A well or other water supply system approved by the Saginaw County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

Prohibited use. A use of land which is not permitted within a particular zoning district.

Public sanitary sewer. A system of pipe owned and maintained by a governmental unit used to carry human, organic, and industrial waste from the point of origin to a point of discharge.

Public utility. Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Racking. Racking is any structure or building material used in the mounting of a solar panel.

Recreational vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle (Act 96, Michigan Public Acts of 1987, as amended).

Repair. The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residentially zoned. This term shall include the following zoning districts PA Primary Agricultural, ERN Existing Residential Neighborhoods, and MDR Medium Density Residential.

Restoration. The reconstruction or replication of an existing building's original architectural features.

Right-of-way. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Screen. A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

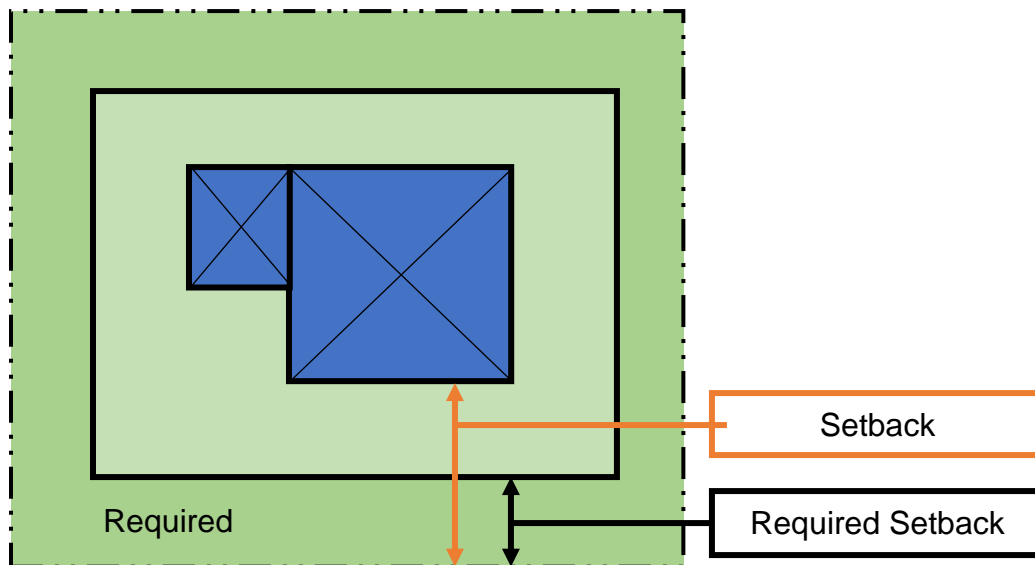
Secondary containment. A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public

sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

Setback. The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required.

Setback, required. A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high-water mark (see Figure 2-9).

Figure 2-9: SETBACKS DIAGRAM



Setback, front. Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

Setback, side. The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Shadow flicker. Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.

Shared driveway. A driveway described by recorded easement providing access to more than one lot or dwelling unit.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any street and used as an outdoor display.

Sign area. The total square footage of a sign face exposed to public view upon, against, or through which the message is displayed or illustrated, including structural and nonstructural trim.

Sign, billboard. A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of PA 106 of 1972 as well as to the provisions of this Ordinance.

Sign, freestanding. A sign advertising the name of the establishment and/or goods and services available on the lot which is not attached to the principal or an accessory structure.

Sign, portable or moveable. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers.

Sign, wall. A sign which is attached directly to a building wall with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall.

Solar Energy Collector. A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other forms of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands. This includes solar panels and solar shingles.

Solar Energy Collector Ground-Mounted. A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

Solar Energy Collector Building-Mounted. A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element in whole or in part of a building.

Solar Panel. A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Solar Shingle. A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Solid waste. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid, or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special Land Use. A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Section 18.07). Approval for establishing a Special Land Use is indicated by issuance of a permit according to the provisions of ARTICLE 18.

Stop work order. An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than 50 percent by cubic content, is below the height level of the adjoining ground (see Figure 2-1).

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

Street. A state highway, county road, dedicated public thoroughfare, or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by the Saginaw County Road Commission.

Street line. The legal line of demarcation between a street right-of-way and abutting land.

Structural alterations. Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls, or foundation.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. This would not include items that are flush with the ground including but not limited to sidewalks, driveways, and patios.

Subdivision. The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than 10 acres.

Township Board. Elected members of the governing Board of Trustees of Taymouth Township.

Township engineer. The staff engineer or consulting engineer of the Township.

Travel trailer. A recreational vehicle designed to be used for temporary residence purposes.

E. Words and phrases beginning with the letters “u” through “z”.

Underground storage tank. A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is ten percent or more beneath the surface of the ground.

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

Variance. A variance is a modification of the non-use provisions of the Zoning Ordinance approved by the ZBA upon a finding of practical difficulty.

Vicious animal. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Water body margin. The land perimeter of the water body measured from the edge of the water at its maximum capacity to the toe of the sloped sides surrounding the body of water.

WECS - Wind Energy Conversion Systems Small Windmill (hereinafter referred to as WECS). Any device that converts wind energy to mechanical or electrical energy that supplies energy to onsite uses.

WECS - Wind Energy Conversion Systems Commercial Operation. A Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.

WECS - Wind Rotor. The blades plus hub to which the blades are attached used to capture wind for purposes of energy conservation.

WECS - Tower height. The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit as measured from the established grade.

Wild animal. Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Yard. An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined (see Figure 2-8).

1. *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a corner lot.
2. *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. *Side yard.* An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

Zoning Administrator. The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

Zoning district. A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

Zoning permit. A permit signifying compliance with the provisions of the Taymouth Township Zoning Ordinance.

ARTICLE 3
ZONING DISTRICTS AND MAP

Section 3.01 Establishment of Districts

For the purpose of this Ordinance, the Township is divided into the following zoning districts, which shall be known by the following respective symbols and names.

- PA: Primary Agricultural District
- MDR: Medium Density Residential District
- ERN: Existing Residential Neighborhood District
- NC: Neighborhood Commercial District
- GC: General Commercial District
- LI: Light Industrial District
- PUD: Planned Unit Development

Section 3.02 Zoning District Map

The boundaries of the respective districts enumerated in Section 3.01 are defined and established as depicted on the Official Zoning Map entitled TAYMOUTH TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: This is to certify that this is the Official Zoning Map of the Township Zoning Ordinance adopted and the date of the newly adopted Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On the following date(s) and by official action of the Township Board, the following change(s) were made: (date of change(s) and brief description of change(s)).

Two copies of the Official Zoning Map are to be maintained and kept up-to-date, one in the Township Clerk's office, and one in the Zoning Administrator's office.

Section 3.03 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: This is to certify that this is the Official

Zoning Map referred to in the Zoning Ordinance of the Township adopted and the date of the newly adopted Ordinance, which replaces and supersedes the Official Zoning Map which was adopted on and the date of the previous Ordinance. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 3.04 Interpretation of District Boundaries

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals (ZBA). The ZBA, in arriving at a decision on such matters, shall apply the following standards.

- A. Boundaries indicated as approximately following the streets or highway, the centerlines of the streets or highways shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- F. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines and, in the event of change in the shorelines, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, a determination by the ZBA shall be requested after recommendation from the Planning Commission.

Section 3.05 Scope of Regulation

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural

alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

- B. Any use of land not specifically permitted is prohibited, except that the ZBA shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Section 21.05C. If the ZBA finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or Special Land Use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- C. No part of a setback area, other open space, off-street parking, or loading space required about or in connection with any use, building, or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building, or structure.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established.
- F. Accessory uses are permitted as indicated for the various zoning districts and if such uses are clearly incidental to the permitted principal uses. (See also Section 3.13.)

Section 3.06 Zoning of Vacated Areas

Whenever any street, alley, or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

Section 3.07 Zoning of Filled Lands; Use of Water

No fill shall be placed in any wetland, lake, or stream without proof of a valid permit from the Michigan Department of Environmental Quality. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

Section 3.08 Conflicting Regulations

Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 3.09 Categories Within Zoning Districts

In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into three categories:

- A. *Uses permitted by right.* The primary uses and structures specified for which the zoning district has been established.
- B. *Uses permitted by Special Land Use approval.* Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing following review by the Planning Commission. Refer to ARTICLE 3.
- C. *Uses permitted by planned unit development.* Uses and structures compatible with the primary uses and structures within the zoning district, and which are provided a heightened degree of flexibility in site development standards to encourage open space preservation, preservation of natural resources, and energy conservation. Refer to ARTICLE 4.

Section 3.10 Schedule of Regulations

The requirements in the following table entitled “Schedule of Regulations” apply to all principal land uses and buildings within each zoning district, except as otherwise in the

schedules or established in this Ordinance. Owners of nonconforming lots of record should refer to Section 9.02 as well. Variances may be granted by the ZBA only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self-created hardships of the owner (see Section 21.05D).

Zoning Districts	Min Lot Area	Min Lot Width	Maximum Height	Setback Requirements				Maximum Lot Coverage	Max Floor Area per Building
				Front Yard	Side Yard- Total	Side Yard- 1 Side	Rear Yard		
PA- Primary Agricultural	2 Acres	220 FT	2 1/2 Stories or 35 FT	50 FT	35 FT ¹	15 FT ¹	50 FT	25%	-
MDR- Medium Density Residential	30,000 SQ FT	100 FT	2 1/2 Stories or 35 FT	40 FT	30 FT ²	10 FT ²	40 FT	35%	-
ERN 1- Existing Residential Neighborhoods	20,000 SQ FT	100 FT	2 1/2 Stories or 35 FT	30 FT	20 FT ³	8 FT ³	35 FT	35%	-
ERN 2- Existing Residential Neighborhoods	7,200 SQ FT	60 FT	2 1/2 Stories or 35 FT	25 FT	16 FT	8 FT	35 FT	35% ⁴	-
NC- Neighborhood Commercial	15,000 SQ FT	100 FT	3 Stories or 40 FT	10 FT	None ⁵	None ⁵	20 FT ⁶	50%	10,000 SQ FT, excluding dwelling floor area
GC- General Commercial	2 Acres	400 FT	3 Stories or 40 FT	60 FT	20 FT ^{7&8}	-	20 FT ⁸	40%	-
LI Light Industrial	20,000 SQ FT Industrial Park 2 acres all other uses	200 FT	3 Stories or 40 FT	40 FT	20 FT ^{7&8}	-	40 FT ⁸	50%	-
PUD- Planned Unit Development	5 Acres	-	-	-	-	-	-	-	-

Footnote Key:

¹ In the case of a corner lot, there shall be a minimum of 50 feet on the side yard on the street side and the remaining side yard shall be a minimum of 15 feet.

² In the case of a corner lot, there shall be a minimum of 30 feet on the side yard on the street side and the remaining side yard shall be a minimum of 10 feet.

³ In the case of a corner lot, there shall be a minimum of 30 feet on the side yard on the street side and the remaining side yard shall be a minimum of 8 feet.

⁴ Accessory structures shall not occupy more than 15 percent of the lot area.

⁵ A 10-foot side yard shall be required where a side yard abuts a residential or agricultural zoning district or where walls of structures facing an interior lot line contain windows or other openings.

⁶ In the case where a rear yard abuts a residential zoning district, in which case the minimum required rear yard shall be 40 feet.

⁷ In the case of a corner lot, there shall be a minimum of 40 feet on the side yard on the street side.

⁸ In the case where it abuts residential zoning district, it shall be a minimum of 60 feet from the property line.

Section 3.11 Purpose Statement Table

PA: Primary Agricultural District

It is the intent of the PA: Primary Agricultural District to ensure that land areas within Taymouth Township, which are well suited for production of food and fiber, are provided opportunities for such use while minimizing conflicts between such agricultural uses and other nearby land uses. Lands currently within the PA District are principally in agricultural use, including lands within the Township's 100-year flood plain, and these lands generally reflect one or more qualities which support their long term economic viability as farm operations including large farm parcel acreages, comparatively limited encroachment by nonfarm residences, prime farmland soils, and enrollment in the P.A. 116 farmland protection program. It is the intent of the PA District to provide opportunities for the continuance of agricultural activities in the Township, while also providing opportunities for the conversion of farmland and vacant land to accommodate a comparatively low density residential development pattern, which encourages the protection of the Township's rural character and natural resources. It is not the intent of this district to encourage the conversion of agricultural lands to more intensive uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than typically provided for. The PA District is intended to implement, in part, the planned Agricultural/Rural Residential Area and Conservation Area presented in the Taymouth Township Master Land Use Plan.

MDR: Medium Density Residential District

It is the intent of the Medium Density Residential District (MDR) to provide opportunities for higher density residential development primarily associated with a suburban land use pattern. This district includes areas of the Township which currently exhibit a more compact form of residential development and areas that are currently served by a higher level of public services and/or infrastructure, as compared to most of the balance of the Township, and these additional services permit a higher intensity of residential development while assuring the public health, safety, and welfare. This district is intended to implement the planned suburban residential area of the Taymouth Township Master Land Use Plan and intended to accommodate residential development of greater density than elsewhere in the Township. The MDR District is intended to both permit the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods.

ERN: Existing Residential Neighborhoods District (1 and 2)

It is the intent of the Existing Residential Neighborhoods District (ERN) to recognize the presence of existing neighborhoods developed prior to the adoption of this Ordinance, and to protect the character of these existing residential developments and hence the investment in them by current owners. The inclusion of these existing residential developments within other residential zoning districts of this Ordinance would result in the creation of a substantial number of nonconforming lots. The resulting large number of nonconforming lots could possibly place an extraordinary burden upon the landowners and the Taymouth Township ZBA and Township staff in the administration

of future variance requests and appeals associated with these nonconforming lots and structures. It is the intent of this district to recognize these existing residential developments as legitimate and conforming uses and provide for the continuance of these uses and their current character. It is the intent of this Ordinance that no new ERN Districts be established after the effective date of this Ordinance except to accommodate neighborhood land division conditions existing on the effective date of this Ordinance as described above.

NC: Neighborhood Commercial District

The Neighborhood Commercial District (NC) is primarily intended to provide for both single-family dwellings and retail stores and related activities which serve convenience and service needs of the immediately surrounding residences and neighborhoods. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a contiguous retail frontage and by prohibiting automotive related, highway service, and non-retail areas which tend to break up such continuity and the character intended for this district. The NC District is intended to implement the local services area component of the Taysmouth Township Master Land Use Plan.

GC: General Commercial District

The General Commercial District (GC) is intended to provide for both single-family dwellings and retail stores and related activities which serve convenience and service needs of the Township and areas beyond. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging contiguous retail frontage while similarly providing opportunities for more automotive related services upon special review. This district is intended to encourage integrated development of multiple land use types, including retail, office, and public land uses, and integration of parking and vehicular circulation among land uses, rather than the traditional development pattern of comparatively small individual lots, each with direct access to adjacent thoroughfares with little functional relationship to one another. The GC District is intended to implement the community services area component of the Taysmouth Township Master Land Use Plan.

Section 3.12 Tables of Uses

Taymouth Twp- Schedule of Uses Table	Zoning Districts						
Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	PA	MDR	ERN	NC	GC	LI	PUD
Agricultural Uses							
Agricultural service establishments	SLU						P
Agriculture	P						P
Commercial stables	SLU						P
Concentrated livestock operations	SLU						P
Keeping of animals -livestock	P						P
Keeping of animals – private stables	Depends on size of lot of resident.						
Public or private conservation areas, parks, game refuges, and similar uses	P						P
Residential Uses							
Accessory family housing units	SLU	SLU					P
Adult foster care facility, family home	P	P	P				P
Adult foster care facility, small group home (1-6)		SLU	SLU				P
Adult foster care facility, large group home (7-12)		SLU	SLU				P
Adult foster care facility, large group home (13-20)		SLU	SLU				P
Agricultural labor housing	SLU						P
Day care, family home	P	P	P				P
Day care, group homes	SLU	SLU	SLU				P
Halfway house, recovery		SLU	SLU				P
Halfway house, rehabilitation		SLU	SLU				P
Home occupations A	P	P	P	P	P	P	P
Home occupations B	SLU	SLU	SLU	SLU	SLU	P	P
Housing for religious personnel attached or detached to a church or religious building	SLU	SLU	SLU				P
Multiple-family dwellings		SLU					P
Mobile home parks		SLU					P
Nursing home, convalescent homes, assisted living, and rehabilitation center		SLU					P
Residential uses when occupying the second or third floors				P	P		P
Residential quarters for a caretaker/security personnel						SLU	P
Single-family dwelling	P	P	P	P	P	P	P
Two-family dwelling		P					P
Commercial Uses							
Automobile car wash					P		P
Bed and breakfast establishments	SLU						P
Commercial kennels	SLU						P
Drive-in					SLU		P
Drive-through					SLU		P
Farmers' market (temporary)	P						P
Firewood sales (temporary)	P	P	P	P		P	P

Taymouth Twp- Schedule of Uses Table	Zoning Districts						
Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	PA	MDR	ERN	NC	GC	LI	PUD
Funeral homes and mortuaries					SLU		P
Garage sales, rummage sales, yard sales, moving sales, and similar activities (temporary)	P	P	P	P	P	P	P
Hobby kennels	SLU						P
Hospitals					SLU		P
Indoor commercial recreation facilities					P		P
Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises	P						P
Medical and dental clinics					P		P
Micro-breweries and cideries				P	P	P	P
Motels and hotels					SLU		P
Motor vehicle, trailer, and boat service and repair stations					SLU		P
Office establishments					P		P
Offices and showrooms of plumbers, electricians, decorator, or similar trades					P		P
Open air business					SLU		P
Outdoor commercial recreation	SLU				SLU		P
Outdoor storage, sales, and display of merchandise			P	P	P		P
Personal service establishments				P	P		P
Private clubs and meeting halls					P		P
Real estate offices (temporary)	P	P	P	P	P	P	P
Retail business, under gross floor area of 20,000 sq. ft.				P	P		P
Retail business, gross floor area of 20,000 sq. ft. or more					SLU		P
Recreational vehicle park					SLU		P
Roadside stands	P						P
Sawmills (portable/temporary)	SLU	SLU	SLU	SLU	SLU	SLU	P
Service establishments including printing, publishing, photographic reproduction, blueprinting, and related trades or arts					P		P
Standard restaurants, clubs, coffee houses, bars, and other eating and drinking establishments				P	P		P
Veterinarian clinics	SLU						P
Wineries				P	P	P	P
Wholesale businesses					P		P
Industrial Uses							
Assembly, fabrication, compounding, manufacture, or treatment of materials, goods, and products						P	P
Automobile salvage and private junkyards						SLU	P
Asphalt and concrete batching plants						SLU	P
Building material sales yard					P	P	P

Taymouth Twp- Schedule of Uses Table	Zoning Districts						
Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	PA	MDR	ERN	NC	GC	LI	PUD
Freight yards and draying, freighting, or trucking terminals						P	P
Industrial park						P	P
Incinerators						SLU	P
Laboratories; experimental, film, or testing						P	P
Mini storage facilities					SLU	SLU	P
Mining	SLU						P
Heavy motor vehicle repair						P	P
Private sanitary sewage disposal system	P	P	P	P	P	P	P
Private water supply	P	P	P	P	P	P	P
Institutional Uses							
Day care center (child care center)				P	P		P
Essential services	P	P	P	P	P	P	P
Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, including enclosures or shelters for service equipment and maintenance depots	SLU	SLU		SLU	SLU		P
Religious buildings	SLU	SLU	SLU				P
Other Uses							
Accessory buildings	P	P	P	P	P	P	P
Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, such as satellite antenna dishes and new construction trailers	P	P	P	P	P	P	P
Airplane landing strips	SLU						P
ATMs as an accessory use	P	P	P	P	P	P	P
Auctions (temporary)	P	P	P	P	P	P	P
Communication antennas	SLU	SLU	SLU	SLU	SLU	SLU	P
Communication towers	SLU				SLU	SLU	P
Solar energy facility- commercial operations				SLU	SLU	SLU	P
Solar energy facility- on-site building-mounted	P	P	P	P	P	P	P
Solar energy facility- on-site ground-mounted	SLU	SLU	SLU	SLU	SLU	SLU	P
Swimming pools	P	P	P	P	P	P	P
Temporary housing (emergency housing)	P	P	P	P	P	P	P
Temporary housing (medical reasons)	SLU	SLU	SLU	SLU	SLU	SLU	P
Water bodies	SLU	SLU			SLU	SLU	P
Wind energy conversion systems- commercial	SLU					SLU	P
Wind energy conversion systems- on-site	P	P	P	P	P	P	P

Section 3.13 Table of Use Requirements

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Agricultural Uses			
Agricultural service establishments	Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.	N/A	A. Site and developmental requirements. 1. Minimum lot or parcel size shall be 5 acres and have a minimum lot frontage of 330 feet. 2. No storage or loading activities shall be permitted within 100 feet of any lot line. 3. All buildings shall be set back a minimum of 50 feet from any lot line.
Agriculture	Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCLA 286.471 et seq; including but not limited to pasturage, floriculture, horticulture, and forestry.	N/A	N/A
Commercial stables	A structure and/or land use where horses, cattle, and/or other similarly large livestock are bred, reared, trained and/or boarded for remuneration. A commercial stable shall include events open to the public, for which a fee may be paid, involving the selling, showing and/or riding of such livestock, and shall include horse shows, rodeos, and similar events. A commercial stable shall not include general farming or concentrated livestock operations.	Commercial stables shall provide off-street parking at a minimum of one parking space per two animals, based on the number of animal stalls or maximum number of animals designed to be accommodated in the stable.	N/A

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Concentrated livestock operations	<p><i>Commercial agriculture.</i> The use of land and/or structures for the growing and/or production of farm products for income.</p> <p><i>Concentrated livestock operations.</i> A farm operation which exceeds the confinement of livestock or poultry in excess of 50 animal units per confined acre, or where the confinement area accumulates manure that must be removed, or a sustained ground cover (crops, vegetation, forage growth, or post-harvest residue) cannot be maintained over the normal growing season throughout the area were the animals are confined.</p>	N/A	N/A
Keeping of animals - livestock	The use of land for the raising of farm animals that does not exceed a ratio of 50 animals per acre.	N/A	<p>A. <i>Livestock.</i> The raising and keeping of livestock, and/or small animals such as poultry, rabbits, and goats may be conducted as accessory to the principal residential use of a lot of 2 acres or larger in the Low-Density Residential District, except in platted subdivisions or condominium subdivisions, provided that all such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the Low-Density Residential District and the following additional conditions are met.</p> <ol style="list-style-type: none"> 1. Animals shall be owned and managed by the occupants of the premises. 2. The occupants of the premises shall keep the odor, sounds, and movement of the animals from becoming a nuisance to adjacent properties. Livestock shall not be permitted within 50 feet of an adjoining property line. 3. No storage of manure, odor, or dust producing materials or use shall be permitted within 100 feet of any adjoining lot line. 4. Animal density shall not exceed 1.4 animal units per acre, except for private stables.

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Keeping of animals - private stables	An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration, or sale.	N/A	<p>A. Site and development standards.</p> <ol style="list-style-type: none"> 1. A minimum of 2 acres must be provided for the first horse, and an additional ½ acre must be provided for each additional horse, provided further that at least 10 acres be provided for the first six (6) horses, and an additional 10 acres be provided for each subsequent multiple of six (6) horses thereafter. 2. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the acreage limitation, but in no case shall there be more than one (1) horse and one (1) foal per ½ acre. 3. No buildings housing horses, or storage of manure or odor, or dust producing materials shall be permitted within 75 feet of a lot line. Any areas within a pen or corral which cannot be maintained with a live groundcover throughout the normal growing season shall not be permitted within 50 feet of a lot line. 4. Private stables shall only house horses owned by the occupant of the dwelling unit. 5. Private stables shall be operated in conformance with all applicable county, state, and federal regulations. 6. All animals shall be maintained in a healthy condition and carefully handled. 7. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses. 8. Inspections of stables may be conducted at any time within reason by either the police authorities or by employees under the supervision of the Township Supervisor. 9. Manure piles shall be stored, removed, and/or applied to the soil in accordance with Michigan Department of Agriculture and Saginaw County Health Department regulations. 10. A shelter shall be provided for all horses, including a separate stall for each horse which is at least 10 feet by 10 feet. 11. No living quarters shall be located in any stable. 12. A single enclosed riding arena in association with a private stable is permitted provided it shall comply with the height and setback standards of the district and it does not exceed 4,500 square feet in gross floor area.
Public or private conservation areas, parks, game refuges, and similar uses	Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.	Two (2) spaces per acre.	N/A
Residential Uses			
Accessory family housing units	A mobile home, or single, complete, self-contained living unit created within an existing single-family dwelling, intended to provide accommodations for up to two (2) blood relatives of those persons occupying the principal dwelling unit on the property. The housing unit has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. The purpose of the housing unit shall be to provide an opportunity for elderly family members to live semi-independently while receiving the support and care of nearby family members.	One (1) space per two (2) bedrooms.	See Section 3.14B.

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Adult foster care facility, family home	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood. 2. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
Adult foster care facility, small group home (1-6)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Adult foster care facility, large group home (7-12)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. In the case of an adult foster care large group home, the driveway may not be used for this purpose. 2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Adult foster care facility, large group home (13-20)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. A state licensed adult foster care group home shall not be located within 1,500 feet of another similar state licensed facility. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. In the case of an adult foster care large group home, the driveway may not be used for this purpose. 2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Agricultural labor housing	A tract of land and all tents, vehicles, buildings, and other structures pertaining thereto which is established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing, as licensed under the Department of Health.	One (1) spaces for each dwelling unit.	N/A
Day care, family home	A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.	N/A	N/A
Day care, group homes	A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.	One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. A group day care home shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley. <ol style="list-style-type: none"> a. Another licensed group day care home. b. An adult foster care large group home licensed by the State of Michigan. c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan. d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. All outdoor play areas shall be enclosed with fencing, a minimum of 4 feet high. 2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot. 3. Hours of operation shall not exceed 16 hours in a 24-hour period.
Halfway house, recovery	A facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services in addition to room and board to recovering alcoholics and drug abusers.	One (1) space per employee on the largest work shift, plus one (1) space per residents of the home.	N/A
Halfway house, rehabilitation	A facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision in addition to room and board to criminal offenders.	One (1) space per employee on the largest work shift, plus one (1) space per residents of the home.	N/A

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Home occupations A	A "home occupation" shall be considered to be any use carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling. The activities of the home occupation are not to expand beyond the principal building.	No more than is otherwise required for a dwelling unit.	See Section 3.14I.
Home occupations B	Any use customarily conducted within a dwelling or accessory structure which is clearly incidental and secondary to the residential use of the lot; allow for outdoor storage; and does not change the character of the dwelling.	The Planning Commission shall determine based on the use the adequate number of parking spaces.	<p>A. The nonresidential use shall only be incidental to the primary residential use.</p> <p>B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.</p> <p>C. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size.</p> <p>D. Visits by customers shall be limited to the hours of 7 a.m. to 8 p.m.</p> <p>E. Outdoor storage areas shall be compliant with Section 12.08 and shall match the same required screening as subsection C. for commercial and industrial districts.</p>
Housing for religious personnel attached or detached to a church or religious building	A dwelling unit coinciding with a religious institution where the occupant works for the religious institution.	One (1) space per two (2) bedrooms.	N/A
Multiple-family dwellings	A building containing three (3) or more dwelling units designed for residential use for three (3) or more families living independently of each other.	Two (2) spaces for each multiple-family dwelling unit plus one (1) space per (5) five units for guest parking.	<p>A. Site and development requirements.</p> <p>1. Multiple-family dwelling units shall be permitted at a density no greater than eight (8) units per acre.</p> <p>B. Special performance standards.</p> <p>1. All developments for multiple-family dwellings shall have direct access to a paved major thoroughfare.</p> <p>2. No dwelling unit shall have its principal access more than 150 feet from either an access drive or a public street, and the required off-street parking area.</p> <p>3. The distance between any two (2) residential structures which occupy the same lot shall be not less than 30 feet, if both of the walls facing each other contains windows or other openings, and not less than 20 feet for all other situations; provided, however, a greater separation may be required where any structure exceeds 30 feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.</p> <p>4. The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate drainage.</p> <p>5. There shall be provided easily accessible and usable open space in the development in an amount of 10 percent of the site area or 500 square feet per four dwelling units, whichever is greater.</p> <p>6. All developments shall provide for underground installation of all utilities.</p> <p>7. Only the following land and/or building uses shall be permitted.</p> <p>a. Multiple-family dwellings as defined in this Ordinance.</p> <p>b. One (1) office space for conducting the business of the development.</p> <p>c. Utility areas for laundry facilities and auxiliary storage for tenants.</p> <p>d. Recreation area such as community buildings, playgrounds, and open space for tenants.</p>

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Mobile home parks	<p><i>Manufactured housing.</i> A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.</p> <p><i>Mobile home.</i> A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.</p> <p><i>Mobile home park.</i> A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.</p>	N/A	N/A
Nursing home, convalescent homes, assisted living, and rehabilitation center	An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.	One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. There shall be a minimum of 1,500 square feet of open site area for each bed in the facility to provide for landscaping, parking, service drives, yards, recreational areas, and accessory uses. 2. No building shall be closer than 40 feet to any lot line. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws. 2. The site shall be served by a major or minor thoroughfare.
Residential uses when occupying the second or third floors	Areas within buildings that are jointly used for commercial and residential purposes.	Two (2) spaces for each dwelling unit.	A. All requirements of the Township Building Code are met.

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Residential quarters for a caretaker/ security personnel	A permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances on-site or on contiguous lots under the same ownership.	One (1) space per two (2) bedrooms.	A. Does not occupy more than 400 square feet of space.
Single-family dwelling	A detached building or portion thereof designed and used exclusively as the home, residence, or sleeping place of one (1) family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.	Two (2) spaces for each single-family dwelling unit.	See Section 3.14P.
Two-family dwelling	A building containing not more than two (2) separate dwelling units designed for residential use.	Two (2) spaces for each single-family dwelling unit.	A. Conforming in all other respects to the standards set forth in the above definition of "Dwelling, Single-Family", except that specified storage space and entrances shall be provided for each dwelling unit.
Commercial Uses			
Automobile car wash	The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment (includes self-service).	One (1) parking space per washing module, plus two (2) parking spaces. The washing module shall not be construed as a required parking space.	N/A
Bed and breakfast establishments	A private, owner-occupied business with 4 to 20 guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.	One (1) space for each sleeping unit plus the required spaces for a single-family dwelling unit.	See Section 3.14D.
Commercial kennels	Any lot or premises used for breeding, commercial sale, boarding, or treatment of more than ten (10) dogs, cats, or other domestic pets.	One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.	See Section 3.14E.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Drive-in	An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.	Stacking space for five (5) cars between the sidewalk area.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. Minimum lot area shall be 20,000 square feet. 2. The minimum lot width shall be 125 feet. 3. The site shall have at least one (1) lot line on a paved major thoroughfare and ingress and egress shall be from the paved major thoroughfare. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. No drive shall be closer than 75 feet to any other drive and the maximum number of driveways permitted is two (2). 2. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
Drive-through	An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.	Sufficient area for eight (8) stacking spaces for drive-in windows.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. Minimum lot area shall be 20,000 square feet. 2. The minimum lot width shall be 125 feet. 3. The site shall have at least one (1) lot line on a paved major thoroughfare and ingress and egress shall be from the paved major thoroughfare. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. No drive shall be closer than 75 feet to any other drive and the maximum number of driveways permitted is two(2) . 2. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
Farmers' market (Temporary)	A permanent, year-round commercial establishment primarily engaged in the sale of agricultural produce (seed, fruits, vegetables), nursery stock, and garden or pet supplies. Goods are primarily produced off-site and trucked into the establishment for retail sale. A farm market is not a roadside stand.	A minimum of six (6) spaces for off-street parking, outside of the public road right-of-way shall be required for the exclusive use of the farm market, with additional spaces at the rate of one space for each 100 square feet of gross floor area (paving not required).	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. The minimum area of a lot used for a farm market shall be at least 10,000 square feet and not more than 20,000 square feet. A farm market may be placed on the same lot as a dwelling unit if both are under the same ownership and if the owner of the farm market occupies the dwelling unit. 2. No activity or structure shall be located within 25 feet of the public road right-of-way. 3. A storage structure may be permitted provided it does not exceed 200 square feet in area. 4. Farm markets may be located no closer than 300 feet from any lot line which abuts a residential zone or dwelling unit. 5. There shall be one (1) access drive which shall be wide enough to accommodate two vehicles side-by-side. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. Hours of operation shall be between the hours of 7 a.m. and 7 p.m. 2. Any structure used as a farm market shall not be more than one (1) story high unless it is an existing barn.
Firewood sales (Temporary)	The temporary selling of cut wood.	N/A	<p>A. The cutting area or sawmill operation shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary zoning permit is issued.</p> <p>B. The cutting area or sawmill operation shall not be located closer than 500 feet to a dwelling unless that of the owner.</p> <p>C. The permit shall be valid for six (6) months but may be renewed.</p> <p>D. Storage of firewood for sale and use by persons off the premises shall be located outside of the road right-of-way.</p> <p>E. The fire wood stacks shall not exceed a total height of 5 feet.</p>
Funeral homes and mortuaries	A facility in which dead bodies are prepared for burial or cremation and where funeral services may be conducted.	One (1) space for every 25 square feet of floor area of chapels and assembly rooms.	N/A

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USE	DEFINITION	PARKING	DESIGN STANDARD
Garage sales rummage sales, yard sales, moving sales, and similar activities (Temporary)	A temporary sale at a residential dwelling unit that does not exceed three (3) days of a continuous sale.	N/A	A. Any garage sale, rummage sale, or similar activity shall be allowed without a temporary zoning permit for a period not to exceed four (4) days within a 6-month period. Such activities in operation for a period of time in excess of four (4) days shall require a temporary zoning permit from the Zoning Administrator. B. In no instance shall more than four (4) garage sales, rummage sales, or similar activity be held in any one (1) location within any 12-month period. C. All such sales shall be conducted a minimum of 30 feet from the front lot line and 15 feet from a side lot line.
Hobby kennels	Any lot or premises used for keeping and/or breeding of more than 3 but less than 11 dogs, cats, or other domestic pets.	No additional parking spaces that would otherwise be required by a single-family dwelling unit.	See Section 3.14H.
Hospitals	An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense and operate under license from the Michigan Department of Public Health.	One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.	A. Site and development requirements. 1. Ingress and egress to the site shall be only from a paved major thoroughfare. 2. The minimum lot or parcel size for hospitals shall be 10 acres. 3. No more than 25 percent of the site area shall be covered by buildings. 4. The minimum distance of any building from boundary lot lines or streets shall be at least 100 feet for front, rear, and side yards for all 2-story structures. For every story above two (2), the minimum yard distance shall be increased by at least 20 feet. Buildings less than two (2) stories shall be no closer than 40 feet from any lot line or right-of-way. 5. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare. 6. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than 300 feet from any residential area. 7. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall 5 feet in height. B. Special performance standards. 1. All hospitals shall be licensed by the Michigan Department of Public Health. 2. Hospitals shall conform to applicable state and federal laws.
Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses	An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.	One (1) space per three (3) patrons to the maximum capacity of the facility.	N/A
Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises	The selling of goods, wares, or merchandise directly to the ultimate consumer or persons related to organic or landscaping material.	One (1) space for every 300 square feet of gross floor area.	N/A

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Medical and dental clinics	A facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.	Two (2) spaces for each examination or treatment room, plus one (1) space for each employee on the largest shift	N/A
Micro-breweries and cideries	<i>Micro-Brewery.</i> A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 60,000 barrels per year. <i>Tasting Room.</i> A facility in which products grown or processed on the owner's property may be tasted and sold.	<i>Micro-Brewery.</i> One (1) space per employee on largest working shift. <i>Tasting Room.</i> One (1) space per 300 square feet of designated useable floor area.	A. Site and development requirements. 1. The minimum lot size is 20 acres. 2. Ten (10) acres of the parcel on which any of the foregoing facilities are located or, alternatively, 10 separate acres that are owned or operated by the owner or operator of the brewery, or cidery must be in active production of a fruit, grain, vegetable or other principal ingredient of the beverage to be produced. 3. The on-premise consumption of alcoholic beverage shall be limited to tasting room quantities. Adjunct food services are exempted from this restriction. The facility shall not function as a bar. 4. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as "establishments for sales and consumption on the premises of beverages, food, or refreshments" as identified. 5. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing beer or cider; glassware for serving alcoholic beverages; and wine bottle openers. The retail sales area shall be no more than 25 percent of the floor area devoted to the establishment, but in no case shall it occupy more than 2,000 square feet of floor area. 6. Adjunct food services may be provided. 7. Parking, buildings, and processing areas shall be set back a minimum of 50 feet from all property lines. 8. A landscape and buffer yard shall be provided on all sides of the property in compliance with Section 12.03.
Motels and hotels	A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.	One (1) space for each sleeping unit plus two (2) spaces for each employee on the largest shift.	A. Site and development requirements. 1. Ingress and egress to the motel shall be only from a paved major thoroughfare. 2. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed 25 percent of the area within the lot lines of land developed at any one (1) time. B. Special performance standards. 1. No kitchen or cooking facilities shall be provided in guest rooms. 2. The minimum floor area of each guest unit shall be 250 square feet. 3. No guest shall establish permanent residence at the motel.
Motor vehicle, trailer, and boat service and light repair stations	Establishments primarily engaged in the provision of repair services motor vehicle, trailer, and boat equipment repair use types, not including painting, upholstering, rebuilding, conditioning, body and fender work, and tire recapping or retreading.	Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one (1) space per every two (2) employees.	See Section 3.14N.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Office establishments	The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, or any similar type of profession.	One (1) space for every 300 square feet of gross floor area.	N/A
Offices and showrooms of plumbers, electricians, decorator, or similar trades	Not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon.	One (1) space per employee on largest shift, plus one (1) space for each 600 square feet of gross floor area of showroom.	N/A
Open air business	A business including the sales or display of retail merchandise or services outside of a permanent structure including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment; and similar outdoor businesses.	One (1) space per employee on largest shift, plus one (1) space for each 600 square feet of gross floor area of showroom.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. No loading activities shall be permitted within 75 feet of any lot line abutting a residential land use. 2. All buildings shall be set back a minimum of 50 feet from any lot line. 3. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare. 4. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed 35 feet. 5. Storage yards associated with home and garden centers, lumber yards, and nurseries shall be completely obscured from view from public streets. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. The site shall be kept in a neat and orderly fashion. 2. Not more than 50 percent of the parcel shall be covered by buildings and outdoor storage of materials and goods. 3. Storage or display of goods and materials shall not occur in the required yards. 4. Displays are to be limited to street frontages only. 5. No public address system shall be audible from any abutting residential parcel. 6. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground. 7. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainage ways. 8. In the case of auto sales: <ol style="list-style-type: none"> a. No vehicles which are unlicensed and/or inoperative shall be stored on the premises. b. All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil, and wiper replacement. c. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Outdoor commercial recreation, excluding public facilities	Predominantly participant uses conducted in open or partially enclosed or screened facilities. Uses including golf courses and country clubs; recreational fields and shooting ranges; and similar uses and accessory uses such as refreshment stands and maintenance buildings.	One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshal.	See Section 3.14S.
Outdoor storage, sales, and display of merchandise	The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours. OR The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.	One (1) space per employee on largest shift, plus one (1) space for each 600 square feet of gross floor area of display space.	A. Any display or stored materials or equipment outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles. B. The permitted outdoor display and storage area shall be 25 percent of the use's indoor retail sales floor area, except a minimum of 200 square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of 1,000 square feet. Such areas in excess of 200 square feet shall be screened so as not to be visible to the public from any abutting Residential District or public street. C. These regulations shall not apply to the storage, display, and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials. D. Outdoor storage, sales, or display areas shall not be located in required parking spaces, loading spaces, or maneuvering lanes.
Personal service establishments	An establishment nonmedically related services including repair shops, barber and beauty shops, photographic studios, and dry cleaners.	Two (2) spaces for each beauty and/or barber chair or one (1) space per 300 square feet of gross floor area, whichever is greater.	N/A
Private clubs and meeting halls	An establishment with exclusive use of members and their guests can use facilities located on-site.	One (1) for every three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.	N/A
Real estate offices (Temporary)	A professional office for the selling of real estate located on the same parcel as the temporary office.	One (1) space for every 200 square feet of gross floor.	A. Temporary real estate offices are permitted within approved development projects. B. No cooking or sleeping accommodations shall be maintained. C. The permit shall be valid for not more than one (1) year but is renewable. D. The office shall be removed upon completion of the development of the project. E. A model home may be used as a temporary sales office.
Retail business under gross floor area of 20,000 sq. ft.	The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.	One (1) space for every 300 square feet of gross floor area.	N/A
Retail business with a gross floor area of 20,000 sq. ft. or greater	The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.	One space (1) for every 300 square feet of gross floor area.	A. Site and Development Requirements: 1. Minimum lot size of 10 acres under single ownership and control, or the mix of lots being developed as an integrated and cohesive development must have a combined minimum area of 10 acres. 2. Shall conduct an analysis of the impact on existing traffic patterns in the Township must be submitted for the Planning Commission's review and consideration. At a minimum, the traffic impact analysis should provide existing and future traffic counts and a quantitative assessment of the impact the proposed development will have on the level of service for the affected thoroughfares.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Recreational vehicle park	All lands and structures which are owned and operated by private individuals, a business, or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.	One (1) space per three (3) patrons to the maximum capacity of the facility.	N/A
Roadside stands	A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.	N/A	N/A
Sawmills (portable/temporary)	A stationary or portable machine used in converting logs to lumber or ties or in refining lumber for no longer than a period of six (6) months.	One (1) space per employee.	A. Sawmills shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary zoning permit is issued. B. The sawmill shall not be located closer than 500 feet to a dwelling unless that of the owner. C. The permit shall be valid for six (6) months but may be renewed.
Service establishments including printing, publishing, photographic reproduction, and related trades or arts	Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.	One (1) space for every 200 square feet of gross floor.	N/A
Standard restaurants, clubs, coffee houses, bars, and other eating and drinking establishments	An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics. 1. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed; 2. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.	One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshal.	N/A

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Veterinarian clinics	Any building or portion of a building designed or used for the care, observation, treatment of domestic animals or boarding.	Two (2) spaces for each examination or treatment room, plus one (1) space for each employee on the largest shift.	A. Site and development requirements. 1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than 100 feet to any adjacent Residential District lot line or any adjacent building used by the general public and shall not be located in any required yard. B. Special performance standards. 1. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock. 2. All principal use activities shall be conducted within a totally enclosed main building. 3. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building. 4. No dogs shall be permitted in open run areas between the hours of 10 p.m. and 7 a.m. 5. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
Wineries	<i>Small Winery.</i> An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine that does not exceed 50,000 gallons per year. <i>Tasting Room.</i> A facility in which products grown or processed on the owner's property may be tasted and sold.	<i>Small Winery.</i> One (1) space per employee on largest working shift. <i>Tasting Room.</i> One (1) space per 300 square feet of designated useable floor area.	A. Site and development requirements. 1. The minimum lot size is 20 acres. 2. Ten (10) acres of the parcel on which any of the foregoing facilities are located or, alternatively, 10 separate acres that are owned or operated by the owner or operator of the winery must be in active production of a fruit, grain, vegetable or other principal ingredient of the beverage to be produced. 3. The on-premise consumption of alcoholic beverage shall be limited to tasting room quantities. Adjunct food services are exempted from this restriction. The facility shall not function as a bar. 4. The off-street parking calculations for the tasting room shall be calculated in addition to the primary uses as "establishments for sales and consumption on the premises of beverages, food, or refreshments" as identified. 5. Any retail sales shall be clearly subordinate to the production of the beverage produced such as boxes/packaging containing beer; glassware for serving alcoholic beverages; and wine bottle openers. The retail sales area shall be no more than 25 percent of the floor area devoted to the establishment, but in no case shall it occupy more than 2,000 square feet of floor area. 6. Adjunct food services may be provided. 7. Parking, buildings, and processing areas shall be set back a minimum of 50 feet from all property lines. 8. A landscape and buffer yard shall be provided on all sides of the property in compliance with Section 12.03
Wholesale businesses	An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.	One (1) space per employee on largest shift, plus one (1) space for each 600 square feet of gross floor area of display space.	N/A
Industrial Uses			
Assembly, fabrication, compounding, manufacture, or treatment of materials, goods, and products	Establishments engaged in the initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly for ultimate use by the consumer.	One (1) space per 500 sq. ft. of gross floor area.	N/A

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Automobile salvage and private junkyards	Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles, or other vehicles not in normal running conditions, or parts thereof.	One (1) space for every two (2) employees.	See Section 3.14C.
Asphalt and concrete batching plants	A temporary facility for the production and manufacture of asphalt paving material.	One (1) space for every employee on the largest shift.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses. 2. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Planning Commission finds that such access point will further minimize impacts on other properties. 3. Before permit approval is granted, the Planning Commission shall find that such batching facility is both incidental to and necessary for construction activities within 6 miles of the plant. 4. Asphalt and concrete batching facilities shall be located at least 500 feet from any residential platted subdivision. 5. Asphalt processing and manufacturing facilities shall be located no closer than 500 feet from any existing residential dwelling. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. Adequate measures will be taken to prevent lights, drainage, and traffic from creating a nuisance on uses of adjacent properties. 2. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site. 3. The hours shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 5:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies. 4. If the plant is temporary, the Planning Commission shall require a performance guarantee (pursuant to Section 16.06 conditioned upon the removal of the facilities and return of the site to an acceptable condition upon completion of activities and as specified in the Special Land Use approval.
Building material sales yard	A facility with storage of unfinished and finished products for retail or whole sale, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.	One (1) space for every 800 sq. ft. of floor area.	N/A

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Freight yards and draying, freighting or trucking terminals	A facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.	One (1) space per 1,000 sq. ft. of gross floor area, or one (1) space per employee, whichever is greater	N/A
Industrial park	A collection of businesses that are industrial.	Based on industrial use.	See Section 3.14J.
Incinerators	Any device, structure, or building used for the purpose of burning any waste material, including contaminated soils, excess or reprocessed fuels, or otherwise tainted materials, through any type of ignition or application of heat and for which a fee is charged or compensation provided. Such devices, structures and buildings shall be subject to all applicable local county, state, and federal regulations, including regulations regarding the emission of smoke, radiation, fumes, gases, dust, odor, or any other atmospheric pollutant.	N/A	See Section 3.14K.
Laboratories; experimental, film, or testing	A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.	One (1) space per employee on the largest working shift.	N/A
Mini storage facilities	A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.	One (1) parking space shall be provided for each 20 rental units within the buildings, and one (1) parking space shall be provided for each employee.	See Section 3.14M.
Mining	The removal, extraction, or excavation of sand, gravel, or other material or mineral for commercial gain or for use on a different parcel from where the mineral or material is located.	One (1) space for every employee on the largest shift.	See Section 3.14L.
Heavy motor vehicle repair	A motor vehicle repair establishment including services of painting, upholstering, rebuilding, conditioning, body and fender work, repairing, and tire recapping or retreading.	Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one (1) space per every two (2) employees.	See Section 3.14G.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Private sanitary sewage disposal system	An individual on-site sewage disposal system as defined in the Saginaw County Health Department Sanitary Code.	One (1) per employee of largest shift.	N/A
Private water supply	A well or other water supply system approved by the Saginaw County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.	One (1) per employee of largest shift.	N/A
Institutional Uses			
Day care center (child care center)	A facility other than a private residence, which receives one (1) or more children under 13 years of age for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. "Center" includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, prekindergarten, play group, or drop-in center.	One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.	<p>A. Child care center or day care center does not include any of the following.</p> <ol style="list-style-type: none"> 1. A Sunday school, a vacation Bible school, or a religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services. 2. A special education program or service conducted under the authority of Article 3 of 1976 PA 451, MCL 380.1701 to 380.1766. 3. A kindergarten operated by a local or intermediate School District under the authority of 1976 PA 451, MCL 380.1 to 380.761 or as part of a nonpublic elementary school. However, this exemption shall not apply to a nonpublic kindergarten operated as part of a center. 4. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training. 5. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Essential Services	The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel, or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.	One (1) per employee of largest shift.	N/A

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities	<p><i>Cemetery.</i> Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.</p> <p><i>Park.</i> A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities</p> <p><i>School.</i> An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.</p>	<p><i>Elementary and middle schools.</i> One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.</p> <p><i>High schools and colleges.</i> One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.</p> <p><i>Libraries, museums, post offices.</i> One (1) space for every 800 square feet of floor area plus one space for every two (2) employees on the largest shift.</p>	See Section 3.14O.
Religious Buildings	A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.	One (1) space per each four (4) seats or 6 feet of pews.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. The site shall have at least one lot line on a major thoroughfare. 2. All ingress and egress for the site shall be from a major thoroughfare. 3. The site shall be at least 2 acres in size, plus ½-acre per 100 seats in the main sanctuary. 4. No more than 25 percent of the site area shall be covered by buildings. No more than 60 percent of the site shall be covered by impervious surface. 5. No building shall be closer than 50 feet from any lot line or right-of-way. <p>B. Special performance standards.</p> <ol style="list-style-type: none"> 1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
Other Uses			
Accessory Buildings	A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Not to be used for human habitation.	Determined based on the proposed use.	See Section 3.14A.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Accessory uses and structures customarily incidental to and subordinate to the permitted principle use	<i>Accessory use.</i> A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. <i>Dish antenna.</i> A dish antenna including its structural supports, used for reception of various satellite television programming signals.	Determined based on the proposed use.	N/A
Airplane landing strips	Facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, and airport auxiliary facilities, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.	One (1) per aircraft tie down, plus one (1) per aircraft storage, plus one (1) per aircraft maintenance area.	A. Site and development requirements. 1. Landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall meet the following minimum standards. a. The landing strip shall be a minimum of 1,200 feet in length and shall be free of obstructions for a distance of 50 feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at the end of the landing strip to allow a clear approach slope of 20:1. b. Such landing strips shall be situated on a parcel of at least 20 acres in size. 2. All other landing strips shall comply with all applicable standards and regulations of the Michigan Aeronautics Commission. B. Special performance standards. 1. Approval of landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip. 2. Plans for all other landing strips shall be approved by the Federal Aviation Authority and Michigan Aeronautics Commission prior to the submittal to the Township for review and approval. Parcels for such landing strips shall abut a major thoroughfare and be afforded access to and egress from the parcels via the major thoroughfare.
ATMs as an accessory use	An automated device that performs banking or financial functions at a location remote from the controlling financial institution.	One (1) parking space per machine.	N/A
Auctions (Temporary)	Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner.	None	A. The public sale of property to the highest bidder shall be permitted for not more than five (5) days. B. No sales activity shall occur within 30 feet of any street or road right-of-way.
Communication antennas	A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.	Two (2) parking spaces.	N/A
Communication towers	A radio, telephone, or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.	Two (2) parking spaces.	See Section 3.14F.

Taymouth Township- Use Requirements Table

USE	DEFINITION	PARKING	DESIGN STANDARD
Swimming Pool	Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.	One (1) space per 200 sq. ft. of pool surface area (not including wading pools or whirlpool baths), plus one (1) for each 200 sq. ft. of building area in accessory structures in excess of 1,000 sq. ft. Private pools do not require additional parking spaces.	<p>A. <i>Classification.</i> A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.</p> <p>B. <i>Application.</i> The application for a zoning permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a Plot Plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.</p> <p>C. <i>Fencing.</i> Yard areas with pools are to be fenced to discourage unsupervised access.</p> <ol style="list-style-type: none"> 1. Such fencing is to be a minimum of 5 feet high and equipped with a self-closing and self-latching gate. 2. Latching devices are to be located at a minimum height of 4 feet above the ground. 3. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured. <p>D. <i>Sanitation.</i> Any swimming pool shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health or the Saginaw County Health Department to protect the public health shall be conformed with.</p> <p>E. <i>Placement.</i> No swimming pool shall be located in an easement or required front yard or under service drop conductors or any other open overhead wiring. No overhead wires shall be located above a swimming pool once the pool has been constructed.</p> <p>F. <i>Lighting.</i> No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.</p>
Solar Energy Facility-Commercial Operations	A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.	Two (2) parking spaces.	<p>A. Site and Development Requirements:</p> <ol style="list-style-type: none"> 1. See Section 3.14Q. 2. See Section 3.14R.
Solar Energy Facility-On-site Roof Mounted	A solar energy collector attached to the roof of a building, or which serves as the roof.	None.	<p>A. Site and development requirements.</p> <ol style="list-style-type: none"> 1. See Section 3.14Q. 2. <i>Maximum height.</i> Solar energy collectors shall not project more than 2 feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district. 3. <i>Placement on structure.</i> Solar energy collectors that are mounted on a roof shall meet the following requirements. <ol style="list-style-type: none"> a. Solar energy collectors shall not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility. b. Solar energy collectors shall be such a weight to be safely supported by the structure. Building Official approval is required. c. Solar energy collectors shall be permanently attached to a building. Building Official approval is required. 4. <i>Installation/Review.</i> Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.

Taymouth Township- Use Requirements Table			
USE	DEFINITION	PARKING	DESIGN STANDARD
Solar Energy Facility- On-site Ground Mounted	A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.	None.	A. Site and development requirements. 1. See Section 3.14Q. 2. Ground-mounted solar energy systems are only permitted in the side and rear yards. 3. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at any designed tilt angle. 4. Ground-mounted solar energy collectors shall not exceed 9 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel. 5. The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage. 6. Ground-mounted solar energy collectors shall meet the requirements of Section 3.14A.
Temporary Housing (Emergency Housing)	When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Township Building Inspector.	Two (2) spaces for each single-family dwelling unit.	A. A Temporary Housing Permit may be issued by the Township Zoning Administrator to allow a mobile home, less than 20 feet in width, to be placed on the property upon the request of the owner. B. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Planning Commission who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
Temporary Housing (Medical Reasons)	Any structure suitable for residence by an individual or family for no more than six (6) months.	None.	A. A person(s) may make application to Planning Commission to occupy a mobile home as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. B. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. C. A Temporary Housing Permit shall be granted if the Planning Commission finds adequate evidence of the need for supervision. Such permit is issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. D. The permit shall expire in one year, an extension of one (1) year may be issued upon review. E. All temporary dwellings shall be located within 200 feet of the dwelling occupied by the person providing the continued supervision nor closer than 30 feet to an abutting lot line.
Water bodies	A water body on a singular parcel of land developed by the property owner	None.	See Section 3.14T.
Wind Energy Conversion Systems- Commercial	A utility-scale facility with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as a wind farm.	None.	See Section 3.14U.
Wind Energy Conversion Systems- On-site	Equipment used to generate electricity from wind power for the use of that electricity on-site.	None.	See Section 3.14V.

Section 3.14 Table of Use Requirements Reference

A. Accessory buildings.

Such use shall be conducted entirely within the dwelling, as defined herein, and shall not involve any alteration of the structure or change in the character thereof.

1. *Separation distance.* An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than 10 feet to any other structure on the lot.
2. *Placement.* Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building; provided no accessory building or structure, except for fences, shall lie closer than 10 feet to any interior side or rear lot line.
3. *Lot coverage.* Lot coverage for accessory buildings and structures shall be as outlined in Article 3, Section 3.10: Table-Schedule of Regulations.

Amended January 8, 2020

4. *Height.* No detached residential accessory building or structure shall exceed one story or 35 feet in height. This restriction shall not apply to agriculturally-related accessory structures on parcels greater than 20 acres in size, or accessory structures allowed by Special Use approval.
5. *Not permitted prior to a principal structure.* Buildings and structures intended to be of an accessory nature shall not be erected on a lot or parcel in any zoning district prior to the establishment of the principal building. This provision shall not apply to agricultural buildings. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.
6. *Trailers and Mobile Homes Prohibited.* No provision of this "Temporary Housing" Section 3.14 or this Ordinance's definition of accessory building or use, or any other provision of this Ordinance, shall be construed to permit as an accessory building, use, or structure, anything initially designed for or intended to be used as a mobile home, recreational vehicle, other vehicles, or parts of vehicles including trucks, truck cabs, and semi-trailers, or any other item that is not customarily and commonly incidental to the principal use. This subsection shall not be construed to prohibit temporary buildings, structures, and uses as may be authorized under "Temporary Housing" Section 3.14, or temporary structures, trailers, or mobile homes as may be authorized as part of an approved Site Plans such as in the case

of a mobile home on construction site for use by the contractor in carrying construction on such site including for office space and storage of documents and tools.

B. Accessory family housing units.

1. Site and development requirements:

- a. Minimum 2-acre lot size.
- b. No accessory structures shall be established in association with the accessory family housing unit, including an attached or detached garage.

2. Special performance standards:

- a. Separate sale or ownership of the accessory unit from the primary dwelling on a lot or parcel is prohibited.
- b. The owner may reside in either the accessory family housing unit or the principal dwelling unit.
- c. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.
- d. Dwellings modified in conjunction with an accessory apartment shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.
- e. All accessory family housing units shall have non-skid floors.
- f. The accessory family housing unit or shall provide adequate access for emergency vehicles.
- g. The accessory family housing unit shall meet all applicable codes and standards for a dwelling under this Ordinance, including setbacks, except that the housing unit shall contain at least 400 square feet of floor area.
- h. The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.
- i. A permit for an accessory family housing unit shall expire two years after its issuance. The landowner may request of the Zoning Administrator, at the time the permit is to expire, a two-year extension of the permit. The Zoning Administrator shall approve the extension unless the Zoning Administrator finds that the accessory family housing unit does not meet the requirements of this Ordinance, including its use by only blood relatives of those individuals occupying the principal dwelling unit. A mobile home accessory family housing unit shall be removed from the property within 120 days after the Special Use Permit has expired.

C. Automobile salvage and private junkyards.

1. Site and development requirements:

- a. Junkyards shall not be located adjacent to residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
- b. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Planning Commission finds that such access point will further minimize impacts on other properties.
- c. The minimum lot or parcel size for junkyards shall be 5 acres.
- d. Whenever the installation abuts a Residential District, a buffer strip at least 200 feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Zoning Administrator.
- e. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 12.04 and Section 12.06 of this Ordinance.
- f. A solid fence, wall, or earthen berm at least 8 feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall, or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall, or berm shall be of permanent finish and construction.

2. Special performance standards:

- a. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- c. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.

- e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

D. Bed and breakfast establishments.

1. Site and development requirements:

- a. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one other bed and breakfast use within 1,000 feet, measured between the closest lot lines.

2. Special performance standards:

- a. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six bedrooms used for transient guests for compensation and by prearrangement. A continental or American breakfast may be served to overnight guests only. A breakfast that includes more than coffee, juice, and commercially prepared rolls requires a permit from the Michigan Department of Public Health.
- b. The applicant shall provide a scaled floor plan of the premise as part of the Special Land Use application.
- c. The exterior appearance of the structure shall not be altered from its single-family character.
- d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
- e. Each sleeping room shall have a separate smoke alarm as required in the building code.
- f. A fire escape plan shall be developed and graphically displayed in each guest room.
- g. A minimum of one fire extinguisher, in proper working order, shall be located on each floor.
- h. The establishment shall contain at least two exits to the outdoors.
- i. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
- j. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
- k. No transient occupant shall reside on the premises for more than 14 consecutive days and not more than 30 days in any one year.
- l. Lavatories and bathing facilities shall be available to all persons using the premises.
- m. No separate or additional kitchen facilities shall be provided for the guests.
- n. Retail sales are not permitted beyond those activities serving overnight patrons.

- o. Meals shall not be served to the public at large but only to guests.
- p. No receptions, private parties, or activities for which a fee is paid shall be permitted.
- q. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

E. Commercial kennels.

1. Site and development requirements:

- a. Commercial kennels shall be on a lot with at least 400 feet of frontage, have a minimum lot size of 5 acres for the first 11 animals and an additional 1/3-acre for each animal thereafter.
- b. Kennels may not be located in a platted subdivision.
- c. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than 100 feet to any adjacent residential lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

2. Special performance standards:

- a. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.
- b. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
- c. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
- d. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10 p.m. and 7 a.m.
- e. During the hours of 7 a.m. until 8 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- f. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- g. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with ARTICLE 12.
- h. The outside perimeter of the run and/or exercise area of a commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
- i. All animals must be licensed and maintained in a healthful and careful manner.
- j. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
- k. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

- I. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

F. Communication towers.

1. Site and development requirements:

- a. A minimum site of 3 acres.
- b. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
- c. The base of the tower and wire/cable supports shall be fenced with a minimum 5-foot high fence.

2. Special performance standards:

- a. All structures shall be located at least 200 feet from any single-family dwelling.
- b. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
- c. No new wireless communications support structure shall be constructed where there exists another approved support structure that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this Section is to require the sharing of support structure space (collocation) by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.
- d. Where feasible, should it be necessary to erect a new wireless communications support structure, the applicant shall provide evidence that the new support structure can accommodate additional uses as well as a letter indicating a willingness to lease excess space on a facility and commit itself to:
 - 1) Respond to any requests for information from another potential shared use applicant;
 - 2) Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practical; and
 - 3) Make no more than a reasonable charge, based upon fair market value, for a shared use lease.
- e. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a Professional Engineer and that the installation is in compliance with all applicable codes. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- f. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- g. Accessory structures are limited to uses associated with operation of the tower.

- h. Communication towers in excess of 100 feet in height above grade level shall be prohibited within a 2-mile radius of a public airport.
- i. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in any required setback area for the district.
- j. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations, and standards.
- l. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.
- m. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- n. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- o. Minimum spacing between tower locations shall be ¼-mile.
- p. Height of the tower shall not exceed 200 feet from grade.
- q. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- r. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- s. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- t. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- u. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- v. The equipment compound shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.
- w. If a support structure has previously been approved for collocation of multiple antenna arrays, such collocations are permitted by right. If a proposed collocation exceeds the number of antenna arrays permitted under the previous approval, requires an increase in height of the tower by 10 percent or 20 feet, whichever is greater, increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation,

or increases the area of the existing equipment compound to greater than 2,500 square feet than Special Land Use approval is required.

- x. In considering Special Land Use approval for a communication tower, these requirements shall compile with Michigan Zoning Enabling Act (PA 110 of 2006):
 - 1) A Special Land Use application shall be considered complete if the Zoning Administrator has not ruled otherwise within 14 business days of the application being received.
 - 2) The fee for the Special Use Permit shall not be more than the actual cost to process the application, or \$1,000, whichever is less.
 - 3) Action on the Special Land Use request shall be taken within 90 days of a complete application. If action has not taken place within 90 days, the Special Use Permit shall be considered approved as submitted.

G. Heavy motor vehicle repair.

1. Site and development requirements:

- a. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
- b. No driveway or curb cut shall be located less than 10 feet from any lot line, measured from the edge of the driveway to the lot line.
- c. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
- d. There shall be no above-ground outdoor storage/dispensing tanks on the site without leakproof secondary containment sufficient to accommodate 120 percent of the volume of the tank.

2. Special performance standards:

- a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment, and operations shall be located within a completely enclosed structure.
- b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration shall be limited to a period of not more than 30 days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- c. Sales of new and used motorized vehicles shall not be permitted.
- d. No public-address system shall be audible from any abutting residential parcel.
- e. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
- f. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and

secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

- g. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.

H. Hobby kennels

1. Site and development requirements:

- a. A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three animals and 1/3 additional acre for each additional animal, with a limit of ten animals.
- b. Kennels may not be located in a platted subdivision.
- c. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than 100 to any adjacent residential lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

2. Special performance standards:

- a. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.
- b. Hobby kennels shall only house animals owned by the occupant of the dwelling unit.
- c. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
- d. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
- e. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10 p.m. and 7 a.m.
- f. During the hours of 7 a.m. until 8 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- g. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- h. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with ARTICLE 12.
- i. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
- j. All animals must be licensed and maintained in a healthful and careful manner.
- k. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.

- l. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.
- m. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

I. Home occupations

- 1. The nonresidential use shall only be incidental to the primary residential use.
- 2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 3. The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.
- 4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size.
- 5. The home occupation shall not occupy more than 25 percent of the gross floor area of one floor of said dwelling unit.
- 6. The entrance to the space devoted to the home occupation shall be from within the dwelling.
- 7. Visits by customers shall be limited to the hours of 8 a.m. to 8 p.m.

J. Industrial parks.

- 1. The developer shall provide within the industrial park a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, Saginaw County Health Department, Saginaw County Drain Commissioner, and the Township.
- 2. The developer shall provide within the industrial park a storm drainage system, which shall be of sufficient size and design and will in the opinion of the county's engineer collect, carry off, and dispose of all predictable surface water runoff within

and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Michigan, the Saginaw County Drain Commissioner, and the Township.

3. If a public water system is not available, the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - a. The developer shall also provide a fire hydrant within 400 feet of each structure.
 - b. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Saginaw County Health Department, the Saginaw County Drain Commissioner, and the Township.
4. All industrial parks shall have direct access to a major thoroughfare.
5. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any public street lines with each other.
 - a. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
 - b. Any industrial park adjoining any residential development shall be provided with a buffer zone of at least 60 feet wide which shall be located adjacent to the property line. Such buffer zone shall be planted with evergreen and other suitable plantings and used for no other purposes as provided in ARTICLE 12. A landscaped planting area shall also be provided along all street frontage which shall not be less than 60 feet in width.
 - 1) Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.
 - 2) Maximum building coverage on any lot within the industrial park shall not exceed 40 percent.

K. Incinerators.

1. Site and development requirements:
 - a. The site shall be located on and obtain access from a paved major thoroughfare.
 - b. Notwithstanding any other minimum yard sizes required by this Ordinance, permitted building activity centers shall be set back the following minimum distance.

- 1) Three hundred (300) feet from the right-of-way of any public street, private road, or highway.
 - 2) Five hundred (500) feet from a residential zoned district.
 - 3) Two hundred fifty (350) feet from commercial abutting property.
 - 4) One hundred (100) feet from industrial abutting property.
- c. No residential subdivision with officially filed plats should exist within 1 mile of the facility where reasonably feasible.
 - d. Perimeter landscape buffers and/or berms shall be provided, at a minimum, of 100 feet in width. Berms and fences shall be constructed around incinerator facilities in the same manner as would be required by the regulations promulgated under P.A. 641 of 1978. The berms and fences will be placed on the interior of vegetated buffers and shall not decrease their width.
 - e. The entire perimeter of any incinerator site shall be enclosed by a 6-foot-high chain link fence along any road on which the site has frontage; and a 4-foot woven wire farm fence with one strand of barb wire on top along property lines to deter trespassers and effectively retain paper and other blown materials. Additional fencing may be required by the Planning Commission whenever necessary to control light rubbish blown by the wind.
 - f. Warning signs shall be posted on perimeter fencing every 200 linear feet.
 - g. No ecologically significant resources, such as bogs, swamps, marshes, and wetlands, shall be disturbed.
 - h. The use should be developed on soils of limited agricultural capabilities or on soils which are not farmed, where reasonably feasible.
2. Special performance standards:
- a. All uses shall be established, operated, and maintained in accordance with all applicable State of Michigan statutes, including the minimum conditions, safeguards and operating procedures specified within Act 641 of the Public Acts of 1978, (Solid Waste Management Act) as amended, or rules and regulations promulgated thereto, and the Saginaw County Solid Waste Management Plan.
 - b. All operations shall use the most current best management practices (BMP) so as to control adverse environmental impacts.
 - c. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands, or collapse of supporting soil adjacent to any incineration operation.
 - d. All refuse collection vehicles shall be covered with a rigid or fabric cover upon entering the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.
 - e. Policing of the immediately adjoining property, perimeter berms, and/or fencing shall be required on a regular basis to prevent unauthorized dumping, or wind-blown debris. Such policing shall be required at the expense of the operator.

- f. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians, or adjoining property.
- g. Adequate stacking and parking facilities shall be provided on the site so that no packer or other collection vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- h. All incineration operations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters.
- i. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing off of the fill, to drain off rainwater falling on the fill and to prevent the collection of standing water.
- j. Land contours, terrain, and soil structure and treatment shall be properly engineered to prevent pollution of groundwater both on and off the site.
- k. Trees and other vegetation or ground cover shall not be stripped off the surface of the ground prematurely so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- l. All reclamation activities shall be undertaken as soon as physically practical.
- m. Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- n. Access to landfill areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
- o. Truck or heavy vehicle traffic related to incineration operations shall use major thoroughfares for access and routes approved by the Township.
- p. There shall not be more than one entrance to a landfill or incinerator site and such entrance shall be provided with a gate not less than 6 feet high which shall be securely locked at the close of each work day or whenever the site is unattended.
- q. Paved public streets within 1,500 feet of the exit of the site shall be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.
- r. Dust shall be managed so as not to pose a nuisance to adjacent properties.
- s. Additional activities in conjunction with a landfill or incinerator shall not be permitted unless specifically applied for in the application and covered by the permit issued (e.g., composting, recycling center, transfer station, methane gas processing, power production, cogeneration, incineration, etc.).
- t. Operating hours shall be determined by the Planning Commission based on nuisance potential to adjoining property owners. The maximum range of hours

- is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays.
- u. The operator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artefactual materials are discovered.
 - v. The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety, and general welfare; the protection of individual property rights; and for insuring ensuring the intent and purpose of this Ordinance.
 - w. No hazardous or toxic wastes, or contaminated or tainted materials, as defined by the Michigan Department of Natural Resources, may be subjected to incineration; nor shall there be incineration of any material which will disseminate smoke fumes, gasses, dust, or odors beyond the boundaries of the lot occupied by such use in such a manner as to cause property damage or hazards to the public health or be detrimental to the property rights of other property, or be hazardous to the health of adjacent property owners or occupants.
 - x. Landfilled areas shall be reclaimed under the following standards.
 - 1) Grasses and other vegetation with shallow root systems shall be maintained on the landfill cap. Trees and shrubs similar in species to that which existed prior to the incineration process or as approved by the Planning Commission shall be restored in perimeter areas.
 - 2) Appropriate erosion control practices shall be used during reclamation activities.
 - 3) When filling operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-vertical).
 - 4) A detailed plan shall be prepared for the re-use of the property after incineration operations cease that is consistent with the Township's Master Land Use Plan and any approved project plan that applies to the property.
 - y. The operator may be required by the Township Board to post an acceptable performance bond pursuant to Section 16.06 of this Ordinance.
3. *Materials to be submitted for Special Use approval review.* Each application for a Special Use approval shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- a. Name and address of owner(s) of land for which incineration will take place.
 - b. Name, address, and telephone number of operator (person, firm, or corporation) who will be conducting the actual filling operation.
 - c. Location, size, and legal description of the total site area to be filled.

- d. General Site Plan and geologic suitability report approved by the Michigan Department of Natural Resources.
 - e. Proof of liability insurance from the operator.
 - f. Notification of any deed restrictions on the property.
 - g. Name of financial institution backing the landfill operation.
 - h. A detailed redamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
 - 1) Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in operation.
 - 2) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - i. Site Plan and associated background reports shall document the method of compliance with the performance standards of this Section.
4. *Other conditions.* The conditions of any Special Use approval issued under this Section apply not only to the owner but also to the operator or any other person engaged in or preparing to engage in a landfill operation.
- a. When an operator disposes of his interest in a landfill area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator, or owner assumes the obligations of the former operator with reference to the redamation activities. At that time, the Special Use approval may be transferred.
 - b. Landfill operations authorized by a Special Use approval shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
 - c. The general Site Plan may be modified at any time by mutual consent of the operator, Michigan Department of Natural Resources, and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight.

L. Mining

- 1. Site and development requirements:
 - a. Minimum site of 5 acres.
 - b. Notwithstanding any other minimum yard sizes required by this Ordinance, mining activities shall be set back the following minimum distance.
 - 1) One hundred (100) feet from the right-of-way of any public street, private road, or highway.

- 2) One hundred fifty (150) feet from abutting residentially zoned property.
 - 3) One hundred (100) feet from commercial or industrial zoned abutting property.
 - 4) Two hundred (200) feet from any natural or existing man-made surface water body, watercourse, or wetland.
- c. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of 50 feet in width.
2. Special performance standards:
- a. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands, or collapse of supporting soil adjacent to a mining [area].
 - b. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Michigan Department of Natural Resources Permit.
 - c. No slope on the finished site shall exceed a slope of 3:1 (horizontal-vertical).
 - d. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians, or adjoining property.
 - e. Topsoil stockpiles shall be seeded to prevent wind and water erosion.
 - f. All mining [operations] shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters.
 - g. The mining [area] shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
 - h. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
 - i. Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
 - j. Access to mining areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
 - k. Truck or heavy vehicle traffic related to mining operations shall use major thoroughfares for access.
 - l. Public streets within 1,500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.

- m. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
- n. Equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.
- o. All permitted buildings, structures, and stationary equipment associated with mining activities shall be located a minimum of 300 feet from all lot lines.
- p. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 5:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
- q. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
- r. Any miner shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifactual materials are discovered.
- s. The mining [area] shall not be used for the disposal of foreign material without prior approval from appropriate local, county, and state entities.
- t. All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Planning Commission.
- u. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with mining activities shall be undertaken to the extent that the reclamation activities will not interfere with the mining activity or if the mining activity will damage the reclaimed areas.
- v. Mined areas shall be reclaimed under the following standards.
 - 1) Vegetation similar to that which existed prior to the mining process shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
 - 2) When mining operations are completed, the mined area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
 - 3) A layer of arable topsoil, of a quality approved by the Zoning Administrator, shall be spread over the mined area, except exposed rock surfaces or areas

lying below natural water level, to a minimum depth of 4 inches in accordance with the approved reclamation plan.

- 4) Mining which has created or extended lakes, ponds, or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency.
 - 5) Where mining operations result in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than 150 feet apart.
 - 6) Backfill and grading materials shall not be noxious, flammable, or toxic.
 - 7) Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
 - 8) All temporary structures shall be removed from the premises upon completion of the mining activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
 - 9) If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
- w. The miner may be required to post an acceptable performance bond pursuant to Section 16.06 of this Ordinance in the amount up to 100 percent of the estimated reclamation costs of two cell areas.
3. *Additional materials to be submitted for Special Land Use Approval Review.* In addition to the data requirements of Section 17.03, each application for a Special Use approval shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- a. Name and address of surface owner and/or mineral rights owner of land from which mining activities will take place.
 - b. Name, address, and telephone number of operator (person, firm, or corporation who will be conducting the actual mining).
 - c. Proof of liability insurance from the operator.
 - d. Notification of any deed restrictions on the property.
 - e. Name of financial institution backing the mining operation.
 - f. Vertical aerial photograph, enlarged to a scale of 1 inch equals 200 feet, from original photography flown at a negative scale no smaller than 1 inch equals 1,000 feet, and certified as flown not earlier than two months prior to date of application. This provision may be waived by the Planning Commission where

alternative photography satisfying the purpose of this Section is made available. The vertical aerial photograph shall cover:

- 1) All land requested in permit application.
 - 2) All contiguous land which is or has been used by the owner or leaseholder applicant for mining, processing, storage, or other permitted use.
 - 3) All lands within ½-mile of proposed planned mining area.
 - 4) Existing zoning classification overlaid on all areas shown on the map.
- g. A hydrogeologic report of the proposed mining site. Such a report shall, at a minimum, provide:
- 1) A detailed description of subsurface conditions.
 - 2) Depth of water table throughout the planned mining area.
 - 3) A map depicting the thickness and depths of material to be mined.
 - 4) A discussion of the environmental impacts of the proposed mining, including but not limited to the impact of the proposed mining upon existing area wells.
 - 5) A recommendation of the necessity to install monitoring wells.
- h. A discussion of the proposed method of mining, including:
- 1) The area and amount of material to be mined in cubic yards.
 - 2) Proposed side slopes and depths for all portions of the mined area.
 - 3) Proposed drainage system, settling ponds, and retention ponds as appropriate.
 - 4) The time, duration, phasing, and proposed work schedule of the total project.
 - 5) The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - 6) Area from which mining will take place in the first year of operation and likewise for each successive year to completion.
- i. The proposed location of access points to the site and proposed haul routes for disposal of mined material.
- j. Site Plan and associated background reports shall document the method of compliance with the performance standards of this Section.
4. *Other conditions.* The conditions of any Special Use approval issued under this Section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in mining.
- a. When an operator disposes of his interest in the mining area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon

him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use approval may be transferred.

- b. Mining operations authorized by Special Use approvals shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
- c. The general Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.
- d. When activities on or use of the area subjected to mining, or any portion thereof, have ceased for more than one year, the operation shall be considered abandoned and a new permit necessary before additional mining activities can occur. Cessation may be determined by any of the following events.
 - 1) The completion of the mining.
 - 2) The Township determines that no substantial work has occurred on the site for more than one year.
 - 3) The Township has received notification from the owner that operations are complete.
 - 4) A Special Use approval for the mining has expired.
5. *Existing mining areas.* All commercial mining operations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. Future operations shall include expansion into new areas or areas not covered by a Township issued permit validly in place at the effective date of this Ordinance and shall require a Special Use approval.

M. Mini storage facilities.

1. Site and development requirements:
 - a. The facility shall have direct access to a paved major thoroughfare or state highway.
 - b. The minimum lot or parcel size for mini storage facilities shall be 2 acres.
 - c. The gross floor area used principally for storage, warehousing, or distribution shall not exceed 25 feet in height.
 - d. There shall be a minimum of 35 feet (45 feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be 25 feet. Traffic direction and parking shall be designated by signaling or painting.

2. Special performance standards:

- a. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
- b. Not more than 3,600 square feet in total area shall be occupied or used by any single tenant.
- c. Storage spaces shall not contain more than 400 square feet each.
- d. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and ½-ton capacity shall be permitted.
- e. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
- f. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
- g. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

N. Motor vehicle, trailer, and boat service and light repair stations.

1. Site and development requirements:

- a. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
- b. No driveway or curb cut shall be located less than 10 feet from any lot line, measured from the edge of the driveway to the lot line.
- c. No more than two driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed 35 feet.
- d. The site shall be no less than 200 feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between exterior lot lines.
- e. In addition to the minimum lot size of the district, gasoline stations shall have an additional 500 square feet of lot area for each pump over four, and 1,000 additional square feet of lot area for each additional bay over two.
- f. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
- g. There shall be no above-ground outdoor storage/dispensing tanks on the site without leakproof secondary containment sufficient to accommodate 120 percent of the volume of the tank.

2. Special performance standards:

- a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.

- b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration shall be limited to a period of not more than 30 days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- c. Sales of new and used motorized vehicles shall not be permitted.
- d. No public-address system shall be audible from any abutting residential parcel.
- e. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
- f. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- g. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.

O. Public facilities.

1. Public facilities.

a. Site and development requirements:

- 1) The site shall be at least 20,000 square feet in size.
- 2) Facilities shall provide off-street parking and passenger loading areas at least 25 feet from residential lot lines.
- 3) Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- 4) Security fencing and appropriate screening shall be provided adjacent to Residential Districts or uses in accordance with the requirements of ARTICLE 12.
- 5) Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- 6) All sports fields shall be a minimum of 100 feet from any lot line and 200 feet from any dwelling.
- 7) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with chain link fence 5 feet in height.

b. Special performance standards:

- 1) All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.
- 2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

2. Cemeteries, crematories, and/or mausoleums.

a. Site and development requirements:

- 1) All ingress and egress to the site shall be from a major thoroughfare.
- 2) The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be 5 acres.
- 3) No more than 5 percent of the site area may be occupied by buildings.
- 4) All burial plots and all structures including but not limited to a mausoleum shall be setback no less than 30 feet from any lot line or street right-of-way.
- 5) Parking shall be at least 50 feet from any lot line.
- 6) A 10-foot buffer zone containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of ARTICLE 12.

b. Special performance standards:

- 1) All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Saginaw County Health Department and the State of Michigan.

3. Schools.

a. Site and development requirements:

- 1) The minimum lot or parcel size for schools shall be 5 acres.
- 2) No more than 25 percent of the site area shall be covered by buildings.
- 3) No more than 60 percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
- 4) Service areas and facilities, and outdoor recreation facilities, shall not be located within 100 feet of a Residential District or use.
- 5) Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- 6) The principal building shall be no closer than 75 feet from any lot line or right-of-way.
- 7) Parking areas shall be screened from surrounding residential areas by a wall, fence, or suitable plant materials as specified in ARTICLE 12 of this Ordinance.

P. Single-family dwelling.

1. All single-family dwelling units shall contain a minimum of 1,000 square feet and comply in all respects with the State of Michigan Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those

imposed by the State Building Code, then and in that event, such federal standard or regulation shall apply. All single-story single-family dwellings shall have a minimum of 1 foot of depth to every 2 feet of width. Garages shall not be included within the length dimension.

2. The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the State Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards."
3. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
4. The dwelling shall be connected to adequate septic or sanitary sewer system and water supply or to such private facilities approved by the Saginaw County Health Department.
5. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design, and appearance of one or more residential dwellings located in the Township within 300 feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
6. *Earth sheltered homes.* Single-family dwellings which have more than 50 percent of their roof area covered by soil shall maintain minimum 30-foot side yard setbacks.

Q. Solar energy facility.

1. The solar panels, solar shingles, and array of panels shall be reviewed by the Inspector. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the fire department to isolate the panels in case of fire.
 - a. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - b. Solar energy collectors and installation and uses shall comply with construction codes, electrical codes, and other state requirements.
2. *Visual appearance.* Solar energy collectors and racking shall be dull or dark in color, non-glossy, and substantially non-reflective of light. This shall not create a nuisance to adjacent dwelling units.
3. *Existing topography.* The installation of the solar energy collectors shall not disturb the existing topography or soil.
4. *Storm water runoff.* The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

R. Solar energy facility – commercial operations.

1. All commercial solar energy collector systems that are ground-mounted shall follow the following requirements.
 - a. Ground-mounted solar energy collectors shall not exceed 9 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
 - b. The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a lot coverage of 25 percent regardless of the residing zoning district.
2. Required to be on lots larger than 2 acres.
3. Any commercial solar energy collector system adjoining any residential development shall be provided with a buffer of at least 40 feet along the adjacent property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area of at least 60 feet shall also be provided along all street frontage. The Planning Commission may approve to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Section 12.03.

- a. The planting of native ground covers that shall be maintained on-site during the operation, until the site is decommissioned.
 - b. Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
 - c. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
 - d. Power and communication lines to electric substations or interconnections with buildings shall be buried underground.
4. Exception for underground power communication lines:
 - a. Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - b. When required by the utility company.
 - c. Unless otherwise determined by the Planning Commission.
 5. The installation of the solar energy collectors shall not disturb the existing topography.
 6. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 90 days. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a bond in favor of the municipality equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.

S. Outdoor commercial recreation.

1. Site and development standards:
 - a. The site shall be located on a major thoroughfare.
 - b. Minimum site area shall be:
 - 1) Three (3) acres for flea markets, batting cages, skateboard parks, and mini-golf. Minimum lot width shall be 200 feet.
 - 2) Forty (40) acres for a shooting range.
 - 3) Ten (10) acres for amphitheater, amusement parks, resorts, and campgrounds. Minimum lot width shall be 600 feet.
 - 4) Eighty (80) acres for a 9-hole course; 160 acres for an 18-hole course.
 - 5) Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be 600 feet.

- c. No building or spectator seating facility shall be located within 100 feet of a lot line.
 - d. Front, side, and rear yards shall be at least 80 feet. The first 50 feet of such yards shall be kept free of off-street parking and shall be landscaped.
 - 1) For a shooting range the minimum front, side, and rear setback shall be 250 feet.
 - e. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within 60 feet adjacent to land zoned or used for residential purposes, a 5-foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
 - f. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least 8 feet in height. Fences shall be of permanent finished construction, painted, or otherwise finished neatly, attractively, and inconspicuously.
 - g. A 50-foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses, or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.
2. Special performance standards for all outdoor commercial recreation facilities.
- a. The applicant shall provide evidence of compliance with all appropriate federal, state, county, and local permits as appropriate.
 - b. Facilities shall provide off-street parking and passenger loading areas.
 - c. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
 - d. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the Saginaw County Sheriff and Saginaw County Road Commission with respect to the proposed project.
 - e. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
 - f. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
 - g. Outside storage shall be screened.
 - h. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
 - i. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
 - j. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.

- k. Not more than 65 percent of the land area shall be covered by recreational uses.
 - l. Central loudspeakers/paging systems are prohibited adjacent to residential property.
 - m. No temporary sanitary facility or trash receptacle shall be located within 200 feet of an existing dwelling.
 - n. Security fencing shall be provided adjacent to Residential Districts or uses.
 - o. All sanitary facilities shall be designed and constructed in strict conformance with Saginaw County Health Department regulations.
 - p. Adequate trash receptacles shall be provided, as needed throughout the site.
 - q. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7 a.m. to 12 a.m. (midnight) and may be prohibited on legal holidays.
3. Special performance standards for drive-in theaters.
- a. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.
4. Special performance standards for camping facilities.
- a. Each campsite shall contain a minimum of 1,500 square feet.
 - b. Each campsite shall be set back from any right-of-way or lot line at least 70 feet.
 - c. A common use area shall be provided in the parcel of 500 square feet per campsite.
 - d. There shall be no permanent storage of tents, campers, travel trailers, or mobile home units in the development unless specifically permitted.
 - e. At least one public telephone shall be provided in the facility.
 - f. Maximum density for campgrounds shall be 15 campsites per acre.
 - g. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager, or an employee.
 - h. Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one (1) facility per 20 campsites.
 - i. Each campsite shall have a picnic table and designated place for fires.
5. Special performance standards for golf courses and country clubs.
- a. Accessory uses may include; clubhouse/ pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.

- b. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick. The Planning Commission may modify this requirement if all of the following standards are met:
 - 1) The proposed material will not interfere with the character of the surrounding area.
 - 2) The proposed material is equal or better quality than the required material.
- c. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be located in separate structures.
- d. Development features shall be shown on said Site Plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize possible adverse effects upon adjacent property.
- e. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
- f. The total lot area covered with principal and accessory buildings shall not exceed 15 percent.
- g. No outdoor loudspeaker or call system shall be audible on adjoining property.
- h. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman, or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
- i. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a 75-foot front yard and a 100-foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
- j. Toilet facilities for use by patrons shall be located conveniently. Such facilities shall be approved by the Saginaw County Health Department.
- k. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
- l. A minimum of two satellite restrooms or other acceptable facilities are required for each nine holes. The satellites are to be centrally located away from lot lines and painted or finished in an earth tone color.
- m. Golf courses shall retain and preserve native vegetation over at least 30 percent of the total upland area of the course to reduce water demand, excessive soil erosion, and heavy nutrient run-off.
- n. Water quality protective measures are required as follows.
 - 1) Maintenance of erosion control barriers during construction and until all ground cover is established.

- 2) To the extent practicable, runoff must be directed to on-site holding/ sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - 3) Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
 - 4) A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
 - 5) All herbicide, insecticide, fungicide, and rodenticide chemicals must be stored in a locked enclosure.
 - 6) An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
 - 7) At any time, widespread or non-spot application of herbicide, insecticide, fungicide, or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 - 8) All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - 9) Chemicals shall meet the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
 - 10) In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.
- o. Swimming pools shall conform with the requirements of "Swimming Pools" in Section 3.13.
6. Shooting ranges.
- a. Special performance standards:
- 1) All federal, state, and county codes and ordinances in regard to firearms shall be strictly adhered to.
 - 2) The operator shall have the County Sheriff review and comment on the Site Plan prior to submitting it to the Township Planning Commission.
 - 3) Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.
 - 4) A 5-foot-high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.
 - 5) Hours of operation shall be between 8 a.m. and dusk.

T. Water bodies.

1. Site and developmental requirements:

- a. Ecologically sensitive sites, like the wetlands or high erosion areas, shall be avoided.
- b. Water bodies should be so located as to provide easy access and for the inspection by the Township Zoning Administrator and to its users whether they be livestock, people, or machinery. This will help optimize farm operations and ensure that the pond is well maintained and meet its intended purpose.
- c. Water bodies shall be so located so as to reduce the potential of pollutions from nearby sources such as farming operations, corrals, septic tanks, site drainage, wells, and the like.
- d. Sites must be located away from power transmissions lines, gas or oil well, transfer lines and the like in accordance with requirements established by the utility involved.
- e. Sites that are developed for commercial recreational uses must be accessible from either a minor or major thoroughfare.
- f. Water bodies should be located on sites which will not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.
- g. Soils excavated to create the water body must not create a nuisance or a runoff problem to neighboring properties. The developer and/or property owner is responsible for proper drainage provisions to prevent this problem for occurring.
- h. Erosion control must be provided for all filled or disturbed surface areas including the water body margin. These areas must be covered or treated during all phases of construction to prevent material from being blown onto neighboring properties. The applicant must meet all requirements of the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, as amended.
- i. All water bodies shall be located on parcel of principle residence or adjoining property under common ownership that is contiguous and located within 1,000 feet of residence.
- j. The pond site shall be a singular parcel of land with a minimum 5 acres in size.
- k. A water body shall have a minimum depth of 15 feet.
- l. The water surface area, at its maximum capacity, is limited to no more than 20 percent of the pond site for a minor water body.
- m. All principle structures must be at least 30 feet from the edge of the water body.
- n. The water body must be surrounded on all sides by a transition strip at least 100 feet in width within which grass, plant materials, and buffer screens shall be placed to minimize the impact on adjacent land uses. The design must include four trees per 100 lineal feet planted at a spacing of 20 feet on center.
- o. The slopes of the water body including the banks, sides, and base must have a ratio on no greater than 3:1 horizontal to vertical unit.

- p. Bodies of water must be located no closer than 100 feet from the existing or proposed right-of-way as specified under this Ordinance.
- q. An excavated material must be spread uniformly around the water body to a maximum height of 6 feet above the original surface and graded so that no additional runoff is generated on the neighboring sites. All gradients in disturbed earth shall be no steeper than a slope of 3:1 horizontal to vertical units.
- r. The finished grade must consist of a minimum of 4-inch layer of arable topsoil. The area shall be seeded with a perennial rye grass and maintained until it is established.

2. Special performance standards.

- a. All applications must be accompanied by an approved Department of Natural Resources Pond Permit and any Land Use approval approved through the Saginaw County Department of Public Works.
- b. During the construction of a water body, "Danger!" signs at a height of 4 feet and a minimum size of 12 by 8 inches shall be placed no greater than 150 feet apart and no closer than 50 feet from the construction edge around the perimeter of the proposed water body. Upon completion of the water body, it is recommended that the land owner adequately post the area of the pond with "Danger!" signs. Additional safety measures may be required if determined necessary by the Planning Commission or Zoning Administrator.
- c. Where the Planning Commission determines that environmental or other conditions that warrant additional information to determine the appropriateness of the application may exist, the Planning Commission may require that an engineering report be submitted with the following information at a minimum.
- d. A water body profile with elevations and changes in slope illustrated at 10-foot intervals.
- e. Soil elevation for the site with any necessary corrections, including for seepage.
- f. Specifications for spillway or drain, foundation preparation, and fill placement.
- g. A detailed plan for storm water runoff provisions, where excavated spoils will be collected and maintained on-site.
- h. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Taymouth Township, its officials, agents, employees, and all other Taymouth Township residents, from all manner of liability, whatsoever, that may arise as a result of such pond construction. Also, the applicant shall have the responsibility and obligation to stop work and immediately notify Taymouth Township or the proper utility, at any time during such pond construction, or any underground electrical line or conduit, and shall continue such work stoppage until an inspection of same can be made by said personnel.

U. Wind Energy Conversion Systems- Commercial.

1. *Setbacks.* Each WECS shall be setback from any adjoining property line, structure, overhead transmission lines, power poles, and any easement by a minimum of four (4) times the total system height of the unit from nonparticipating property lines.
2. *Tower separation.* Wind turbine separation shall be based on industry standards, manufacturer's recommendation and the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between turbines of not less than three (3) times the rotor/blade diameter.
3. *Blade clearance.* The lowest point of the arc of this path of travel created by rotating blades shall be equal to or greater than the overall length of a blade, being no less than 20 feet from the highest elevation within the 30-foot setback from the base of the tower or structure.
4. *Maximum height.* The maximum height is measured from the existing grade to the tip of the blade at its highest point. The C-WECS shall not exceed 500 feet. The Planning Commission may increase the maximum height allowed if the following conditions are met.
 - a. The increased height will result in the preservation of a substantial area of trees, existing land forms, or structures that would otherwise be removed to increase wind velocity.
 - b. The increased height will not result in increased intensity of lighting due to FAA requirements.
 - c. All setbacks can be met for the increased height.
 - d. The overall height includes the height of a structure the unit is mounted on top of, being from grade. The applicant has provided information proving that the above conditions have been met and the overall height (including the structure the unit is mounted to) will not be taller than 150 feet.
 - e. Applicant shall demonstrate that the increased height will not cause any WECS to violate any applicable state or federal laws or regulations.
5. *Noise levels.* The audible noise level due to C-WECS operations shall not exceed $L_{EQ} 40$ dBA sound level. The measurement of compliance shall be measured from the property line of the subject parcel. The period shall be measured for a period of one (1) hour.
6. *Vibrations.* Any proposed C-WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
7. *Transmission lines.* All electrical transmission lines connecting the C-WECS to the public utility electricity distribution system shall be located underground.

8. *Shadow flicker.* The Site Plan drawings or other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. The shadow flicker analysis must identify the locations of shadow flicker that may be caused by the proposed project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The amount of shadow flicker for one affect parcel shall not exceed thirty (30) hours per year.
9. *Electromagnetic interference.* Any C-WECS shall be constructed and operated so that it does not interfere with television, telephone (land line and cellular), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator shall be responsible for all mitigation measures necessary to correct the interference problem including relocation or removal of the facility.
10. *State and federal standards.* All proposed C-WECS shall meet or exceed all standards or regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures at the time the special approval is granted.
11. *Visual appearance.* The following are requirements for the appearance of any C-WECS structures.
 - a. A C-WECS, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the C-WECS.
 - b. A C-WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. C-WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items).
 - d. The only allowable light will be in accordance with FAA standards and, if possible, shall be a red top light that does not pulsate or blink.
 - e. No advertising, company insignia, or graphics shall be on any part of the tower, rotor, or blades.
12. *Type of tower.* Each C-WECS shall be a self-collapsing monopole or lattice structure style of construction and shall not utilize guy wire. Lattice style tower structures or similar structures used for mounting that are not self-collapsing are ineligible for a height increase unless the WECS is proposed as a mounted-WECS.

13. Safety and security.

- a. Each C-WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.
- b. All generator(s) shall be grounded and have lightning protection equipment.
- c. A sign shall be posted that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

14. *Screening.* C-WECS shall be designed and constructed in such a manner that access is limited to authorized personnel. All access doors and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present. A screening wall or fence at a height of 4 feet and 6 inches shall surround the electrical equipment is required and shall comply with Section 12.03.

15. Abandonment/ Decommissioning.

- a. *Abandonment plan required material.* An abandonment plan shall be submitted with the application for a special approval permit which includes at a minimum:
 - 1) The estimated cost to abandon the wind energy system.
 - 2) A written plan indicating how the wind energy system will be removed and the site restored.
 - 3) The method of ensuring that funds will be available for removing the wind energy system and restoring the site.
 - 4) Any other information deemed necessary by the Planning Commission to evaluate the abandonment of the wind energy system.
- b. *Decommissioning timeline.* The commercial WECS owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life of tower or mounted unit. Upon request of the owner(s), of the WECS, and for a good cause, the Planning Commission may grant a reasonable extension of time. Each WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
- c. *Decommissioning.* Decommissioning shall include the removal of each commercial WECS, buildings, and electrical components to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and

recorded with the deed to the property with the Saginaw County Register of Deeds.

- d. All access roads to the tower mounted WECS shall be removed, cleared, and graded by the commercial WECS owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
- e. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the commercial WECS or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- f. In addition to the decommissioning requirements listed previously, the C-WECS shall also be subject to the following.
 - 1) If the commercial WECS owner(s) or operator(s) fails to complete decommissioning within the period prescribed above the may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the commercial WECS is not owned by the property owner(s), a bond must be provided to the Township for the cost of decommissioning each commercial WECS.
- g. *Public inquiries and complaints.* Should an aggrieved property owner allege that the WECS is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows.
 - 1) Noise complaint.
 - Notify the Township in writing regarding concerns about noise level.
 - If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
 - If the WECS owner(s) is in violation of the Ordinance noise requirements, the owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the WECS into compliance which may include ceasing operation of the WECS until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.

2) Shadow flicker complaint.

- Notify the Township in writing regarding concerns about the amount of shadow flicker as defined in Section 2.02D.
- If the complaint is deemed sufficient by the Township to warrant an investigation, the Township will request the owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
- If the WECS owner(s) is in violation of the Ordinance shadow flicker requirements, the owner(s) take immediate action to bring the WECS into compliance which may include ceasing operation of the WECS until the Ordinance violations are corrected.

16. Site reclamation.

- a. *Inoperable.* A wind turbine shall be declared inoperable if it has not generated power for six (6) months and shall be promptly dismantled and removed from the property.
- b. *Unsafe.* Any wind turbine that is found to present an imminent physical threat to life or property shall be immediately shut down and repaired or otherwise made safe and certified by a qualified engineer prior to resumption of operation.
- c. *Removal and site restoration.* The owner/operator shall remove all equipment, above and below ground, and restore the site to its original condition when the wind turbine(s) is considered inoperable.

17. *Certificate of Insurance.* Owner/operator shall maintain liability insurance for the duration of the use including decommissioning and reclamation of the property. If the owner and operator are different entities than one (1) of those parties is required to maintain liability insurance. The insurance carrier shall be instructed to notify all applicable governmental authorities of any delinquency in payment of premiums. Failure to provide and maintain such insurance shall be considered abandonment and full and sufficient grounds for termination of the special approval and disposal of the equipment as stated herein.

V. Wind Energy Conversion Systems- On-site

An on-site Wind Energy Conversion System (WECS) can either be structure-mounted or tower-mounted wind energy conversion system. On-site WECS are designed to primarily serve the needs of a home, farm, or small business. All on-site WECS shall be subject to the following.

1. *Minimum lot size.* A minimum of 3 acres is required for an on-site WECS.

2. Maximum height.
 - a. The height of a tower-mounted WECS shall not exceed 70 feet as measured from the base of the structure at grade to the tip of the blade at its highest point.
 - b. The height of a structure-mounted-WECS shall not exceed 35 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
3. *Setbacks*. On-site WECS shall be setback from any adjoining property line, structure, or overhead transmission lines, and power poles by a minimum of four (4) times the height of the tower.
4. *Blade clearance*. The lowest point of the arc of this path of travel created by rotating blades; shall be equal to or greater than the overall length of a blade, being no less than 20 feet from the highest elevation. In addition, at least 20 feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below on-site WECS.
5. *Noise levels*. The audible noise level due to on-site WECS operations shall not exceed L_{EQ} 40 dBA sound level. The measurement of compliance shall be measured from the property line of the subject parcel for a period of 1 hour.
6. *Vibrations*. Any proposed on-site WECS shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
7. *Transmission lines*. All electrical transmission lines connecting the on-site WECS to the home, farm structure, or business shall be located underground.
8. *Shadow flicker*. Site Plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. The shadow flicker analysis must identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The amount of shadow flicker for one affect parcel shall not exceed thirty (30) hours per year.
9. *Type of tower*. A lattice tower or monopole is acceptable. Any style of tower construction shall not utilize guy lines. Lattice style tower structures or similar structures used for mounting that are not self-collapsing are ineligible for a height increase unless the WECS is proposed as a structure-mounted WECS.
10. Safety and security.
 - a. Each on-site WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.
 - b. All generator(s) shall be grounded and have lightning protection equipment.

11. *Placement.* Consideration of the impact of the on-site WECS on surrounding property due to shadow flicker (especially at sunrise and sunset) shall be considered in determining the appropriateness of the request.
12. *Visual appearance.*
- a. On-site WECS including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the on-site WECS.
 - b. An on-site WECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. On-site WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
13. *Guy wires.* Guy wires shall not be permitted as part of the on-site WECS.
14. *Electrical system.* All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

ARTICLE 4
PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT

Section 4.01 General Site Development Standards and Waivers

The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may modify such standards where such modifications will result in a higher quality of development than would be possible without the modifications.

- A. Except where a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the district which most closely characterizes the dominant character of the PUD development.
- B. Except where a modification is granted, mixed uses shall comply with the regulations applicable for each individual use, including those standards contained in Section 3.13 and Section 3.14. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
- C. The Township Board may only modify if they find that the site is designed with features designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.02 Standards for Approval

- A. The following minimum eligibility criteria shall be met in order for PUD approval.
 - 1. Shall comply with all Zoning Ordinance requirements as part of the Site Plan approval and Special Land Use process.
 - 2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden in the use of existing public services, facilities, and roadways.
 - 3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and objectives of the Taymouth Township Master Plan.
 - 4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 3.11.
 - 5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
 - 6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having

responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Zoning Administrator, nor division of ownership following development.

7. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural and historical resources.
8. The proposed density of the planned unit development shall normally be no greater than that which would be permitted for each of the component uses of the development in the zoning district in which it is permitted. However, if it is deemed necessary in order to achieve the purposes of the Section, the Township Board may permit increased density in return for increased open space. Non-contiguous property may not be used in calculating open space and under no circumstance shall the open space be located on non-contiguous property.

Section 4.03 Procedure for Review and Approval

A. Conceptual PUD development plan requirements:

1. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
2. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel, or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual problems of topography, water and septic/sewer, land usage, or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces, and other features as required by Ordinance or regulation.
3. The conceptual plan shall:
 - a. Show all proposed uses and allotted spaces.
 - b. Show gross site area.
 - c. Show street and vehicular access areas.
 - d. Show number of each variety of habitable space, total number of dwelling units, and total open space.
 - e. Define the location of the areas to be devoted to particular uses.
 - f. State the acreage to be devoted to the particular uses.
 - g. Set forth the proposed density of the dwelling units by use type and of the entire project.
 - h. Show the location of parks, open recreation areas, other open space, and all public and community uses.

- i. Present material (from the applicant) as to the development's objectives and purposes to be served; conformity to plans and policies of the Township; market needs; impact on public schools, on-site managing of water and septic/sewer, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
- j. Show any additional graphics or written materials reasonably requested by Planning Commission or Township Board to assist the Township in visualizing and understanding the proposal shall be submitted.
- k. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment as outlined in Section 22.04.

B. Site Plan Approval.

Following approval of the conceptual plan by the Township Board, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The Site Plans shall conform with the approved conceptual plan. The Site Plans shall be reviewed and approved by the Planning Commission following the procedures outlined in ARTICLE 17 Site Plan Review.

C. Deviations from approved PUD Site Plan.

Deviations from the approved plan may occur only under the following circumstances.

1. Minor changes to a previously approved PUD Site Plan may be approved without the necessity of Planning Commission or Township Board action if the Zoning Administrator certifies in writing that the proposed revision does not alter the basic design, nor any specified conditions of the plan as agreed upon by the Planning Commission and the Township Board. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Zoning Administrator's decision regarding the need for formal review by the Planning Commission and Township Board is appealable to the Zoning Board of Appeals.
2. Any deviation from the approved PUD Site Plan, except as authorized, shall be considered a violation of this Section and shall be a misdemeanor punished as prescribed herein. Further, any such deviation may result in the Township initiating rezoning of the PUD zoning district to its previous zoning classification.

Section 4.04 Phasing

- A. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the

necessary components to insure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the surrounding area.

- B. In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction, concurrent with the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined at the discretion of the Planning Commission. Such percentages may be modified should the Planning Commission determine that the applicant presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

Section 4.05 Open Space Requirement

- A. Permitted Number of Dwelling Units: The number of dwelling units authorized in the PUD shall be equal to an additional thirty percent (30%) of the number attainable by the Concept Plan. In addition to this thirty percent (30%) increase in the number of dwelling units attainable by the Concept Plan, a further additional increase of four percent (4%) of the number attainable by the Concept Plan shall be granted for each of the following attributes that the Planning Commission finds is substantially reflected in the PUD design, based upon the reasonable discretion of the Planning Commission:
 - 1. The dedication of usable open space to a public entity or nonprofit land or nature conservancy that has the effect of increasing or enhancing the public use and enjoyment of scenic areas, natural areas, or other significant environmental areas; and/or the dedication of usable open space for other public use that clearly addresses a need in the community.
 - 2. Dedication of more than fifty percent (50%) of the project parcel as permanent open space.
 - 3. Effective preservation of rural character along the existing public road frontages that the PUD abuts, either through:
 - a. Substantially increased building setbacks and screening by the retention of existing vegetation and/or the planting of new native species;
 - b. Dedicated open space of at least two-hundred (200) feet in width that extends along a minimum of fifty percent (50%) of the existing public road frontage or three-hundred (300) feet, whichever is greater.
 - 4. Strategic placement of dedicated open space in relation to abutting PUD projects to support continuous networks of important environmental resources systems

including, but not limited to, wetlands, woodlands, stream corridors, and wildlife corridors and habitats.

5. Strategic placement of dwellings and dedicated open space in relation to adjacent agricultural operations to minimize conflicts between ongoing farming activities and dwellings and residents in the PUD.

ARTICLE 5
RESERVED FOR FUTURE USE

ARTICLE 6
CONDOMINIUM SUBDIVISION

All condominium subdivisions shall conform to the following general provisions in addition to all other applicable district provisions.

- A. A condominium unit, including single-family detached units, shall comply with the applicable site development standards contained in Section 3.10 of this Ordinance.
- B. A condominium subdivision shall comply with the provisions in ARTICLE 7 pertaining to potable water supply and waste disposal facilities and to the provisions of ARTICLE 10 pertaining to private roads.
- C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement, and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
- D. In addition to the materials required by Section 17.03 and other requirements of ARTICLE 4 Planned Unit Developments; a Planned Unit Development Permit application for a condominium subdivision shall include a condominium subdivision plan containing the following information.
 - 1. Site Plan showing the location, size, shape, area, and width of all condominium units.
 - 2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
 - 3. Proposed use and occupancy restrictions as will be contained in the master deed.
- E. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to a Planned Unit Development Permit, subject to the procedures of Section 17.07.
- F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below.
 - 1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium

subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

2. All monuments used shall be made of solid iron or steel bars at least ½-inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½-inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½-inch in diameter or other approved markers.
 8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than \$25 per monument and not less than \$100 in total, except that lot corner markers shall be at the rate of not less than \$10 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 18.06 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- G. All public streets within a condominium subdivision, shall be constructed to at least the minimum requirements of the Saginaw County Road Commission's construction standards. All private roads shall be constructed to the standards of Section 10.05 of this Ordinance.

ARTICLE 7
ENVIRONMENTAL STANDARDS

Section 7.01 Intent and Purpose

The purpose of this Article is to promote a healthy environment in Taymouth Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment. All provisions of this Article apply to all structures and uses unless otherwise noted.

Section 7.02 Natural Resources

A. *Standards.* All land uses and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following.

1. Published surface water drainage standards of the Saginaw County Drain Commission.
2. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshal, and Local Fire Code.
3. Saginaw County Soil Erosion and Sedimentation Ordinance.
4. Requirements of the Michigan Department of Public Health and the Saginaw County District Health Department.
5. Saginaw County Building Department.
6. Michigan Department of Natural Resources requirements for air or water quality protection, wetlands, stream crossings, fills in or near waterbodies or in flood plains, and for waste disposal.
7. All local, county, state, and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.

B. Sensitive lands.

1. Where a portion of a parcel is characterized by wetlands, hydra soils, flood plains, or steep slopes, new development on the parcel shall occur on those buildable portions of the parcel void of such sensitive resources where reasonably feasible.
2. The Township shall not approve any land use which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

- C. *Clearing of a site.* Stripping and removal of topsoil from the site is prohibited.
- D. *Grading and filling.* In order to protect adjacent properties, public roads, public watercourses and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.
1. *Flow restrictions.* The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: Increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
 2. *Elevation restrictions.* Filling with earth or other materials a parcel of land to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the Zoning Administrator and Saginaw County Drain Commissioner.
 3. See also the requirements of Section 7.03C.

Section 7.03 Infrastructure and Concurrency Standards

All land uses shall conform with the following provisions.

- A. *Roadway network.* All Site Plans and land uses shall comply with driveway and traffic safety standards of the Michigan Department of Transportation and the Saginaw County Road Commission.
- B. Potable water and sewage disposal.
1. Any structure for human occupancy after the effective date of this Ordinance and used for dwelling, businesses, industrial, recreational, institutional, mercantile, or storage purposes shall not be erected, altered, used, or moved upon any premises unless the structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
 2. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Saginaw County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two or more dwellings shall meet all federal, state, county, and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

C. Storm water management.

1. All lots shall keep storm water runoff on-site or detain it so as to allow discharge without any impact on adjacent lands, streams, or waterbodies above the existing predevelopment runoff impact.
2. Development of all lots shall conform with the soil erosion and sedimentation requirements of the county and any special requirements of the Drain Commission.
3. No new land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

Section 7.04 Commercial and Industrial Uses

- A. All land uses and structures within commercial or industrial zoning districts shall conform to the following standards. No lighting shall in any way impair the safe movement of traffic on any street or highway. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
- B. Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot-candle power of light cross lot line 5 feet above the ground in a residential district. All lighting shall be shielded away from the public right-of-way and neighboring residential uses.
- C. Screening at least 6 feet in height shall be erected to prevent headlight glare from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles or be closer than 30 feet to any street right-of-way line. Screening shall include fencing, wall, berms, or greenbelt.
- D. The intensity level of sounds shall not be excessive sound level based on the existing use, residing zoning district, or surrounding area. Compliance with these standards shall be determined from the property line.
- E. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of 1 inch measured by any lot line of its source.
- F. No noise, dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and may be summarily caused to be abated.

- G. The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
- H. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.
- I. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.
- J. Any atmospheric discharge requiring a permit from the Michigan Department of Natural Resources or federal government shall have the permit(s) as a condition of approval for any use in this district.
- K. Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.
- L. No person shall discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Natural Resources.
- M. Hazardous wastes as defined by the Michigan Department of Natural Resources shall be stored and disposed of by methods approved by the Michigan Department of Natural Resources if all hazardous materials and wastes shall be kept within the confines of the building.
- N. Dumpster enclosures shall be located in the rear or side yard. The dumpster enclosure shall have three sides of brick or masonry walls or opaque fencing not less than 5 feet in height with an obstructing door.
- O. Parking areas shall be screened from surrounding residential area by a wall or fence, in combination with suitable plant materials as specified in Section 12.04.

ARTICLE 8
GENERAL PROVISIONS

Section 8.01 Intent and Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

Section 8.02 Moving Buildings

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are in conformity with the Building Code enforced in the Township; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

Section 8.03 One Building to A Lot

No more than one single-family dwelling may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance, as in the case of a condominium subdivision, mobile home park, shopping center, and multiple-family complex.

Section 8.04 Permitted Yard Encroachments

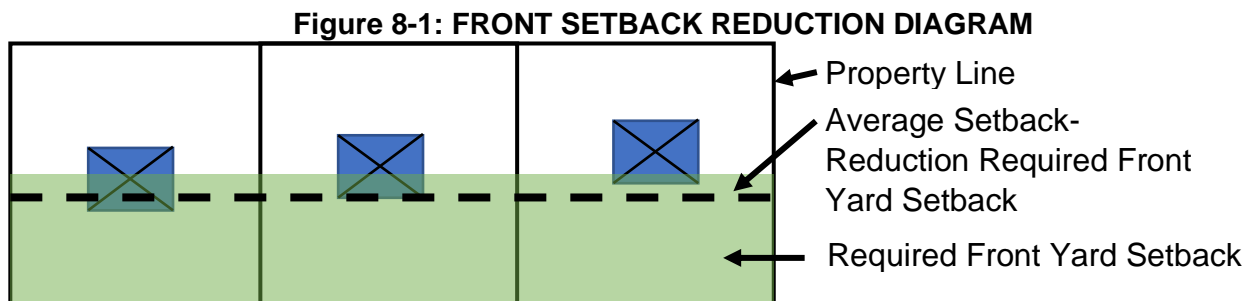
The minimum yard size and setback requirements of this Ordinance are subject to the following permitted encroachments.

- A. Buildings or structures shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features, provided they do not project into a required yard area more than 5 feet.
- B. Attached terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance, if they are not covered with a roof, or that the deck or paved area is no closer than 10 feet from a side or rear lot line, except if the yard proposed to be encroached abuts a public street or approved private road, in which case the principal structure setback shall be observed and no encroachment is permitted.

C. Awnings may project into a required yard area no more than 5 feet.

Section 8.05 Front Setback Reductions

Any front setback area in any Residential District may be reduced below the minimum requirements when the average front setback of existing principal buildings within 200 feet on either side of a proposed principal building location or two (2) principal buildings on neighboring parcels located along the same street and on either side of the home, whichever provides at least two (2) comparisons. If the neighboring existing principal buildings are less than the minimum required, or two principal buildings located along the same street on either side of the home, whichever is sufficient. The required minimum front setback shall be based on the established average.



Section 8.06 Allocation of Lot Area and Configuration of Lots

- A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four times longer than their width.
- C. The creation of flag lots is prohibited except where there is no other way to gain access to undeveloped land due to limited street or road frontage and approval is granted by the Zoning Board of Appeals (ZBA). The ZBA shall not approve such lots unless the flag lot has at least 20 feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side, and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 2-7).
- D. The configuration of all new lots not created pursuant to the Subdivision Control Act of 1967, as amended, shall conform the regulations and standards of the Taysmouth Township Land Division Ordinance.

Section 8.07 Height Requirement Exceptions

The following are exempted from height limit requirements if no portion of the excepted structure may be used for human occupancy.

- A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments and do not exceed 75 feet in height.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed 100 feet in height.
- C. Those structural extensions considered necessary for appropriate building design such as cornices or parapet walls may extend a maximum of 5 feet above height limitations and shall have no window openings.
- D. Public utility structures, but not including communication towers, except upon receipt of a Special Land Use approval.

Section 8.08 Conditional Approvals

- A. *Conditions on discretionary decisions.* The Planning Commission, ZBA, and Township Board may attach conditions to the approval of a Site Plan, Special Land Use, planned unit development, variance, or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:
 - 1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - 2. Protect the natural environment and conserve natural resources and energy.
 - 3. Ensure compatibility with adjacent uses of land.
 - 4. Promote the use of land in a socially and economically desirable manner.
- B. *Requirements for valid conditions.* Conditions imposed shall meet all the following requirements.
 - 1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- C. *Record of conditions.* Any conditions imposed shall be recorded in the record of the approval action.
 - D. *Subsequent change of required conditions.* These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
 - E. *Performance guarantees.* Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 16.06.

Section 8.09 Maintenance of Junk Prohibited

No person shall have, possess, or maintain junk, inoperable, or abandoned motor vehicles on any property except in a manner consistent with this Ordinance and the Teymouth Township Blight Ordinance.

Section 8.10 Fences and Walls

All fences, walls, and protective barriers (referred to in this Section as "fences") of any nature or description, except those which are part of a farm operation, shall conform to any of the regulations below except where provided for otherwise by Article 14, in the case of required landscaping or screening.

- A. No fences in excess of 3 feet in height shall be located in a required front yard setback area, except in a Commercial or Industrial District.
- B. Fences within a side or rear yard shall not exceed 6 feet in height, as measured from the surface of the ground.
- C. Fencing shall be positioned so that the finished side of the fence, being that side which presents a more decorative finish rather than the fence's structural components, faces the adjacent property.
- D. Fencing shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp instrument of any kind are prohibited on top or on the sides of any fence, except that barbed wire may be placed on top of fences enclosing public utility buildings or equipment or wherever considered necessary in the interests of public safety, or protection of private property, subject to the approval of the Planning Commission.
- E. No fence shall be erected, established, or maintained on any lot which will obstruct the view of a driver of a vehicle approaching an intersection.

ARTICLE 9
NONCONFORMING USES OF LAND AND STRUCTURES

Section 9.01 Intent and Purpose

It is recognized that there exists within the districts established by the Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival.

Section 9.02 Nonconforming Lots

In any district, a lot of record with the Register of Deeds at or before the effective date of adaption or amendment of this Ordinance may be developed, provided it complies with any other provisions of this Ordinance are followed may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance.

- A. A legal nonconforming lot cannot be created in error, but only by the amending the lot area and/or width of the zoning districts.
- B. In the case of two or more nonconforming contiguous lots under one ownership, the lots shall be considered as separate lots and as a single parcel shall it be only once combined considered one lot.
- C. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; if yard dimensions, setbacks, and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, or a yard requirement variance is obtained through approval of the Zoning Board of Appeals (ZBA).

Section 9.03 Nonconforming Uses of Land and Structures in Combination

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

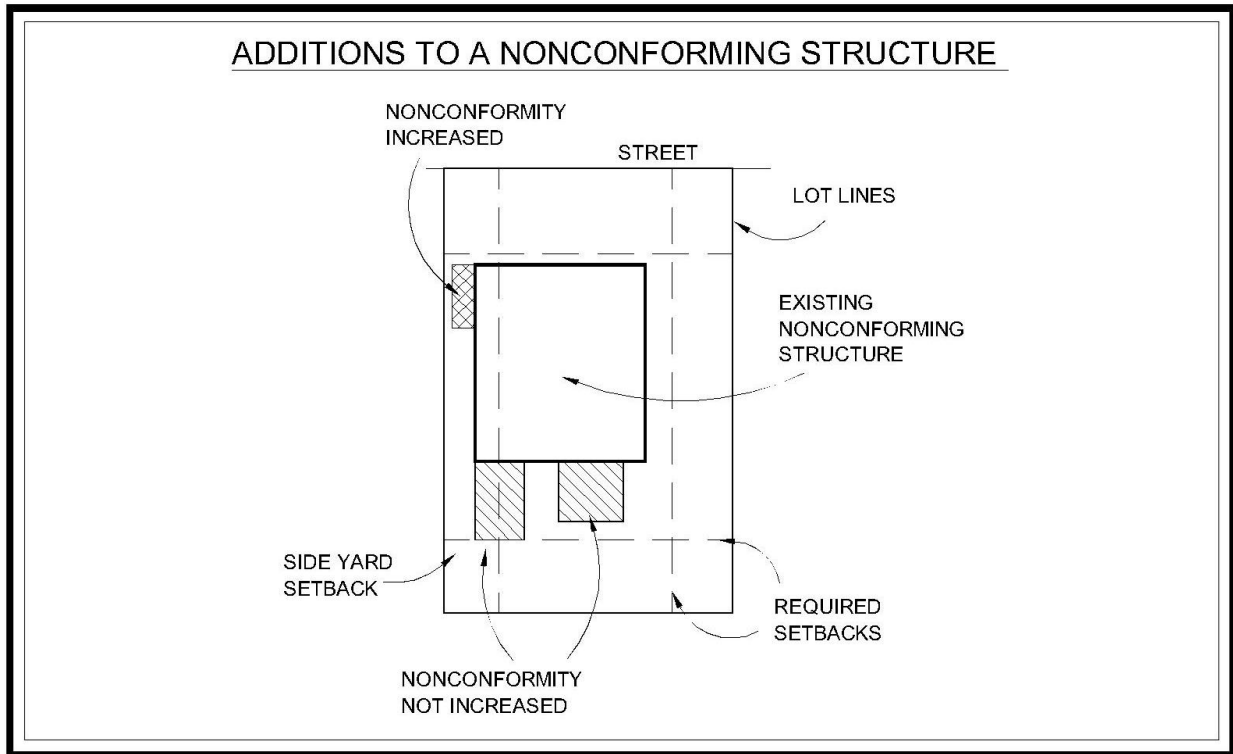
- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, if all

such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building. As shown in Figure 9-1.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If a use that currently requires a SLU in the district it is located was established before the SLU requirement existed, the use is a legal nonconformity until it is granted an SLU Permit.
- D. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- E. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted zoning district, if the ZBA, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the ZBA may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted zoning district.
- F. If a nonconforming use ceases the use's activity over a period of more than one (1) year, the use shall be considered abandoned. The previous nonconforming use once abandoned to be reestablished must get a use variance from the ZBA or amendment this Ordinance.
- G. If a nonconforming use is within a structure that is destroyed by an act of God, accidental fire, or some other disaster that makes it where the nonconforming use is unable to operate at the existing location, the use may go to the Planning Commission to grant an extension of the ceased activity by 90 days without it being considered abandoned.
- H. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

- I. Should such structure be destroyed by any means to an extent of more than 120 percent of its state equalized value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

Figure 9-1: ADDITIONS TO A NONCONFORMING STRUCTURE



Section 9.04 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions as shown in Figure 11-1.

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the structure may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

- B. Should such structure be destroyed by any means to an extent of more than 120 percent of its state equalized value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 9.05 Legality of Nonconformities

Nonconformities will be classified as “legal” or “illegal” based on the following guidelines.

- A. Illegal nonconformities are those that have been developed in conflict with zoning regulations.
- B. Legal nonconformities are those that existed legally before the effective date of this Ordinance, or before some amendment to this Ordinance, which resulted in the nonconformity.
- C. Other nonconforming improvements such as lighting, landscaping, etc. will be located in the Article with the corresponding regulation.

Section 9.06 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of its current State Equalized Value, if the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be considered to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 9.07 Change of Tenancy or Ownership

As long as there is no change in the character or nature of the nonconforming use, a change of tenancy or ownership is allowed.

Section 9.08 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 9.09 Hardship Cases

The ZBA may waive the prohibition on the structural change, alteration, or enlargement of a nonconforming building or structure when the ZBA finds that failure to grant the waiver would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration, or enlargement may be granted only with a finding by the ZBA that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Section 9.10 Illegal Nonconforming Uses

Any nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid zoning permit or those nonconforming uses which cannot be proved conclusively as existing before the effective date of this Ordinance, or the prior Ordinance enacted May 6, 1982, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

Section 9.11 Permits

Permits for construction on, expansion of, or substitution of nonconforming lots, uses, or structures require a zoning permit pursuant to Section 16.03. Other permits and approvals may also be required.

ARTICLE 10
ACCESS CONTROLS AND PRIVATE ROADS

Section 10.01 Intent

The intent of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Saginaw County Road Commission, and other provisions of this Ordinance.

Section 10.02 Curb Cuts and Driveways

- A. All plans for structures to be erected, altered, moved, or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator, or the Planning Commission in the case of a use requiring Site Plan approval, according to Section 17.02, before the issuance of a zoning permit. Driveways shall, at a minimum, meet the following standards.
1. No such driveway plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road, and approval shall not cause an unreasonable increase in traffic hazards (Section 10.04), including but not limited to allowing adequate sight distance for ingress and egress. Driveways shall be located only upon the approval of the Saginaw County Road Commission, where applicable, and appropriate state authorities as required by law. See Section 10.06 on shared driveways.
 2. Culverts shall be installed in line with and on the same grade as the road ditch.
 3. Drives shall enter perpendicular to the existing public street or private road.
 4. No portion of the driveway entrance within the right-of-way shall have a grade of greater than 10 percent (1-foot vertical rise in 10 feet of horizontal distance).
 5. Residential driveways shall be a minimum of 50 feet from the nearest right-of-way line of an intersecting road or street.
 6. Residential driveways shall be a minimum of 10 feet wide, contain curves of no less than a 50-foot radius (as measured to the driveway centerline) up to within 100 feet of the dwelling unit, and the length of which shall be constructed and maintained to permit emergency vehicle access. The complete width of the

driveway to a height of 15 feet above the entire driveway width shall be maintained in a clear condition to permit emergency vehicle access.

7. New driveways shall align with existing or planned driveways, crossovers, turn lanes, or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the Saginaw County Road Commission are met.
8. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Township or Saginaw County Road Commission or Michigan Department of Transportation.
9. No driveway shall serve more than one dwelling, except for multiple-family developments.
10. No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.
11. Driveways shall also conform to the rules and regulations of the Saginaw County Board of County Road Commissioners, entitled Rules Governing the Granting of Permits for Driveways, Banners and Parades in the Saginaw County Road System, as amended, where such rules and regulations may be more stringent or in addition to those listed above in Section 10.02A.1 through 6.
12. Driveways shall have a 2-foot setback from the property line that run parallel to the driveway.

Section 10.03 Lots to Have Access

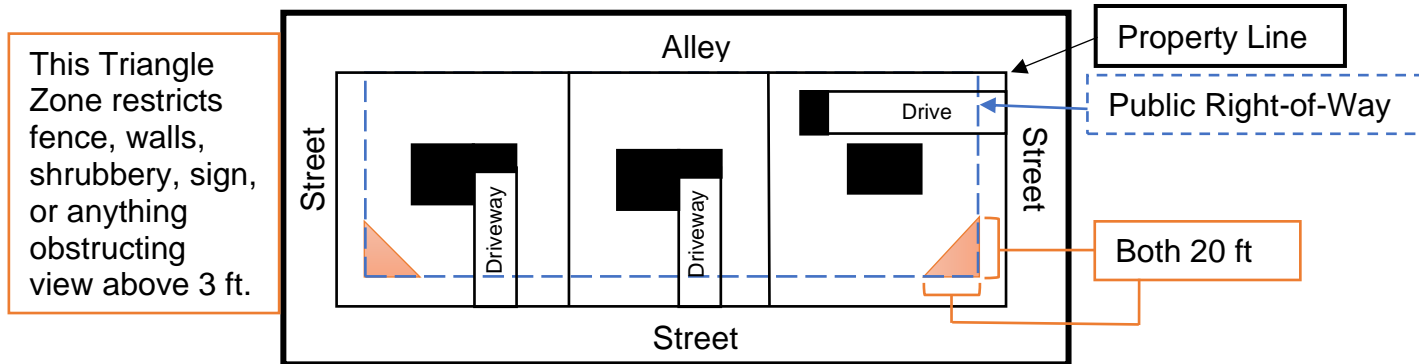
All parcels or lots created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. In a platted subdivision or condominium subdivision, corner lots shall take their access from an approved private road or approved public street. Wherever a corner lot exists at an intersection of two major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the Saginaw County Road Commission.

Section 10.04 Clear Vision Zone

The following regulations shall apply to all landscaping, fences, walls, screens, or similar devices at street intersections.

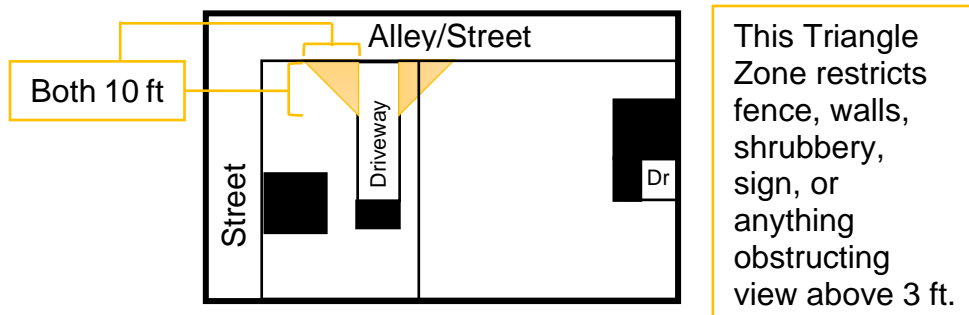
- A. No fence, wall, sign, or screen or any planting over 3 feet in height shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within 20 feet of the right-of-way of a street (See Figure 10-1).

Figure 10-1: PUBLIC RIGHT OF WAY CLEAR VISION ZONE



- B. No fence, wall, sign, screen, or planting shall be erected or maintained in such a way as to obstruct vision, above a height of 3 feet, within 10 feet of the driveway (see Figure 10-2).

Figure 10-2: DRIVEWAY CLEAR VISION ZONE



- C. No structure, hazard, or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the Saginaw County Road Commission.

Section 10.05 Private Roads

- A. *Private roads permitted.* Private roads are permitted provided they conform to the requirements of this Section.
- B. *Construction and design standards for private roads.* Private roads shall conform to the minimum standards of Table 10.05-1 and the following. Standards may be adjusted by the Township Board where the Township Board determines such adjustments will improve the merits of the proposed development and not undermine the public health, safety, and welfare. The Township Board may consult with experts including the Fire Department, Township staff, Township consultants, Zoning Administrator, and Saginaw County Road Commission.
1. Intersections.
 - a. Construction authorization from the Saginaw County Road Commission is required for connection to a public road.

- b. All intersections shall be at a 90-degree angle.
 - c. Proposed private roads shall align directly across from, or be offset at least 250 feet from public roads, measured from centerline to centerline. Private roads shall align directly across from other private roads or be offset at least 150 feet, measured from centerline to centerline.
2. *Ingress and egress grades.* Private roads shall be designed and so constructed to provide safe ingress, egress, and vehicular movement.
 3. Limit on length and number of dwelling units.
 - a. Private roads with only one connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than 2,000 feet.
 - b. No more than 25 dwellings may gain access to a single private road if only one point of intersection exists between such private road and a public road.
 4. *Vertical clearance.* A minimum of 18 feet of overhead clearance shall be maintained across the width of a private road to provide emergency access.
 5. *Road names.* Road names shall not duplicate existing public or private road names within county. The applicant shall submit evidence of this condition.
 6. Posting of private roads and signs.
 - a. All private roads shall be clearly posted, with a clearly readable road name sign that can be easily seen in an emergency, and shall include the designation "Private Road" on such sign. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer.
 - b. Regulatory signs (stop, yield, etc.) shall be positioned in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such roads intersect public roads. All other signs within the road easement shall be identified on the development plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Road signs shall be provided at all intersections.
 7. *Turn-arounds.* Cul-de-sac turn-arounds shall be designed with a 75-foot radius easement and 45-foot road radius, except that a 55-foot radius is required if a center landscaped island is included. A larger turn-around may be required for commercial and industrial private roads. "
 8. Drainage.
 - a. The private road easement and road shall be adequately drained to prevent flooding or erosion of the road. Road drainage shall be constructed so that the

runoff shall not be discharged upon the land of another property owner unless the water is following established drainage patterns. The discharged water onto adjoining properties shall also not exceed the discharge rate existing before the construction of the private road.

- b. Ditches, where necessary, shall be located within the private road easement. Connection to roadside ditches within public road rights-of-way shall be approved by the Saginaw County Road Commission before the issuance of a permit. A permit from the Saginaw County Drain Commissioner is required unless the Drain Commissioner states, in writing, that no permit is required for the proposed road and drainage provisions.
- c. All private roadside swales and ditches shall meet the requirements of the Saginaw County Road Commission.
- d. Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Saginaw County Road Commission and/or Saginaw County Drain Commissioner.

Table 10.05-1
Standards for Private Streets¹

<i>Minimum Design and Construction Standards</i>	<i>Private Road (serves 2 to 8 lots)</i>	<i>Private Road (9 or more lots)</i>
Easement Width	66 feet	66 feet
Surface and Base Width	22 feet	22 feet
Surface Material	8" of MDOT 23A processed road gravel in two equal compacted courses	3.5" of asphalt and use 2" MDOT 2C and 1.5" of MDOT 36 A or 22A gravel road
Base Material	6" Class 2 sand	6" Class 2 sand below 7" of crushed limestone, or 7" of MDOT 21AA placed in two, in two equal compacted courses
Horizontal Road-way Grades	Minimum 0.5%, but not to exceed 10.0%	Minimum 0.5%, but not to exceed 10.0%
Vertical Roadway Curves	100' long for grade changes of 2.0% or more	100' long for grade changes of 2.0% or more
Horizontal Road-way Curves	150' centerline radius	230' minimum centerline radius
Turn-Arounds	Cul-de-sac turn- around required	Cul-de-sac turn- around required

¹ See Section 12.05(B) for other applicable standards.

C. *Maximum number of lots served.* No more than 25 lots may gain access to a single private road if only one point of intersection is provided between a private road and a

public road. No more than 75 lots may gain access to a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than 75 lots are served, the road shall be a paved public street built to full Saginaw County Road Commission standards.

D. *Road construction approval procedure.* No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a Private Road Construction Permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. *Application.* The applicant shall submit a private road application consisting of the following.

a. Eight sets of a general property development Plot Plan complying with the requirements of Section 16.03C unless the development requires a Site Plan pursuant to the requirements of Section 17.03 of this Ordinance. All plans as submitted for approval must show the private road easement, including a legal description, and must include the grades for these roads.

b. Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Saginaw County Register of Deeds shall include:

- 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
- 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
- 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Saginaw County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25 percent of total costs.
- 4) A notice that no public funds of the Township of Taymouth are to be used to build, repair, or maintain the private road.

The required maintenance agreement shall specify how the costs for paving the road initially, or when the seventh lot is created will be paid for. If the maintenance agreement fails to so specify, the Township Board may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the creator of the seventh lot, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least ten days before the hearing.

c. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Saginaw County Register of Deeds providing for:

- 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
2. Application review and approval or rejection.
- a. The Zoning Administrator shall review and send to the Saginaw County Road Commission and Township Engineer the plans of the private road for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
 - b. Saginaw County Road Commission, Township Engineer, and Township Attorney recommendations shall be forwarded to the Township Board. The Planning Commission shall give its recommendation before final action by the Township Board where Site Plan approval is required.
 - c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a private road. When approval is granted, construction authorization will be issued by the Zoning Administrator.
 - 1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
 - 2) At the discretion of the Township Board, a proposed private road may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access.
 - d. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of and upon completion of the private road.
- E. *Failure to perform.* Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made or subject to any changes made by the Saginaw County Road Commission or the Township in its standards and specifications for road construction and development.
- F. *Issuance of zoning permit for structures on private roads.* No zoning permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

- G. *Posting of private roads.* All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Township Zoning Administrator shall check with the county to avoid a duplicate of names and give approval of same.
- H. *Private roads serving more than one residential unit.* When a private road serves only one residential unit, compliance with the established standards of the Saginaw County Road Commission for public roads is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, any road serving the parcels shall comply with all other provisions of this Section.
- I. *Notice of easements.* All purchasers of property where a private road provides access to the premises shall, before closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following.
1. "This parcel of land has private road access across a permanent 66-foot easement which is a matter of record and a part of the deed.
 2. This notice is to make purchaser aware that this parcel of land has egress and ingress over this easement only.
 3. Neither the county nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local School District are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"
- J. *Fees.* Application fee is to be established by the Township Board. Before final approval, the cost of review of plans and inspection by the Township Engineer of the private road and drainage shall be paid for by the applicant/developer.
- K. *Final approval.* The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

Section 10.06 Shared Driveways

Shared driveways serving commercial, industrial, or multiple-family developments subject to Site Plan approval shall be reviewed as part of Site Plan review proceedings.

A. Application and review.

1. *Application.* Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following.

- a. A Plot Plan drawn to scale of not less than 1 inch equals 100 feet (1" = 100') delineating the proposed alignment of the driveway and the lots it is to serve. The Zoning Administrator may require additional data to be submitted, such as existing topography, proposed grades, and soil conditions, where such data is needed to determine the adequacy of the proposed driveway.
 - b. Maintenance agreement signed by applicant/owner(s) and approved by the Township Attorney to be recorded with the Township Clerk and Saginaw County Register of Deeds providing for:
 - 1) A method of initiating and financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
 - 2) A workable method of apportioning costs of maintenance and improvements to current and future lots along such shared driveway.
 - c. Easement agreement signed by the applicant/owner(s) and approved by the Township Attorney, to be recorded with the Township Clerk and Saginaw County Register of Deeds providing for:
 - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.
2. *Review.* The approving body for an application for a shared driveway shall be the Zoning Administrator. The Zoning Administrator shall forward all relevant application materials for review and comment to the Fire Chief and Township Attorney and where the Zoning Administrator considers necessary, to the Township Engineer. Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Zoning Administrator shall approve, or approve with conditions, the application. No approval shall be granted until the Zoning Administrator has received copies of the approved shared driveway easement agreement and maintenance agreement recorded with the Saginaw County Register of Deeds.
- B. *Standards.* Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance.
1. The shared driveway surface shall be uniform, minimum 12 feet wide, measured edge to edge, with segments 20 feet wide and 40 feet long every 300 feet, to

accommodate passing vehicles, and not consist of curves less than a 50-foot radius, measured along the centerline.

2. Shared driveways shall not exceed 700 feet in length.
3. Shared driveways shall not serve more than two dwelling units.
4. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a street, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
5. No shared driveways shall be posted with a name.
6. Shared driveways shall comply with those standards delineated in Section 10.02 for "driveways" except Section 10.02A.6 and Section 10.02A.9.

ARTICLE 11
OFF-STREET PARKING AND LOADING

Section 11.01 Intent of Parking Provisions

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise constructed, altered, or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the lot occupied by the principal building.

Section 11.02 General Requirements

- A. *Fractional space.* When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including $\frac{1}{2}$ shall be disregarded and fractions over $\frac{1}{2}$ shall require one parking space.
- B. *Requirements for a use not mentioned.* In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Zoning Board of Appeals (ZBA) shall make this interpretation and a record of the rationale applied documented in a file established for that purpose.
- C. *Use of parking areas.* No commercial repair work or servicing of any kind shall be conducted in any parking area or parking garage. Outdoor display of merchandise shall not be located in required parking spaces. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
- D. *Building additions or other increases tri-floor area.* Whenever a use requiring off-street parking is increased in floor area, change in use, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. *Joint use of parking areas.* The joint use of parking facilities located on the same site by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
 - 1. *Computing capacities.* In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

2. *Record of agreement.* A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of the county. The agreement shall include a guarantee for continued use of the parking facility by each party.

Section 11.03 Location of Parking Areas

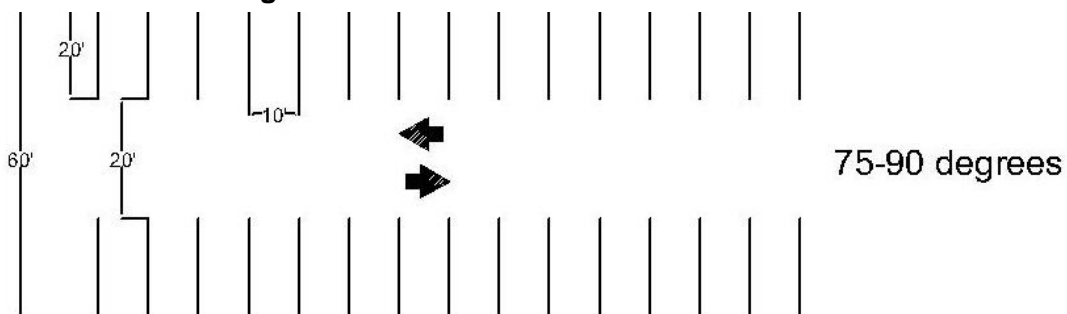
All off-street parking areas shall be located on the same lot, as the use they are intended to serve. Parking areas shall be located in the side or rear yard.

Section 11.04 Site Development Requirements

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements.

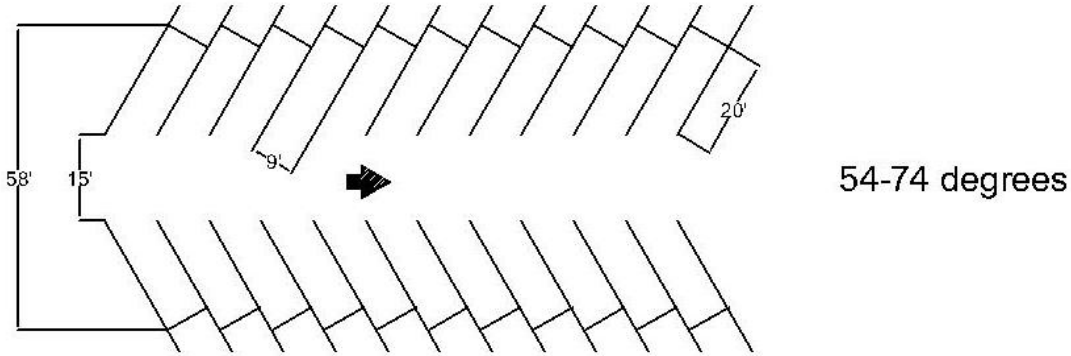
- A. *Marking and designation.* Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- B. *Driveways.* Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than 30 feet wide and so located as to secure the most appropriate development of the individual property.
 2. Each entrance to and exit from an off-street parking area shall be at least 25 feet from any adjacent lot within a Residential District.
- C. *Site maneuverability.* Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows.
 1. For right angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be a minimum of 20 feet, 10 feet parking space width, and 20 feet parking space length, shown in Figure 11-1.

Figure 11-1: 75° TO 90° PARKING SPACE LAYOUT



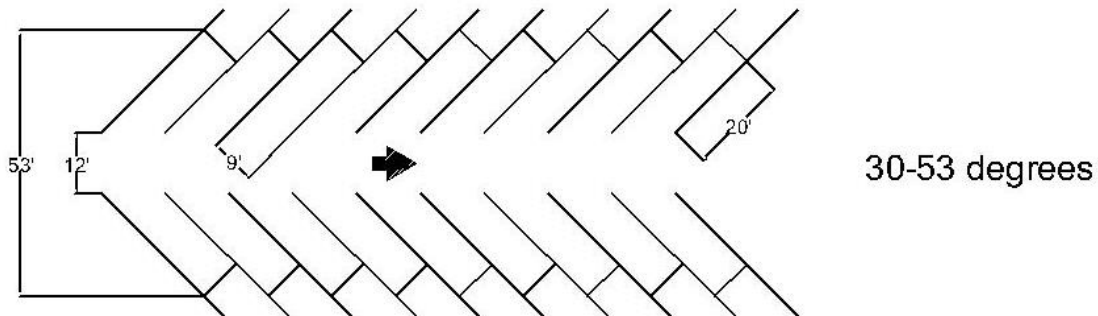
- For parking patterns 54 to 74 degrees, the maneuvering lane width shall be a minimum of 15 feet, 9 feet parking space width, and 20 feet parking space length, shown in Figure 11-2.

Figure 11-2: 54° TO 74° PARKING SPACE LAYOUT



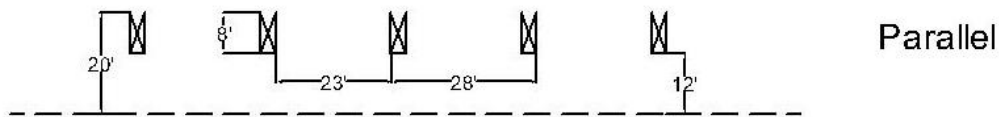
- For parking patterns 30 to 53 degrees, the maneuvering lane width shall be a minimum of 12 feet, 9 feet parking space width, and 20 feet parking space length, shown in Figure 11-3.

Figure 11-3: 30° TO 53° PARKING SPACE LAYOUT



- For parking parallel parking patterns, the maneuvering lane width shall be 12 feet, 23 feet parking space length, and 8 feet parking space width shown in Figure 11-4.

Figure 11-4: PARELLEL PARKING SPACE LAYOUT



- All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.

D. *Surface.* Parking areas with a capacity of four or more vehicles shall be surfaced with a material that shall provide a concrete and asphalt surface and shall be graded and provided with adequate drainage.

E. *Lighting.* Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.

1. Lighting shall be designed and constructed in such a manner to ensure that:
 - a. Direct or directly reflected light is confined to the development site;
 - b. All light sources and light lenses are shielded; and
 - c. Any light sources or light lenses are not directly visible from beyond the boundary of the site.
2. Lighting fixtures shall be a down-type having 100 percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
3. Compliance with lighting standards shall be determined at the property lines. The foot-candle at the property line shall not exceed one (1). Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.
4. Outdoor lighting shall be a down type and have light sources 100 percent shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures, and light sources to the Township for approval before installation.

F. *Buffering.* Where a parking area with a capacity of four or more vehicles adjoins a Residential District, a landscaped buffer area shall be provided between the parking area and the adjoining property pursuant to the requirements of Section 12.06.

G. *Barrier Free Parking.* In a parking area, the ratio of barrier free parking to number of parking spaces is shown in the diagrams below.

1. The required size for a barrier free car access aisle is 5 feet, shown in Figure 11-5.
2. The required size for a barrier free van access aisle is 8 feet, shown in Figure 11-6.

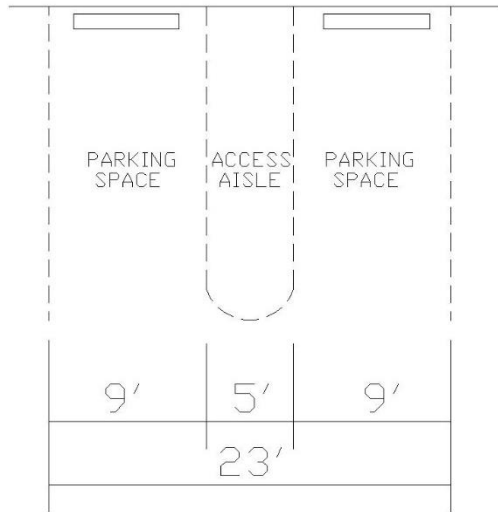


Figure 11-5: CAR BARRIER FREE PARKING SPACE DIAGRAM

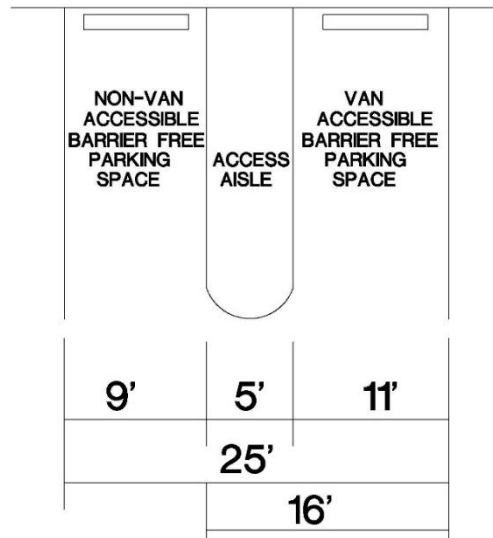


Figure 11-6: VAN BARRIER FREE PARKING SPACE DIAGRAM

Total # of Parking Spaces	Minimum # of Accessible Parking Space (Car & Van)	Minimum # of Van- Accessible Parking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 or more	8 plus 1 additional space per additional 100 parking spaces	2

Section 11.05 Loading and Unloading Space Requirements

- A. *Additional parking space.* Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 3.13 and shall not be considered as supplying off-street parking space.
- B. *Space requirements.* There shall be adequate space provided for standing, loading, and unloading service not less than 10 feet by 50 feet or a total of 500 square feet, and 14 feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.
- C. *Loading space requirements.* Loading space shall be provided according to the standards of below table:

<i>Usable Floor Area (Square Feet)</i>	<i>Space Required</i>
Commercial uses	First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one space. Each additional 20,000 sq. ft. or fraction thereof; one space.
Industrial uses	First 2,000 sq. ft. or fraction thereof; one space. Each additional 20,000 sq. ft. or fraction thereof; one space.

- D. *Access.* Access to a truck standing, loading, and unloading space shall be provided from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
- E. *Screening.* All loading and unloading areas which face or are visible from residential properties or public thoroughfares, shall be screened, by a vertical screen consisting of structural (fence) or plant materials no less than 5 feet in height. Where these standards are inadequate, the requirements of Section 12.03 shall apply.
- F. *Location.* Loading space shall only be located in the sides and rear yards.

ARTICLE 12
LANDSCAPING AND SCREENING

Section 12.01 Intent

The intent of this Article is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

Section 12.02 Application

The requirements of this Article shall apply to all uses for which Site Plan review is required under Section 17.02 and any other use so specified in this Ordinance. No Site Plan shall be approved unless said Site Plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth. The Planning Commission shall have the authority to waive or substitute landscaping requirements.

Section 12.03 Side and Rear Yard Buffer Areas

- A. Upon any improvement for which a Site Plan is required under Section 17.02, screening shall be constructed at least 5 feet in height along all adjoining boundaries with residentially zoned or used property. The required screening shall be provided according to one of the following.
1. A landscape buffer or solid wall may be used.
 2. A fence meeting the requirements of Section 12.08 may be required, at the discretion of the Planning Commission, when the distance between structures on adjoining lots is less than twice the minimum setbacks would require.
 3. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by the application of Section 12.03, a solid wall shall be required. Such wall shall be 5 feet or more in height, as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, or stone.
- B. The Planning Commission may waive some or all of these provisions for an open space development where the waiving of said provisions will strengthen the open space development concept.

Section 12.04 Front Yard Buffer Areas

- A. The entire width of the required front yard shall be landscaped with a minimum of one tree not less than 12 feet in height or a minimum caliper of 2½ inches (whichever is greater at the time of planting) for each 30 lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the greenbelt shall consist of grass, ground cover, shrubs, and/or other natural, living, landscape material.
- B. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this Section.

Section 12.05 Parking Lot Landscaping

Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one tree for every eight parking spaces, with minimum landscaped space within a designated parking area of 50 square feet. A minimum distance of 3 feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. Parking lot landscaped areas shall have the required trees within 10 feet of the parking lot.

Section 12.06 Minimum Standards of Landscape Elements

- A. *Quality.* Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- B. *Composition.* A mixture of plant material, such as evergreen, deciduous trees, and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design, and avoid a disorderly appearing arrangement.
- C. *Berms.* Berms shall be constructed with slopes not to exceed a one-on-three gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of 2 feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.
- D. Existing trees.
 - 1. If existing plant material is labeled "To Remain" on Site Plans by the applicant or required by the Township, protective techniques such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall

be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.

2. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the Contractor shall replace them with trees which meet Ordinance requirements.

Section 12.07 Installation, Maintenance, and Completion

- A. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or a performance guarantee will be secured pursuant to Section 18.06 for the amount of the cost of landscaping to be released only after the landscaping is completed.
- B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
- C. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first.

Section 12.08 Fencing and Screening

- A. *Height.* Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals (ZBA), fencing and screening is to be 5 feet in height. Gateposts and other superstructures over site entrances and exits may be up to 12 feet in height. Fencing and screening materials of a height greater than 3 feet are not to be located within a required front setback or side setback adjacent to a street.
- B. *Mechanical equipment* (this subsection does not apply to single-family residential uses, or to any use in an industrial land use category except if it abuts a residential area). When located outside of a building, support equipment including air conditioning and heating devices, water, and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment, as follows.
 1. *Roof-mounted equipment.* To be screened by architectural features from the view of abutting streets and parcels.

2. *Equipment at grade.* When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall, or fencing from the view of the street or surrounding properties.
- C. *Outdoor storage in Commercial and Industrial Districts.* To be screened on all sides by a solid wall or fencing. Stacked material shall not exceed the height of the solid wall or fencing.
 - D. *Public utility substations in any district.* To be screened on all sides by a solid wall or fencing and landscaping.
 - E. *Side and rear Lot Lines.* The side and rear lot lines of all nonresidential uses are to be screened as follows.
 1. *Adjacent to a residential use or zone.* See requirements of Section 12.03.
 2. *Industrial and Commercial zones.* A solid wall or fencing is to be located on the side and rear lot lines of any site within an industrial or commercial zone that abuts another zoning district other than the one it is located within.
 - F. *Swimming pools.* See Section 10.04.
 - G. *Loading areas.* Shall be fenced and screened whenever abutting a different zone or residential property pursuant to the provisions of Section 12.03.
 - H. Materials for fencing and screening may consist of the following.
 1. Solid board fences with wood posts not less than 4 inches by 4 inches and solid board cover not less than 1 inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than 8 feet on center. The finished side of the wood shall face abutting properties. Stockade type fencing, generally consisting of unfinished tree trunks and/or limbs anchored to the ground, is not permitted.
 2. Wrought iron, open mesh, or slatted fencing, if the ratio of one part open to six parts of solid fencing is not exceeded.
 3. Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The outer face of such wall (the face away from the use which is to be screened) to be of clay, brick, stone, embossed, or pierced concrete block, or other decorative masonry material.
 - I. Exceptions to fencing and screening requirements.
 1. *Buildings abutting lot lines.* Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

2. *Location adjustment.* Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped or, in rural areas, kept in their natural vegetative state at the discretion of the Planning Commission.
 3. *Existing screening.* Any fence, screen, wall, or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other Sections of this Ordinance.
 4. *Planning Commission modification.* Any of the requirements of this Section may be waived or modified through Site Plan approval, provided the Planning Commission first makes a written finding that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.
 5. *Zoning Board of Appeals (ZBA).* The ZBA may require or waive any fencing, screening, landscaping, or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The ZBA shall record the reason for the condition and clearly specify what is required in any approval granted.
- J. *Barrier fences.* Barrier fences containing barbed wire, electric charges, or sharp materials at the top of a fence or wall less than 5 feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.
- K. *Fire hazard.* No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the fire department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
- L. *Lakefront fences.* No fences shall be erected closer than 5 feet to the shore of any lake or stream, nor higher than 5 feet in height. No lakefront fence shall be of a solid, obscuring variety closer than 20 feet to the shoreline.

ARTICLE 13
SIGNS

Section 13.01 Purpose

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained to give recognition to the legitimate needs of business, industry, and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not benefit either private enterprise or the community at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, and visual blight.

Section 13.02 Signs in Residential Districts

Signs shall be permitted in Residential Districts subject to the following restrictions.

A. *Type and usage.* Signs shall be wall signs or freestanding signs and shall pertain exclusively to the activity occurring on the premises. Off-premises signs are not allowed in these zoning districts.

B. Wall signs.

1. Placement.

- a. Wall signs shall be placed flat against the principal building or more or less parallel to the building on a canopy and may face only the public street or parking areas of the development.
- b. Wall signs shall not project above the roof line or cornice nor extend farther than 15 inches from the wall except in the case of a canopy sign.
- c. Wall signs shall not present hazards to pedestrian and vehicular circulation in the area.

2. *Size and number.* No more than two signs painted or affixed to a building are permitted if the total sign area affixed to the building does not exceed 10 percent of the surface area of the building face to which it is attached and if the total sign area does not exceed 50 square feet. The maximum height of any single wall sign shall not exceed 5 feet, as measured from the bottom to the top of the sign's display area, and the maximum width shall not exceed 50 percent of the width of the wall to which it is attached.

C. Freestanding signs.

1. *Placement and height.* Freestanding signs shall be placed so as to:

- a. Not obstruct a clear view of traffic.

- b. Be setback from all lot lines at least 15 feet, measured from the leading edge of the sign.
2. Size and number.
- a. No more than one freestanding sign shall be permitted on a parcel.
 - b. Not exceed 6 feet in height.
 - c. Freestanding signs for the following shall not have a sign area exceeding 12 square feet for a single face sign and 24 square feet for signs of two or more faces.
 - d. Identification for a temporary use allowed pursuant to Section 3.13
 - e. Freestanding signs for authorized principal uses in the respective district, limited to public institutions, religious institutions and businesses, shall not have a sign area exceeding 25 square feet for a single face sign and 50 square feet for signs of two or more faces.

Section 13.03 Signs in Commercial and Industrial Districts

Signs shall be permitted in Commercial and Industrial Districts subject to the following restrictions.

- A. *Type and usage.* Signs shall be wall signs or freestanding signs and shall pertain exclusively to the activity occurring on the premises. Signs shall not advertise products or services not available on the premises.
- B. Wall signs.
- 1. Placement.
 - a. Wall signs shall be placed flat against the principal building or more or less parallel to the building on a canopy and may face only the public street or parking areas of the development.
 - b. Wall signs shall not project above the roof line or cornice nor extend farther than 15 inches from the wall except in the case of a canopy sign.
 - c. Wall signs shall not present hazards to pedestrian and vehicular circulation in the area.
 - 2. *Size and number.* No more than two signs painted or affixed to a building are permitted, if the total sign area affixed to the building does not exceed 10 percent of the surface area of the building face to which it is attached and if the total sign area does not exceed 100 square feet. The maximum height of any single sign shall not exceed 10 feet, as measured from the bottom to the top of the sign's display area, and the maximum width shall not exceed 80 percent of the width of the wall to which it is attached.

- a. An individual business occupying space in a building housing multiple businesses shall be permitted one wall sign, provided the sign area of the wall sign does not exceed 10 percent of the surface area of the building face associated with that individual business to which it is attached.

C. Freestanding signs.

1. *Placement.* Freestanding signs shall be placed so as to:
 - a. Not obstruct a clear view of traffic.
 - b. Be setback from the front lot line at least 10 feet and at least 15 feet from all other lot lines measured from the leading edge of the sign.
2. *Size and number.*
 - a. No more than one freestanding sign shall be permitted on a parcel, regardless of the number of businesses.
 - b. Freestanding signs shall not exceed 18 feet in height above the grade within 2 feet of the base of the sign upon which the sign faces at the point of the sign.
 - c. Freestanding signs shall not have a sign area exceeding 50 square feet for a single face sign and 100 square feet for signs of two or more faces.

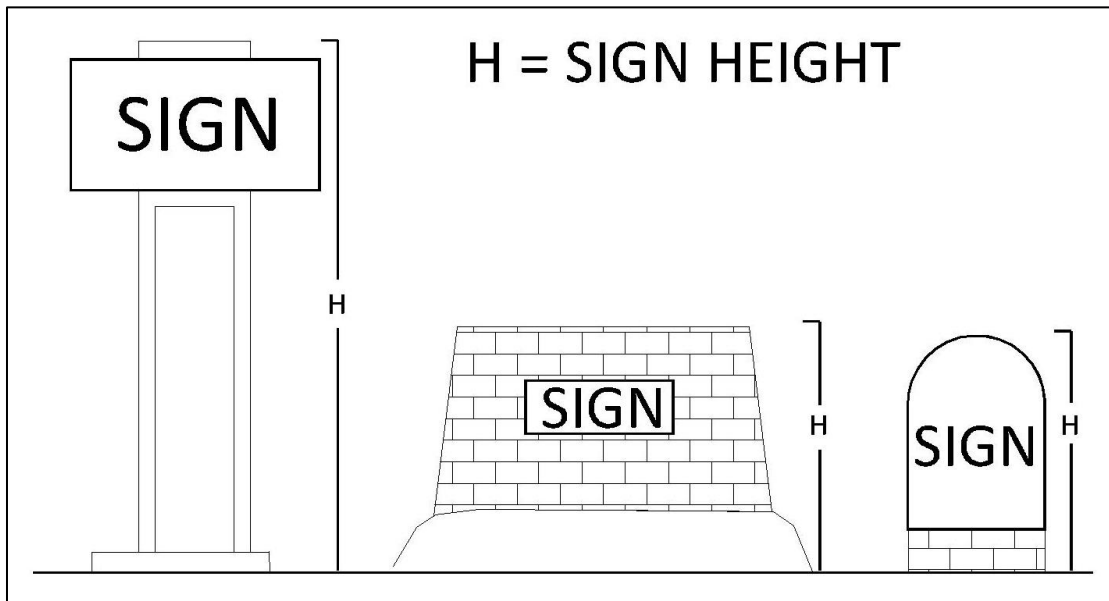


Figure 13-1: SIGN HEIGHT GRAPHIC

15-5]

- D. *Changeable message boards.* Changeable message boards are permitted in place of a wall sign or a freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign.

Section 13.04 Moving or Revolving Signs

Any sign which revolves or has any visible moving parts, visible revolving parts, or visible mechanical movement of any type or other apparent visible movement achieved by electrical, electronic, or mechanical means, excepting those actions associated with time-temperature signs, shall be prohibited. This excludes when using a digital sign different animations of text on the screen.

Section 13.05 Signs Not to Constitute a Traffic Hazard

- A. No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop", "look", "danger", or any word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
- B. Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

Section 13.06 Portable or Movable Signs

Portable or movable signs shall not be permitted except in a Residential District, subject to the approval of the Zoning Administrator, provided such sign is removed within 48 hours of its placement on the lot, the sign is temporarily anchored to the ground to prohibit movement, the sign is not illuminated nor have any flashing lights, the sign does not include any moving parts and the sign face does not exceed 25 square feet in area.

Section 13.07 Outdoor Advertising Structures and Billboards

- A. Outdoor advertising structures and billboards shall be permitted along state highway M-13, Interstate I-75, and other state highways.
- B. Except where otherwise required by this Section, off-premises advertising signs shall be set back a minimum distance of 60 feet from all lot lines and 200 feet from a Residential District.
- C. No off-premises advertising sign shall be located within 300 feet of an existing park, school, cemetery, or building, including but not limited to dwellings, religious institutions, hospitals, and government buildings.
- D. There shall be a minimum of 2,000 feet between any two off-premises billboard signs along the same side of the highway. A double face or V-type structure shall be considered a single sign.

- E. An off-premises sign's total surface area shall not exceed 300 square feet, nor exceed a height of 20 feet.
- F. No off-premises sign shall be erected on or over the roof of any building, nor have a sign above another sign.
- G. All off-premises sign lighting shall comply with Section 7.04.

Section 13.08 Severability

This Article and the various components, Sections, subsections, sentences, and phrases are hereby declared to be severable. If any Court of competent jurisdiction shall declare any part of this Article to be unconstitutional or invalid, such ruling shall not affect any other provision of this Article not specifically included in said ruling. Further, if any Court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Article to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

ARTICLE 14
RESERVED FOR FUTURE USE

ARTICLE 15
RESERVED FOR FUTURE USE

ARTICLE 16
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 16.01 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with P.A. 33 of 2008, the "Planning Enabling Act"; P.A. 110 of 2006, as amended, the "Michigan Zoning Enabling Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

Section 16.02 Duties of the Zoning Administration

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and, in doing so, shall perform the following duties.

- A. *Issue permits.* All applications for zoning permits, including applications for temporary use permits, Special Land Uses, and planned unit developments, and petitions for variances, appeals, and requests for Ordinance interpretation and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- B. *File of applications.* The Zoning Administrator shall maintain files of all permit applications and shall keep a record of all permits issued; these shall be filed in the office of the Township Clerk and shall be open for public inspection.
- C. *Inspections.* The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. *Record of complaints.* The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- E. *Violations.* Enforcement actions may be initiated by a complaint or by the Zoning Administrator independently anytime he or she identifies a violation.

Section 16.03 Permit Procedures and Regulations

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the zoning permit. Issuance of such a permit, pursuant to

Section 16.03D shall indicate that the plans and specifications for any particular land use that has been requested, complies with the Zoning Ordinance.

- A. *Jurisdiction.* Excavation for any building or structure shall not begin; the erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used; or any existing land use changed to a different type or class; or the use or occupancy of any building or premises, or part thereof, hereafter shall not be undertaken, without the issuance of the proper and appropriate certificates and permits pursuant to the requirements of this Section. Except upon written order of the Zoning Board of Appeals (ZBA), no zoning permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance.
- B. *Zoning permit application required.* No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a zoning permit has been issued. An application for a zoning permit must be accompanied by a Site Plan, according to the provisions of ARTICLE 17.
- C. *Plot Plans.* The following data shall be submitted with applications for zoning permits and for other uses requiring a Plot Plan.
 - 1. Two copies of an accurate, readable, scale drawing showing shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit, or for information to be submitted to the ZBA in order to make a decision on an appeal, request for Ordinance interpretation, or variance.
- D. In addition, the following approvals shall accompany the application.
 - 1. *Sanitary sewer or septic approval.* In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Saginaw County Health Department certifying in writing the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
 - 2. *Water supply approval.* When a public or private water supply system is required by law or proposed by the applicant, either a report from the Saginaw County Health Department, certifying approval of a proposed private water supply system or when public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

E. *Application fees.* Fees for review of development proposals, inspections, and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Township Board, and/or ZBA time, mileage, and any costs associated with reviews by qualified Professional Planners and/or Engineers. Such fees may be collected in escrow with any unexpected balance returned to an applicant according to the procedure described below.

1. For any application for approval of a Site Plan, Special Land Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the payment of fees. A fee shall be required for any project with more than ten dwelling units, or more than 10,000 square feet of enclosed space, or which requires any more than 20 parking spaces. A fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and, because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.
2. The fee may be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township Board values to review the proposed application and/or Site Plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety, or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.
3. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of the fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused fees at the time a permit is either issued or denied in response to the applicant's request.

4. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due before receipt of any zoning permit or other permit issued by the Township in response to the applicant's request.

F. *Plot Plan Approval.* The following data shall be submitted with applications for zoning permits and for other uses requiring a Plot Plan.

1. Two copies of an accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit, or for information to be submitted to the ZBA in order to make a decision on an appeal, request for Ordinance interpretation, or variance.

- a. Name, address, and telephone number of the applicant (and owner, if different).
- b. The location, shape, area, and dimension of the lot.
- c. The location, dimensions, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
- d. A description of proposed use of the building(s), land, or structures.
- e. The proposed number of dwelling units, occupants, employees, customers, and other users.
- f. The yard, open space, and parking lot dimensions, parking space dimensions, and number of spaces.
- g. A vicinity sketch showing the location of the site in relation to the surrounding street system and adjacent land uses within 300 feet in every direction, including on the opposite side of any public thoroughfare.
- h. Location of any septic system or drain field and well.
- i. Configuration of the driveway and parking, county drains, and site drainage patterns.
- j. Existing public rights-of-way or easements.

G. Any other information considered necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

H. *Amendments to a Plot Plan.* The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 16.03.C Changes to a Plot Plan procedures of Section 16.03H.

I. Permit issuance, withholding, expiration, and revocation.

1. *Issuance.* Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the ZBA, the Zoning Administrator shall issue the appropriate permit.

A performance guarantee may be required as a condition to the issuance of any zoning permit in order to ensure conformance with the requirements of this Ordinance. See Section 16.06. In any case where a permit is refused, the reasons shall be stated in writing to the applicant.

2. *Withholding permit.* The Zoning Administrator may withhold any zoning permit pending verification that an applicant has received required county, state, or federal permits including but not limited to septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain, culvert, driveway or zoning permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above-mentioned county, state, or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
 3. *Expiration of permit.* Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection. The Planning Commission may extend the granted permit up to one (1) additional year. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten days before such voidance is effective. The permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
 4. *Revocation.* The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a Special Land Use, planned unit development, or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on cancellation of said permit.
- J. *Relation to nonconforming uses.* It shall not be necessary for an owner of a legal nonconforming structure or use existing on the effective date of this Ordinance to obtain a zoning permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to ARTICLE 9 until a zoning permit has been issued by the Zoning

Administrator. In such cases, the permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

- K. *Occupancy Permit.* No structure or use shall be occupied without first receiving an Occupancy Permit. An Occupancy Permit shall be issued by the Zoning Administrator following an inspection that confirms that all requirements of a previously issued zoning permit, if any, or if not, of this Ordinance have been met.

Section 16.04 Violations, Penalties, and Remedies

- A. *Violation is nuisance per se/civil infraction.* Any building, structure, or use constructed, altered, moved, or maintained in violation of the provisions of this Ordinance or in violation of a permit or approval issued by a body or official under this Ordinance is declared to be a nuisance per se and civil infraction.
- B. *Notice of violation.* The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation which specifies all circumstances found to be in violation.
- C. *Service of notice.* Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
- D. *Violation correction period.* All violations shall be corrected within a period of 30 days after the violation notice is issued, or in such longer period of time, not to exceed three months, as the Zoning Administrator shall determine necessary and appropriate.
- E. *Penalties and remedies.* Should a violation not be corrected within this time period, the party in violation shall be issued a municipal civil infraction citation pursuant to the Taymouth Township Municipal Ordinance Violations Bureau Ordinance, Ordinance No. 95-8 as may be amended, and the *Taymouth Township Municipal Civil Infractions Ordinance, Ordinance No. 95-9* as may be amended, and the party in violation shall be subject to all applicable fines and other penalties as provided by law. The Township Board may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided are civil in nature. The imposition of any fine, jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 16.05 Conditional Approvals

- A. *Conditions on discretionary decisions.* The Planning Commission, ZBA, and Township Board may attach conditions to the approval of a Site Plan, Special Land

Use, planned unit development, variance, or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Ensure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. *Requirements for valid conditions.* Conditions imposed shall meet all of the following requirements.

1. Be designed to protect natural resources, the health, safety, welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

C. *Record of conditions.* Any conditions imposed shall be recorded in the record of the approval action.

D. *Subsequent change of required conditions.* These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

E. *Performance guarantees.* Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 16.06.

Section 16.06 Performance Guarantees and Performance Bonding for Compliance

A. *Requirements.* In authorizing any zoning permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to ensure compliance with the requirements, specifications, and conditions imposed with the grant of such approval, permit, or variance; (2) to ensure the discontinuance of a temporary use by a stipulated

time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

- B. *Improvements covered.* Improvements that shall be covered by the performance guarantee or bond include but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage, and sidewalks. The performance guarantee shall meet the following requirements.
1. *Form.* The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee.
 2. *Time when required.* The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
 3. *Amount.* The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Township Board. If none are specified or applicable to the particular use or development, the Township Board shall, by resolution, establish a guideline which it considers adequate to deal with the particular problem while ensuring the protection of the Township and its inhabitants.
- C. *Return of performance guarantee or bond.* The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
- D. *Withholding and partial withholding of performance bond.* As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. The Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission, or on a planned unit development the Township Board, shall either approve, partially approve, or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
 2. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining would be returned to the applicant.
- E. *Performance bond for razing of building.* The Zoning Administrator may require a bond before the razing or demolition of principal structures and accessory structures having more than 144 square feet of floor area. The bond shall be determined shall be the estimated cost of the demolition of the building. A bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief, or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.
- F. *Record of performance guarantees.* A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 16.07 Development Impact Statement

- A. *Statement of Intent.* The purpose of the Development Impact Statement (DIS) is to provide the Township with relevant information on the anticipated impact of a proposed development of adequate utilities, public services, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

1. Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
2. A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
 - a. For any request for site plan review or special approval land use having an area of (5) acres or more.
 - b. For any rezoning.
 - c. For any proposal for residential development (site plan, subdivision or site condominium) of fifty (50) or more units and/or resulting in a density of more than four (4) units per acre.
 - d. The Commission may waive any of the DIS submission requirements if it is determined that the subject information is not necessary to conduct a review of the application. The Planning Commission may waive the DIS review process when it is determined that the potential impact of the project does not warrant.
3. *Information and Data Required.* The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the Zoning Ordinance and Subdivision Ordinance; and, in addition, the following supplemental information shall be required:
 - a. If the possibility of wetlands exist on-site is indicated by the National Wetland Inventory map or at the request of the Township Engineer, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
 - b. Conceptual Plan, showing how the proposed development relates to the above referenced conditions.
 - c. Any application for commercial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.
 - d. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.
4. *Impact Assessment.* The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate (For

rezoning requests, the impact assessment shall be based on the most intense use possible under the permitted uses within the zoning district being requested).

- a. Brief description of the proposed land use.
 - b. Hours of operation, if applicable.
 - c. Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
 - d. Project phasing plan or schedule.
 - e. Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
 - f. For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Saginaw County Health Department shall be required.
 - g. Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Lapeer County Drain Commissioner stating their initial concerns and recommendation shall be attached.
 - h. Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.
5. *Evaluation Standards.* In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:
- a. The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
 - b. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.
 - c. Adequate water, sanitary sewer, or storm water is managed appropriately to not impact the surrounding neighbors.
 - d. The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel. The decision by the Planning Commission regarding police and fire services shall be based on information provided to the Commission from the Fire and Police Departments.
 - e. Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only). The decision by the Planning Commission regarding the ability of the public school

system to accommodate a proposed residential development shall be based on information provided to the Commission from the school district.

- f. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
- g. The proposed development does not encroach into floodways or floodplains.
- h. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

C. Processing Requirements.

1. A Development Impact Statement, when required, shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval.
2. The Development Impact Statement shall be considered, along with other applicable information required for the specific request and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.

Section 16.08 Public Hearing Notices

A. *Notice Requirements.* Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, notices of all public hearings shall comply with the following.

1. *Newspaper.* Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
2. *Owner of property subject to the request.* Notice of the hearing shall be given as provided under subsection 5, to the owners of property that is the subject of the request. For any group of adjacent properties numbering 11 or more that is proposed for rezoning, this notification need not be given.
3. *Surrounding property owners, structures, and occupants.* Notice shall be given as provided under subsection Section 17.03A.5, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property, regardless of whether the property or structure is located in Taymouth Township. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. For any group of adjacent properties numbering

11 or more that is proposed for rezoning, notification under this subsection 3, need not be given.

4. *Utility Providers.* In the case of a text amendment or zoning map amendment, notice shall be given as provided under subsection Section 16.08A.5, to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
5. *Timing of Notice and Determination of Notice Given.* All notices under this Section shall be given not less than 15 days before the date the request will be considered. The notice under subsections 2, 3, and 4, shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
6. *Content of Notice.* All notices required under this Section shall do all of the following.
 - a. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), Special Land Use, variance, appeal, ordinance interpretation, or other purpose.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of an existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the listing of street addresses need not be given.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
7. *Confirmation of Notices Made.* The Township Clerk shall prepare a list of persons and entities to whom notice was mailed or delivered personally.

ARTICLE 17
SITE PLAN REVIEW

Section 17.01 Purpose

It is the purpose of this Article to specify standards and data requirements which shall be followed in the preparation of Site Plans as required by this Ordinance.

Section 17.02 Approval of Site Plan or Plot Plan Required

A. *Planning Commission approval for Site Plans.* Site Plan approval is required by the Planning Commission, before the issuance of a zoning permit, for the following land uses.

1. All Special Land Uses, as specified in each zoning district.
2. All planned unit developments.
3. All uses by right within any commercial or industrial zoning district.
4. All uses for which this Ordinance requires three or more off-street parking spaces.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.

Section 17.03 Data Required

A. *Site Plan.* The following information is required to help determine compliance with this Ordinance. Each Site Plan shall be provided on a professional quality drawing of scale 1 inch equals 100 feet, except where written guidelines of the Planning Commission permit a different scale. All information depicted shall be designed by a Professional Engineer, Land Surveyor, or Landscape Architect licensed in Michigan. In addition to the applicant's full name, address, and phone number, the following data is required to be depicted on every Site Plan.

1. A survey showing property dimensions and legal description, including angles, lot area, and dimensions and an arrow pointing north.
2. A vicinity sketch showing the location of the site in relation to the surrounding street system, zoning districts, and other land uses within 300 feet in every direction of the proposed use, including land uses on the opposite side of any public thoroughfare(s).
3. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.

4. Natural features such as woodlots, streams, flood plains, county drains, lakes or ponds, topography (at 2-foot intervals), and man-made features such as existing roads and structures (including building height), with indication as to which are to be kept, removed, or altered on and within 150 feet of the site.
5. The dimensions of all existing and proposed structures and the setback of the buildings from the lot lines and the front, rear and side elevations of a typical proposed structure showing building height.
6. Existing public right-of-way, private easements of record, and deed restrictions.
7. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, fire lanes, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways, and sidewalks, the total number of parking spaces, cross sections of streets driveways and parking lots, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
8. Location of utilities, water supply, and the location and design of waste water systems, as well as any easements that exist or are proposed to be established for installation, repair, and maintenance of utilities.
9. Proposed location of trash receptacles, accessory buildings and use, including freestanding signs. Information on the lighting of signs shall be included.
10. Proposed and existing loading/unloading spaces location and dimensions.
11. A storm drainage and storm water management plan for all streets.
12. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.
13. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store, or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the Site Plan.
14. Proposed locations of common open spaces, if applicable.
15. Provide a landscape plan at a minimum scale: 1" = 100'.
16. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.

17. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
18. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
19. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
20. Identification of existing trees and vegetative cover to be preserved.
21. Identification of grass and other ground cover and method of planting.
22. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.
23. A statement from the applicant identifying all other federal, state, and local permits required, if any.
24. Project completion schedule.
25. Location and size of any proposed outdoor display or storage areas.
26. Such other information as is necessary to enable the Planning Commission to determine whether the proposed Site Plan will conform to the provisions of this Ordinance.
27. The Planning Commission may waive, either by general rule or on a case by case basis, any of the above informational requirements they determine unnecessary to evaluate a Site Plan's compliance with the standards for approval under this Zoning Ordinance.

Section 17.04 Action on Application and Plans

- A. *Application.* The owner or his designated agent shall file an application requesting Site Plan review on a special form designed for the purpose adopted by the Planning Commission.
- B. *Application Fee.* An application shall be accompanied by a fee in an amount established, and amended from time to time, by resolution of the Township Board of Trustees for Site Plan review.
- C. *Preliminary Review.* Prior to submission of a complete Site Plan, the applicant may request a preliminary review meeting with the Zoning Administrator and other township staff and Planning Commission members to review a preliminary plan and

identify potential issues that may need to be addressed prior to submission of a complete plan.

- D. *Submittal and distribution of Site Plans.* Nine copies of the application and Site Plan shall be submitted to the Zoning Administrator. Upon receipt of the completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit seven paper copies and, as deemed appropriate by the Zoning Administrator, additional copies can be requested in either paper or digital copies thereof to each of the Planning Commissioners; one copy to the Fire Department, Township Planning Consultant, Saginaw Country Drain Commission, Saginaw County Road Commission, Saginaw County Health Department, or Township Engineer when necessary, and one copy kept by the Zoning Office.
- E. *Review.* The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 17.05.
- F. *Action.* After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the Site Plan, as it pertains to requirements and standards contained in the Zoning Ordinance. The Planning Commission shall include in the motion finds of fact for denial. Any conditions required by the Planning Commission shall be stated in writing and shown on the Site Plan, together with the reasons and delivered to the applicant. Decisions and recommendations by the Planning Commission shall be made within 60 days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A Site Plan shall be approved if it contains the information required by, and is in compliance with the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. In approving a Site Plan, the Planning Commission may impose performance guarantees as outlined in Section 16.06 to ensure compliance with Zoning Ordinance provisions.
- G. *Approved Site Plans.* Three copies of the approved Site Plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals (ZBA), the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for information and direction.

Section 17.05 Site Plan Approval Standards

Each Site Plan shall conform with the applicable provisions of this Ordinance and the standards listed below.

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The Site Plan conforms with all requirements of this Ordinance.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding. Site Plans shall fully conform with the published surface water drainage standards of the Saginaw County Drain Commission.
- D. The Site Plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system including emergency vehicles. All vehicular circulation system shall provide for safe maneuverability.
- F. Site Plans shall conform to all applicable requirements of county, state, and federal statutes including the soil erosion and sedimentation control and Health Department rules and approval may be conditioned on the applicant receiving necessary state and federal permits before the final Site Plan approval is granted.
- G. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - 1. Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
 - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
 - 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed

holding tank (not a septic system), or regulated through a State of Michigan Ground Water Discharge Permit.

4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 17.06 Conformity to Approved Site Plans

Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked pursuant to the procedure in Section 16.04 or prosecuted as a violation pursuant to Section 16.04 by the Zoning Administrator. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

Section 17.07 Changes and Appeals

- A. *Amendment to the Site Plan.* No changes shall be made to an approved Site Plan before or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures.
 1. *Minor changes.* Minor changes to an approved Site Plan involving changes of less than 5 feet in the location of walkways, vehicular circulation ways, and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator.
 2. *Major changes.* Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission, and major changes or amendments to an approved Site Plan involving changes in excess of 5 feet in the location of walkways, vehicular circulation ways, and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following.
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall not result in the reduction of open space area as required.

3. *Township Board action.* The Planning Commission shall make recommendations to the Township Board regarding proposed major changes to a Site Plan for a Special Land Use approved by the Township Board before the Township Board taking final action on the proposed changes.

B. *Appeals.* With regard to Site Plan approval decisions, an appeal may be taken to the ZBA in the manner as other administration decisions. The concurring vote of a majority of the members of said board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, county, or state. The ZBA shall state the grounds of each determination.

Section 17.08 Validity of Approved Plans

A. *Start of construction.* Site Plan approval is valid for a period of one (1) year from the date of approval. Building Permits must be issued and physical construction must commence within the one (1) year period.

B. *Expiration of Site Plan approval.* In cases where construction authorized by a Site Plan approval has not commenced within one (1) year of Site Plan approval or granting of an extension, the Site Plan approval shall automatically become null and void and all rights thereunder shall terminate.

C. *Extensions.* Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the Site Plan approval for up to an additional one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The Planning Commission may require compliance with any amendments to the Zoning Ordinance since the Site Plan was originally approved.

Section 17.09 Conditions

The Planning Commission may impose conditions on the Site Plan approval, which may include the requirement of a performance guarantee in compliance with Section 16.06 of this Ordinance. In determining appropriate conditions, the Planning Commission shall ensure that:

A. There is a reasonable connection between the condition imposed and the impact it is mitigating.

B. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.

ARTICLE 18
SPECIAL LAND USE PROCEDURES

Section 18.01 Purpose and Intent

It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zoning districts by the issuance of a Special Land Use approval. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use which are considered necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

Section 18.02 Procedures

An application for a Special Land Use or structure identified as such in a particular zoning district and permitted under this Article shall be submitted and processed under the following procedures.

A. *Submission of application.* Any person owning or having an ownership interest in the subject property may file an application for one or more Special Land Use approvals as provided for in this Ordinance. An application shall be submitted through the Township Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Fifteen (15) sets of the following materials, constituting the Special Land Use application, shall be submitted to the Zoning Administrator at least 25 days before the meeting at which the Planning Commission first considers the Special Land Use application.

1. Special form supplied by the Zoning Administrator.
2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
3. Site Plan meeting the requirements of ARTICLE 17.
4. Written statement of analysis regarding the estimated population holding capacity of any residential land use, including the anticipated impact upon community facilities, such as schools and infrastructure, and an analysis of anticipated new

traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

- B. *Check for completeness and accuracy.* Within ten working days of the receipt of the submission of an application, the Township Zoning Administrator shall determine whether it is in proper form, contains all required information, and appears to show compliance with all applicable provisions of ARTICLE 17.
- C. *Forwarding of application.* Upon certification by the Zoning Administrator that the Site Plan and application form are complete, seven copies of the Site Plan shall be forwarded to the Planning Commission. The Township Zoning Administrator may also submit one copy of the Site Plan to each of the following agencies considered to be impacted or affected by the Special Land Use approval application.
 - 1. Saginaw County Road Commission
 - 2. Saginaw County Health Department
 - 3. Saginaw County Drain Commissioner
 - 4. Fire Department providing service to that part of the Township
 - 5. Other agencies as relevant
- D. *Planning Commission Review and Hearing.* The Planning Commission shall review the Site Plan and application at its next scheduled meeting following receipt from the Township Zoning Administrator. After adequate study and review, incorporating information provided by reviewing agencies listed in Section 18.02C, the Planning Commission shall hold a public hearing on the Special Land Use request if it is granting final approval. If the Township Board is granting final approval as outlined in Section 18.02F, then the Township Board will hold a Public Hearing rather than the Planning Commission. The public hearing held by the Township Board shall take place after the recommendation by the Planning Commission is provided. Notice of the hearing shall comply with Section 18.07.
- E. *Planning Commission action.* The Planning Commission shall review the application for Special Land Use. The Planning Commission may deny, approve, or approve with conditions a request for Special Land Use approval. The decision on a Special Land Use shall be incorporated in a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Section 18.07 of this Ordinance. For those uses reserved for action by the Township Board, as specified in Section 18.02F, the Planning Commission shall only recommend approval, denial, or approval with conditions, and forward its recommendation to the Township Board for its consideration. The approving body of the Special Land Use shall first determine

approval, denial, or approval with conditions before approval of the Site Plan is granted.

F. *Township Board Action.* The Township Board will take action on only those land uses listed below. The Township Board may deny, approve, or approve with conditions a request for Special Land Use approval. The decision on a Special Land Use shall be incorporated in a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Section 18.07 of this Ordinance. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved.

1. Public and private sanitary landfills and incinerators
2. Planned unit developments
3. Condominium subdivisions
4. Junkyards
5. Mobile home parks

Section 18.03 Appeal to Circuit Court

An appeal on a Special Land Use decision may be taken to the Circuit Court.

Section 18.04 Permits

A. *Validity of permit.* A permit for a Special Land Use issued under Section 18.02 shall be valid for a period of one year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the Zoning Administrator shall notify the applicant in writing of the expiration or revocation of said permit. If they were the body giving final approval the Planning Commission, may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. The Township Board may do likewise if they were the body giving final approval to the Special Land Use. The Planning Commission or Township Board shall review every permit for a Special Land Use and the associated land use they approved before the expiration of the permit and shall recommend continuance or discontinuance of said permit based on whether the activities, structures, and other site characteristics satisfactorily comply with the conditions stipulated in the permit for the Special Land Use. This determination of the Planning Commission shall be forwarded to the Township Board with a recommended action.

B. Permit revocation.

1. The Township Board shall have the authority to revoke any permit for a Special Land Use following a public hearing, after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been given, the use for which the permit was granted must cease within 30 days. Failure to end the use for which the permit was revoked within 30 days is declared to be a civil infraction and a violation of this Ordinance. See Section 18.04 and Section 18.05.
2. If the Special Land Use has been inactive for at least 12 months, the Planning Commission may hold a public hearing to determine if the use has been abandoned. In that instance, the Planning Commission may revoke any permit for a Special Land Use.

Section 18.05 Reapplication

No application for a Special Land Use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 18.02.

Section 18.06 Changes to the Site Plan

- A. *Major Changes.* Any person or agency who has been granted a Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to the approved Site Plan of the Special Land Use Permit. A major amendment to a Special Land Use Permit shall require submittal of a new application for Special Land Use and follow the review procedures contained in this Ordinance. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards.
1. Changes that increase the building's usable floor area, occupancy load, or capacity by more than 25 percent.
 2. Parking lots are expanded by more than 25 percent.
 3. The use is expanded to occupy an additional 25 percent or more land area.
- B. *Minor Changes.* Minor changes to the approved Site Plan shall meet requirements in Section 17.07.
- C. *Change in Use.* Change to another Special Land Use shall require submittal of a new application for a Special Land Use and shall follow the procedure in this Article.

D. *Separate Approval.* A separate Special Land Use Permit shall be required for each use which requires Special Land Use review on a lot.

Section 18.07 Basis for Determination

The Planning Commission, before acting on an application for a Special Land Use, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards.

A. *General standards.* The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

1. Be harmonious with and in accordance with the general principles and objectives of the Master Land Use Plan of the Township.
2. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character and existing or future uses of the general vicinity and that such a use will not change the essential character or become hazardous or disturbing to the surrounding area in which it is proposed.
3. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
4. Not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
5. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
6. Conform with all applicable state and federal requirements for that use.

B. *Specific standards.* The foregoing general standards are basic to all uses authorized by Special Land Use approval. The specific and detailed requirements set forth the Table of Use Requirements in Section 3.13.

ARTICLE 19
RESERVED FOR FUTURE USE

ARTICLE 20
AMENDMENTS

Section 20.01 Purpose and Intent

The purpose of this Ordinance is for establishing and maintaining sound, stable, and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, because of changed or changing conditions in a particular area in the Township generally, to conform with changes to the Master Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Master Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 20.02 Initiation of Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by the Zoning Board of Appeals (ZBA), or map amendments may also be initiated by an application by one or more owners of property to be affected by the proposed rezoning.

Section 20.03 Filing Fee

The Township Board shall establish, by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. The fee shall be collected by the Township Treasurer and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

Section 20.04 Procedures

- A. *Text Amendment Application.* A petitioner shall submit a completed and signed application for Ordinance amendment to the Township Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment.

- B. *Map Amendment Application.* A petitioner shall submit a completed and signed application for Ordinance amendment to the Township Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. If the petitioner is not the owner of the property, written approval from the owner of the property must be included in the application. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information.
 - 1. A legal description of the property.

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property and, if the applicant is not the owner, the name and address of the owner.
5. Date of filing with the Township Zoning Administrator.
6. The desired change and reasons for such change.
7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

C. *Action of Zoning Administrator.* The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

D. *Notice of hearing.* After the Zoning Administrator has transmitted the amendment application to the Planning Commission and has so notified the Township Clerk, the Township Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within 60 days of the date of application receipt. The Township Clerk shall give notice of the public hearing in compliance with Section 16.08.

E. Planning Commission Recommendations.

1. *Matters to be considered.* In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of 60 days following the required public hearing in subsection C above. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following.

a. *Findings of fact.* All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board.

b. *Outside agency review.* In determining the above-mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to the following agencies.

- 1) Saginaw County Health Department.
- 2) Saginaw County Road Commission.

- 3) Saginaw County Drain Commission.
- 4) Any School District affected.
- 5) Regional Planning Commission.

F. *Consideration by the Township Board.* After receiving and reviewing the findings and recommendation of the Township Planning Commission and the recommendation of the Saginaw County Planning Commission, if received within 30 days of receipt of Township Planning Commission's submittal of its recommendation to the Saginaw County Planning Commission, the Township Board must wait 30 days for a recommendation from the Saginaw County Planning Commission. At any regular meeting or at any special meeting called for that purpose shall consider the findings and recommendation. The Township Board may hold a public hearing if the Township Board considers it necessary and shall make notice of such hearing according to Section 16.08. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board.

1. The Township Board shall grant a hearing on the proposed amendment to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. A hearing under this subsection is not subject to the requirements of Section 16.08, except that notice of the hearing shall be given to the interested property owner according to Section 16.08. The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

G. *Action by the Township Board.* After any proceedings under subsection E, the Township Board shall consider and vote upon the adoption of the amendment Ordinance, with or without revisions thereto. An approval action shall be by Ordinance, requiring a majority vote of the Township Board.

H. *Publication of Notice of Ordinance amendments.* Following adoption of subsequent amendments to this Ordinance by the Township, one notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The notice shall include the following information.

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

Section 20.05 Resubmittal

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

Section 20.06 Comprehensive Review of Zoning Ordinance

The Planning Commission shall, from time to time, or at intervals of not more than five years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are considered to be desirable in the interest of public health, safety, and general welfare.

Section 20.07 Conditional Rezoning

A. *Intent.* It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Applications and offer of conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. Approval of a conditional rezoning does not guarantee approval of any Special Land Use which may be required as part of the conditional rezoning project, and review of the Special Land Use must follow the procedures outlined in this Article before development can begin.

5. Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 24 before development can begin.
 6. Approval of a conditional rezoning does not guarantee approval of any Site Plan which may be required as part of the conditional rezoning project, and review of the Site Plan must follow the procedures outlined in ARTICLE 17 before development can begin.
 7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this Article.
- C. *Planning Commission review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 20.04B of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. *Township Board review.* After receiving the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 20.04B of this Ordinance. Should the Township Board propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this Article.
- E. Approval.
1. If the Township Board finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform with this Section. The Statement of Conditions shall be incorporated into the Ordinance adopted by the Township Board.
 2. The Statement of Conditions shall:
 - a. Be prepared as a notarized affidavit prepared and signed by the owner.

- b. Contain a legal description of the land to which it pertains.
- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this Section.
- d. Include any diagram, plans, or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
- e. Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- f. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.

F. Compliance with conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. *Time period for establishing development or use.* Unless another time period is specified in the Ordinance rezoning the subject land, the Site Plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a Site Plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the Ordinance rezoning the subject land. These time limitations may upon written request be extended by the Township Board if:

1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion.
2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. All applicable project completion deadlines in this Ordinance related to Site Plans, Special Land Use, and variances shall apply.

- H. *Reversion of Zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection D above, then the land shall revert to its former zoning classification as set forth in Section 405 (2) of PA 110. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.
- I. *Subsequent rezoning of land.* When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection E or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Township Clerk shall record with the Saginaw County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- J. Amendment of conditions.
1. During the time period for commencement of an approved development or use specified pursuant to subsection D or during any extension granted by the Township Board, the Township Board shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- K. *Township right to rezone.* Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.
- L. *Failure to offer conditions.* The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 21
ZONING BOARD OF APPEALS

Section 21.01 Intent and Purpose

The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

Section 21.02 Creation and Membership

- A. *Establishment and appointment of regular members.* A Zoning Board of Appeals (ZBA) first established by the Zoning Ordinance adopted, is kept in accordance with Michigan Zoning Enabling Act 110 of 2006, as amended. The ZBA shall consist of five regular members. One member shall be a member of the Planning Commission. The remaining regular members, and any alternate members under subsection B, shall be selected from the electors of the Township and shall be appointed by majority vote of the members of the Township Board. The members selected shall be representative of the population distribution and of the various interests present in the Township. One regular or alternate member of a ZBA may be a member of the Township Board but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the ZBA.
- B. *Appointment of alternate members.* The Township Board may appoint not more than two alternate members for the same term as regular members of the ZBA. The alternate members shall be called on a rotating basis, to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings of the ZBA. An alternate member may also be called to serve in the place of 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. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.
- C. *Terms of office.* Members shall be appointed for three-year terms except in the case of Planning Commission and Township Board members, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.
- D. *Removal from office/conflict of interest.* A member of the ZBA may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon

written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 21.03 Organization

- A. *Rules of procedure.* The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect a chairperson, a vice-chairperson, and a secretary.
- B. *Meetings and quorum.* Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its Rules of Procedure may specify. A majority of the total membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.
- C. *Oaths and witnesses.* The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
- D. *Records.* The minutes of all meetings shall contain the grounds for every determination made by the ZBA including all evidence and data considered, all findings of fact and conclusions drawn by the ZBA for every case, along with the vote of each member and the final ruling on each case. The ZBA shall file its minutes in the office of the Township Clerk.
- E. *Legal counsel.* An attorney for the Township shall act as legal counsel for the ZBA pursuant to procedures established by the Township Board.
- F. *Conflict of Interest.* The ZBA shall adopt rules of procedures which shall define what constitutes a conflict of interest for a ZBA member and a procedure to follow for when a conflict exists. The rules will be consistent with Sections 601 (9) and (13) of the Michigan Zoning Enabling Act.

Section 21.04 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act 110 of 2006. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in ARTICLE 16.

Section 21.05 Authorized Powers

The ZBA shall hear the following specified categories of appeals in accordance with the following standards.

- A. *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 refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance.
- B. The Zoning Board of Appeals shall reverse an order of the Zoning Administrator only if it finds that the action or decision appealed meets one or more of the following conditions:
 1. The action or decision was arbitrary or capricious;
 2. The action or decision was based on an erroneous finding of a material fact;
 3. The action or decision constituted an abuse of discretion; or
 4. The action or decision was based on erroneous interpretation of this chapter or zoning law.
- C. *Interpretation of the Ordinance.* The ZBA shall hear and decide upon requests to:
 1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (see Section 3.04).
 3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it. The ZBA cannot classify a use not specified as a Special Land Use.
 4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in ARTICLE 11 by an analysis of the specific needs. If no comparable use is found, the ZBA shall so inform the

petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

D. *Variances.* The ZBA shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance.

1. *Required findings.* The ZBA shall have the power to authorize specific variances from site development requirements if **all the required findings listed below** are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be considered economic but shall be evaluated in terms of the use of a particular parcel of land.

b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and shall not be recurrent in nature.

c. That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.

d. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.

e. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

f. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

2. *Conditions.* In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance (see Section 8.08 Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Ordinance and shall automatically invalidate the permit.

3. *Variance authorization period.* Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy, or other actions authorized by such variance have begun within one year of the granting of such variance. Upon written application filed with the Township Clerk before the

termination of the one-year time period, the ZBA may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the ZBA that the project has a reasonable expectation of being continued to construction.

- E. *Rehearing.* No rehearing on an application denied by the ZBA shall be reconsidered until after one (1) year of the denial was determined or upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found to be valid, upon inspection by the ZBA. A rehearing shall be processed in the same manner as the original application, including a new fee unless initiated by the ZBA or Township Board. A request for rehearing shall be made within eight (8) days. No zoning permit shall be granted which relies upon a variance before eight (8) days following the decision of the ZBA has expired.
- F. *Reapplication.* After eight days following a decision by the ZBA, no application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the ZBA shall be resubmitted for a period of one year from the date of the last denial, except on proof of changed conditions found upon inspection by the ZBA to be valid.

Section 21.06 Procedures

- A. *Notice.* Appeal requests for Ordinance interpretation and requests for variances may be made to the ZBA by any person aggrieved, or by an officer, or department of the Township, by filing a written notice of appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight copies of the information required to be submitted for a zoning permit in Section 16.03B shall be submitted. Upon receipt of a notice of appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the ZBA. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within 30 days after the date of the Zoning Administrator's decision.
- B. *Hearing.* Upon receipt of a notice of appeal, or of an application for Ordinance interpretation or variance request, the chairperson of the ZBA shall fix a reasonable time and date for a public hearing. Notice of the hearing shall comply with Section 16.08.
- C. *Appearance.* Upon the hearing, any party may appear in person or by agent or attorney. The ZBA may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

- D. *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record.
- E. *Fee.* A fee as established by the Township Board, shall be paid to the Township Clerk at the time the petitioner files an application with the ZBA. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records, and other expenses incurred by the ZBA in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.
- F. *Decision.* The ZBA shall render its decision within 60 days of filing of a notice of appeal, or application for Ordinance interpretation or variance, unless in the opinion of ZBA, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to affect any variation in this Ordinance. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property. Any decision of the ZBA shall not become final until the expiration of eight days from the date of entry of such order, unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- G. *Performance guarantee.* In authorizing any variance, or in granting any temporary housing permits, the ZBA may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to ensure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 16.06.

Section 21.07 Review by Circuit Court

- A. *Circuit Court review.* The decision of the ZBA shall be final. However, any party aggrieved by an order, determination, or decision of the ZBA may obtain a review thereof both on the facts and the law, in the Circuit Court, if application is made to the Court within 30 days after the ZBA issues its decision in writing signed by the chairperson, or within 21 days after the ZBA approves the minutes of its decision.

- B. *Standards for review.* The Circuit Court shall review the record and decision of the ZBA to ensure that the decision:
1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by the ZBA.
- C. *Inadequate record.* If the Court finds the record of the ZBA inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the ZBA, the Court shall order further proceedings before the ZBA on conditions which the Court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.
- D. *Authority of Court.* As a result of the review required by this Section, the Court may affirm, reverse, or modify the decision of the ZBA.

ARTICLE 22
**INTERPRETATION, SEVERABILITY, VESTED RIGHT,
REPEAL, AND EFFECTIVE DATE**

Section 22.01 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits, the provisions of this Ordinance shall control.

Section 22.02 Severance Clause

Sections of this Ordinance shall be considered to be severable and should any Section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any Court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of the provision to any other parcel, lot use building or structure not specifically included in the ruling.

Section 22.03 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 22.04 Repeal

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Michigan Zoning Enabling Act 110 of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred before the time it was enforced, prosecuted, or inflicted.

Section 22.05 Effective Date

This Ordinance shall take effect, following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act 110 of 2006 as amended.

Made and passed by the Township Board of the Township of Taymouth, Saginaw County, Michigan on the:

- A. Date of Public Hearing – September 17, 2018
- B. Date of Adoption by Township Board – February 13, 2019
- C. Date Notice of Adoption Published in Newspaper – February 27, 2019
- D. Date Ordinance Shall Take Effect – March 6, 2019