



DRAFT

COMINS TOWNSHIP

ZONING ORDINANCE

OSCODA COUNTY, MICHIGAN







Comins Township
ZONING ORDINANCE

Comins Township
Oscoda County, Michigan

Adopted:

Effective:

Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.nemcog.org

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Michigan State Housing Development Authority (MSHDA)
Housing Readiness Incentive Grant Program

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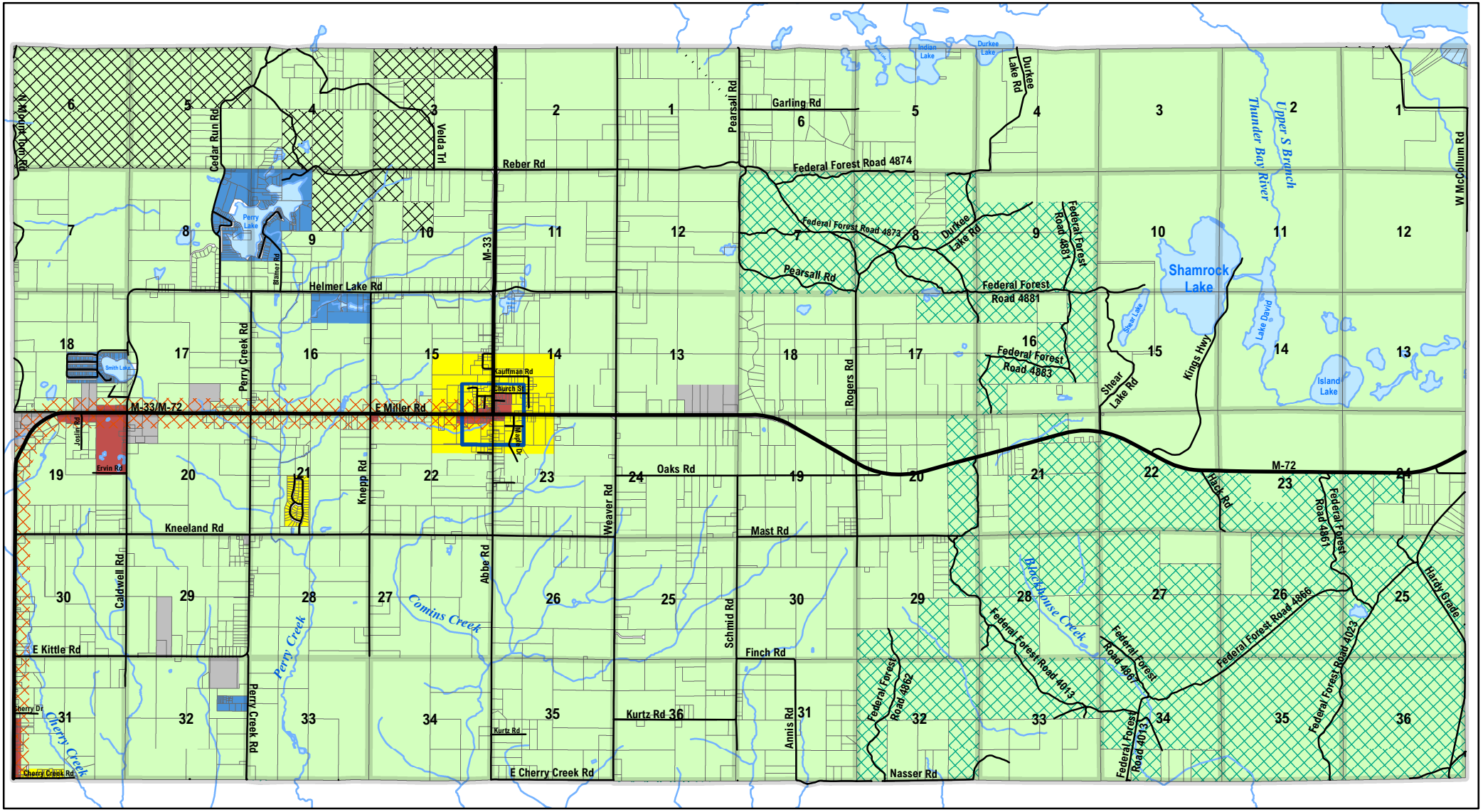
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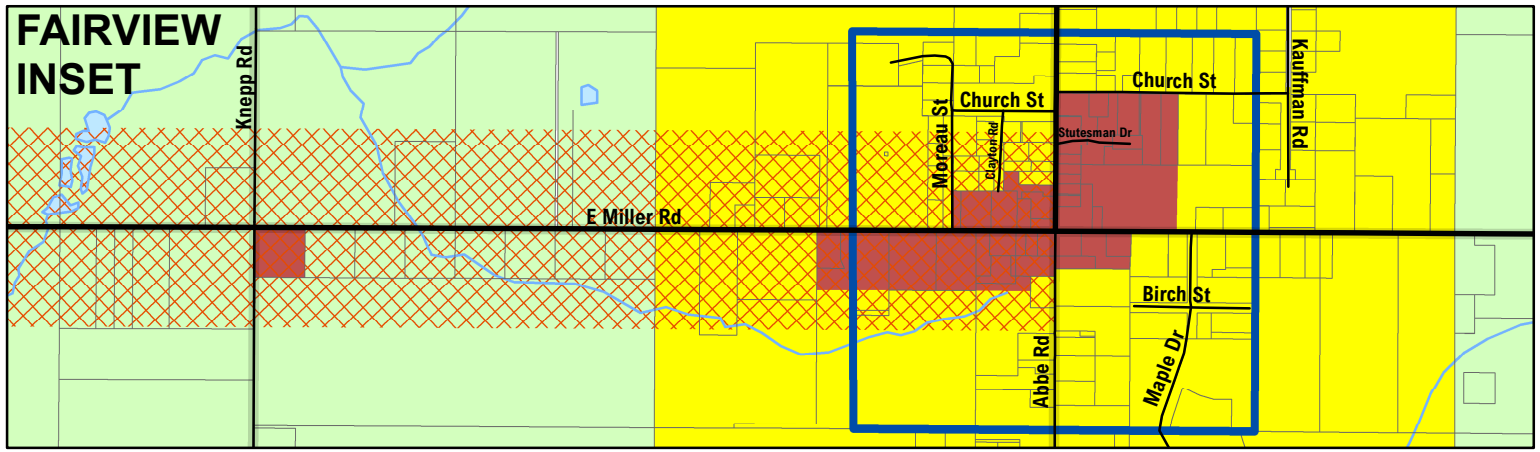


Comins Township Zoning Map

DRAFT 10-30-26

- R-1: Residential
- FF: Farm & Forest
- RR: Resort Recreational
- C: Commercial
- I: Industrial
- Village Overlay - 1/4 mile from intersection of Miller Rd. & Abbe Rd.
- Commercial Overlay 660' from R.O.W.
- DNR Parcels
- National Forest

RETURN TO PREVIOUS VIEW



COMINS TOWNSHIP, OSCODA COUNTY, MICHIGAN, HEREBY ENACTS:

Article 1
Authority & Purpose

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Section 1.1 Title

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

Section 1.2 Authority

This Ordinance is ordained and enacted into law in accordance with the provisions of MCL 125.3101, et seq., the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

Section 1.3 Purpose

In the interpretation and application of the provisions of this Ordinance, its terms shall be held to be the minimum requirements adopted for the promotion of the orderly development of the Township.

The fundamental purpose of this Ordinance is to promote the health, safety, comfort, peace, morals, convenience, and general welfare of the inhabitants of the Township. The provisions hereinafter adopted are intended:

A. To establish districts which regulate the use of land and structures to meet the needs of the Township citizens for food, fiber, energy, and other natural resources and for places of residence, recreation, industry, trade, service, and other uses of land.

B. To establish land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

C. To ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.

D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.

E. To promote the orderly development of the Township that will result in the conservation of expenditures needed for public improvements and services.

F. To encourage the use of lands and resources of the Township in accordance with their suitability by directing development towards areas most suitable and to provide guidelines for best development practices.

G. To promote economic progress and protect and enhance property values.

H. To reduce hazards to life and property, promote safety in traffic, and provide protection from the spread of fire.

I. To protect the surface and groundwater quality of the Township as the main ingredient of the quality of life.

Article 2 Definitions

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Section 2.1 Rules Applying to Text

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

A. The particular shall control the general. Specific regulations applying to specific issues control over general regulations.

B. All words used in the present tense shall include the future.

C. All words in the singular number include the plural number and all words in the plural number include the singular number.

D. A "building" or "structure" includes any part thereof.

E. The word "dwelling" includes "residence."

F. The word "person" includes "corporation", "co-partnership", "association" “firm”, “limited liability company”, or any other legal entity, as well as an "individual."

G. The word "shall" and “must” are mandatory and the word "may" is permissive.

H. The word "lot" includes the words "plot" or "parcel".

I. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

J. Unless the context clearly indicates the contrary, where a regulation involves two (2) 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 that 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.

K. “Township” shall refer specifically to the Comins Township.

L. “Days” means calendar days unless otherwise stated.

M. Terms not herein defined shall have the meaning customarily assigned to them.

N. The Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

Section 2.2 Definitions

A

Abutting. Having property or district lines in common.

Access. A way of approaching or entering a property.

Accessory Building or Structure. A building or a portion of a building subordinate to and on the same zoning lot as a principal building devoted exclusively to an accessory use, including, but not limited to, private garages and storage buildings. Where an accessory building is attached to a principal building, the accessory building shall be considered a part of the principal building.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either as a stand-alone structure or in another building. Accessory dwelling units shall be

developed in accordance with the standards set forth in **Section 7.3** and only in those districts where the use is listed as allowed.

Accessory Use. A use naturally and normally incidental and subordinate to the principal use of the premises.

Adjacent Property or Adjacent Lot. Property that adjoins any sides or corners of a specific lot including but not limited to those lands separated from the lot by a road right-of-way, easements, or public utility rights-of-way.

Adult Business. See ***Sexually-Oriented Business***.

Adult Day Care Facility. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

Adult Foster Care Facility.

A. As defined by the **Adult Foster Care Facility Licensing Act (1979 PA 218**, as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.

5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.

6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

a. Two (2), if the total number of residents is ten (10) or fewer.

b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).

c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).

d. Five (5), if the total number of residents is twenty-one (21) or more.

7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.

8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.

10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.

11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Airport. A place maintained for landing and taking off of aircraft, for receiving and discharging passengers and cargo, and any related facilities.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

A. Bakeries selling goods grown primarily on-site.
B. Educational tours, classes, lectures, and seminars.
C. Family-oriented animated barns (haunted houses).
D. ***Farm Stays***.
E. Gift shops for agriculturally-related products and crafts.
F. Historical agricultural exhibits.
G. Organized meeting space (weddings, birthdays, corporate picnics) – See ***Commercial Event Facility***.
H. Petting farms, animal displays, and pony rides.
I. Picnic areas (including rest rooms).

J. Playgrounds, wagon/sleigh rides, nature trails.
K. Restaurants related to the agricultural use of the site.
L. Seasonal outdoor mazes of agricultural origin.
M. Small-scale entertainment (concert, car show, art fair).
N. Other agricultural tourism activities which the Planning Commission may designate as similar to the above facilities.

Alterations, Structural. Any change, addition, or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls, partitions, columns, beams, or girders.

Animal Shelter. A facility that is used to house or contain animals and is owned, operated, or maintained by a governmental or nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Antenna. See ***Wireless Communications***.

Apartment. A dwelling in a multiple dwelling building or mixed-use building intended for residence by one (1) family or a group of individuals living together as a single housekeeping unit.

Applicant. Any person who applies for a permit.

Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Having one (1) or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade wall extension, or archway.

Automobile Repair Garage. A commercial building where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Average. For the purpose of this Ordinance, the term "average" shall be the arithmetic mean.

B

Basement. That portion of a building which is partly or wholly below 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. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. See ***Story*** diagram.

Battery Energy Storage System **(BESS).** One (1) or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Battery Energy Storage System (BESS), Off-Site**.** Battery Energy Storage System (BESS) that is a principal use (or co-located with another principal use) and that is designed and built to connect into the transmission or distribution grid.

Battery Energy Storage System (BESS), On-Site**.** A Battery Energy Storage System (BESS) that is an accessory use that is intended to primarily serve the needs of the consumer on-site.

Bed and Breakfast Establishment/Tourist Home. A private, owner-occupied residence with rooms which may be rented to the transient public for a period of less than thirty (30) consecutive days, whose use is clearly subordinate and incidental to the principal residential use of the structure. Breakfast may or may not be served to paying overnight guests.

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosure, compacted, and finished with adequate topsoil to support grass or other landscape materials.

Billboard. See ***Sign, Off-Premise***.

Biofuel Production Facilities (on Farms).

A. ***Biofuel***. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

B. ***Ethanol***. A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

C. ***Proof Gallon***. That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60) degrees Fahrenheit which contains fifty (50) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Boarding or Rooming House. An owner-occupied single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to long-term (for thirty (30) consecutive days or more) guests only (not to the traveling public). A rooming house shall not include hotels, motels, apartment houses, two-family and multiple-family dwellings, short term rentals, bed and breakfast facilities, tourist homes, or fraternity and sorority houses.

Boat Livery, Canoe/Kayak/Paddle Board Rental. Any premises on which boats or floats of any kind are kept for the purpose of renting or providing use thereof to persons other than the owners for a charge or fee.

Breezeway. Any covered passageway with open or enclosed sides between two (2) buildings.

Buffer. Landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances for all seasons of the year. Also called Screening.

Building. Any structure having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind.

Building, Principal. A building which is used for the primary use of the lot on which it is situated.

Buildable Envelope. The space remaining on a lot after the minimum setback and open space requirements have been complied with.

Building Height. The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Bulk Station. A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquids except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, close-up testers, are stored for wholesale purposes where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

C

Campgrounds/RV Park. Any lot under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for recreational units.

Cemetery. Property, including mausoleums and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or pets.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under **1973 PA 116**, as amended (**Child Care Organizations Act**, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the **State Department of Health and Human Services**. Such

organizations shall be further defined as follows:

A. ***Child Care Home, Family***. A State-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. "Providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed $600.00 or an amount that would, according to the Internal Revenue Code of 1986, obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. "Increased capacity" means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

B. ***Child Care Home, Group***. A State-licensed, owner-occupied private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. "Increased capacity" means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116,** as amended, supersedes this definition if a difference in definition exists.

C. ***Child Care Center***. A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided for more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

D. ***Child Caring Institution***. A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility

operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Churches or Places of Worship. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the church or place of worship are classified as part of the principal use as a church or place of worship.

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by a professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club, Lodge, or Fraternal Organization. An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political, or social purposes, which are not conducted for financial gain and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of such club.

Commercial Event Facility. A designated open area on a lot; a tent, gazebo, or barn; and other specifically designed structures within which weddings, parties, meetings, family reunions, and corporate events are held for a fee. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

Concentrated Animal Feeding Operations (CAFO). A lot, parcel, or building or combination of contiguous lots, parcels, or buildings where agricultural animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration of animals is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. Regulations pertaining to CAFO's are administered by the **State of Michigan**. Information on the permitting process is available on **www.mi.gov/cafo**.

Conditional Rezoning. A rezoning in which the property owner voluntarily conditions the use of land to one (1) or more of the specified uses authorized in a particular zoning district.

Condominium. A form of housing ownership by which a person may purchase and own a dwelling unit in a multi-unit building or a separate piece of land in a site condominium development. In addition, together with other condominium owners, the person owns a proportionate interest in the common elements of the development and pays a monthly maintenance fee or charge for the cost of administering and maintaining the common elements.

A. ***Condominium Act***. **1978 PA 59**, as amended.

B. ***Condominium Documents***. The master deed recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

C. ***Condominium Unit***. The portion of a condominium project 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.

D. ***General Common Elements***. The common elements other than the limited common elements.

E. ***Limited Common Elements***. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

F. ***Master Deed***. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

G. ***Site Condominium***. A residential development type similar to a subdivision including the principal building and the land around it developed under the **Condominium Act (1978 PA 59** as amended) rather than the **Land Division Act (1967 PA 288** as amended).

Convalescent or Nursing Home. A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm where continuous nursing care and supervision are required.

Curb Level. The mean level of the established curb in front of the building. Where no grade level has been established, the Township shall cause to be established by competent agencies such grade level for the purposes of these regulations.

D

Data Center. A facility whose primary service is data processing or data storage, and is used to house computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center.

dB(A). The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Deck. An outdoor platform, either attached to or detached from the principal building, constructed above the

ground surface and used as a residential accessory structure for domestic or recreational purposes.

Decibel. The unit of measure used to express the magnitude of sound pressure and sound intensity.

Density. The intensity of development in any given area measured in this Ordinance by the number of dwelling units per acre.

District. A portion of the Township in which certain buildings and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable.

Dock. An accessory structure, built on or over the water, supported by pillars, pilings, or other supporting devices and used exclusively for boarding and mooring of watercraft.

Drive-In or Drive-Through. A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle.

Driveway. A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot.

Dwelling, Single-Family. A building designed exclusively for and occupied exclusively by one (1) family. A single-family dwelling does not share a common wall with any other dwelling.

Dwelling, Two-Family. A building that has no more than two (2) dwelling units, each of which is designed to be occupied exclusively by one (1) family living independently of the other family. Also called a Duplex.

Dwelling, Multiple-Family. A building that has three (3) or more dwelling units, each of which is designed to be occupied exclusively by one (1) family living independently from the other families.

Dwelling Unit. A building, either site-built or pre-manufactured, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking, sleeping, and sanitary facilities for that family. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit. In no case shall a recreational vehicle, truck, bus, tent, or other such portable structures be considered a dwelling unit.

E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, reconstruction, alteration, excavation, fill, drainage, installation of utilities, and the like. Excavation, fill, drainage, and general property improvements that are not required for a building or structure shall not be considered to fall within this definition.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply, or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless facilities, alternative tower structures, wireless communication antennas, wind turbines, battery energy storage systems, and solar energy structures are not included within this definition.

Excavation. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

Extraction of Natural Resources. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

Family. An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit whose relationship is of a continuing non-transient domestic character. 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. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similarly to a single-family home.

Farm, Commercial. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm, Domestic (Hobby Farm). A lot used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

Farm Market/Roadside Stand. A year-round or seasonal location where the sale of agricultural products, or value-added agricultural products, directly to the consumer takes place on property controlled by the affiliated

farm. At least fifty (50) percent of the products offered must be produced on and by the affiliated farm, measured by retail floor space during peak production season or fifty (50) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty (50) percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the **Michigan Commission of Agriculture and Rural Development**.

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the primary dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as an ***Agricultural Tourism Business***.

Fence. A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

Fence Height. The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete asphalt, earthen, or masonry walls, berms, paving, driveway, or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

Food Truck. See ***Vendor Truck***.

Food Truck Park. See ***Vendor Truck Park***.

G

Gas Station. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, to users of motor vehicles, together with the sale of minor accessories and servicing. Such an establishment may offer for sale at retail other convenience items and may also include a car wash and/or food service.

Greenbelt. A naturally vegetated strip of land abutting a body of water that is intended to preserve natural vegetation, protect water quality, prevent erosion, provide wildlife habitat, and maintain scenic and recreational values. A greenbelt shall consist primarily of existing trees, shrubs, groundcover, and other native vegetation, except where limited clearing, trimming, or pruning is expressly permitted by this Ordinance for water access, views, or other authorized improvements.

Grade. To regulate the height of structures, grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground along each wall. See also ***Curb Level***.

Guest House. For the purposes of this Ordinance, a Guest House is an ***Accessory Dwelling Unit***.

H

Hazardous Substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Highway. A public thoroughfare including roads and streets but not alleys.

Home Occupation, Level 1. Any profession or occupation carried out by the occupant of a dwelling unit, conducted as a subordinate use in the resident's dwelling unit or accessory building, provided certain conditions are met. Farming and agricultural activities are expressly excluded from this definition, and are therefore exempt from regulation as a Home Occupation.

Home Occupation: Level 2. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

A. Requires regular visits by clients or customers.
B. Needs frequent delivery or shipment of goods.
C. Conducts regular operations or stores materials outside of the residence.
D. Employs two (2) or more individuals who reside off-premises and who work on the premises.

Homeless Shelter. See ***Residential Human Care Facility***.

Hospital. An institution providing health services primarily for inpatients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel/Motel. A commercial building offering transient lodging accommodations on a daily rate to the general public which may include additional services such as restaurants, meeting rooms, and recreational facilities. A

bed and breakfast, tourist home, rooming/boarding house, or short term rental shall not be considered a hotel/motel.

I

Impervious Surface. Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating stormwater runoff, impervious surfaces shall include all roofs, slabs, pavements, gravel drives, and parking lots.

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

Ingress/Egress. Access or entry/exit.

Inn. A residential structure with sleeping rooms available for rent by guests on a short-term basis (less than thirty (30) consecutive days) and which offers meals to the public for compensation. A short term rental, a bed and breakfast/tourist home, or a rooming or boarding house, however, shall not be considered an inn.

J

Junk. All junk, rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, products or merchandise with parts missing, discarded or abandoned machinery, household appliances, industrial wastes, building materials, scrap metals or materials that are damaged or deteriorated, or discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junkyard. An open space where waste surplus, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including scrap yards, salvage yards, house wrecking and structural steel materials and equipment and automobile wrecking.

K

Kennel, Boarding. Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

Kennel, Breeding. Any kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept, or harbored for the purpose of breeding

purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos, to animal hospitals operated by veterinarians duly licensed under the law, or to residences who breed one (1) dog.

L

Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of this Ordinance, livestock does not include dogs and cats.

Loading Space. An off-street space for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

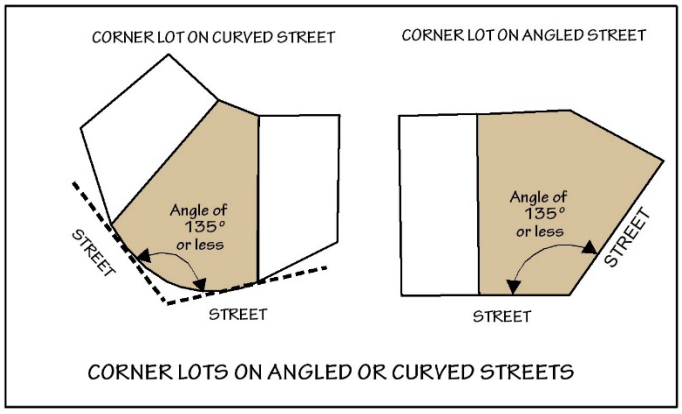
Lot. A parcel of land, described either by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied, or intended to be occupied, used, or intended to be used.

Lot of Record. A lot defined by a legal description and recorded in the office of the **Oscoda County Register of Deeds** on or before the effective date of this Ordinance, or any amendments of this Ordinance.

Lot, Corner. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot, Double Frontage. Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, Interior. A lot with only one (1) lot line fronting on a street.



Lot Area. The total horizontal area within the lot lines of the lot.

Lot Coverage. The part or percent of the lot occupied by principal and/or accessory buildings.

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot Lines. The lines bounding a lot as defined herein:

A. ***Front Lot Line***.

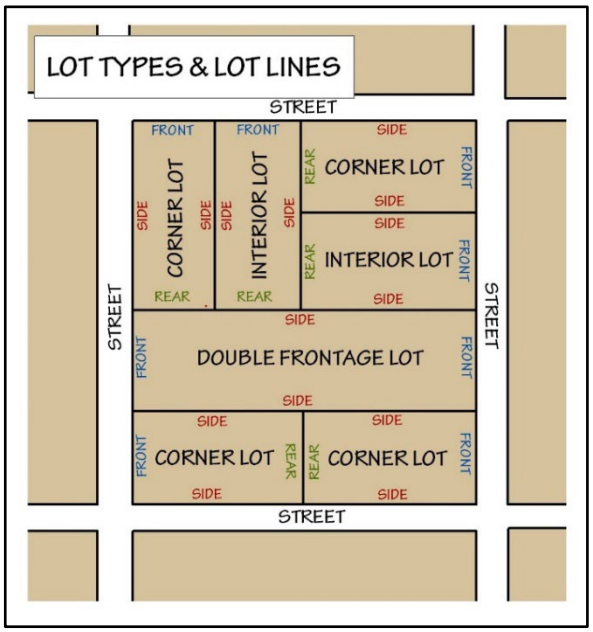
1. In the case of an interior lot, the front lot line shall be the line separating said lot from the street.

2. In the case of a corner lot, the front lot line is that line on which there is an address assigned.

3. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.

4. In the case of lots bordering lakes, rivers, or streams, the waterfront side is the front lot line.

5. In the case of a lot which is accessed by an easement, the front lot line shall be that lot line abutting the easement. The property owner may apply to the Planning Commission to have a different lot line designated as their front lot line.

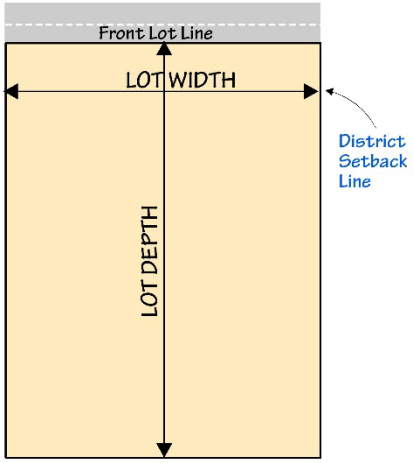


B. ***Rear Lot Line***. The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and lying within the side lot lines.

C. ***Side Lot Line***. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. The horizontal distance between the side lot lines measured at the two (2) points where the front setback intersects the side lot lines.

LOT WIDTH & LOT DEPTH



M

Manufactured Home. A single-family dwelling used as a place for permanent habitation, manufactured and transportable in one (1) or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. Manufactured homes may be transported to a site in complete form or in sections or modules to be combined to form a complete building site. The term shall not include

travel trailers, motorized recreational vehicles, or other types of transient dwellings. The term Manufactured Home includes the term Mobile Home.

Manufactured Home Site. A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Manufactured Housing Community. A plot of land with designated spaces for individual manufactured homes.

Manufacturing, Heavy. The production, processing, fabrication, assembly, cleaning, testing, treatment, packaging, storage, or distribution of materials, goods, foodstuffs, or products involving operations that generate significant external effects beyond the boundaries of the site and that have the potential to materially affect the use or enjoyment of nearby properties. Such external effects may include, but are not limited to, substantial or persistent air contaminants, dust or blown material, odor, noise, glare, gases, electrical disturbance, heat, vibration, smoke, or similar impacts.

External effects that are temporary, intermittent, incidental, or customary to the reasonable operation and maintenance of a permitted use shall not, by themselves, cause a use to be classified as Heavy Manufacturing. Examples include ordinary vehicle and delivery activity, loading and unloading, refuse collection or dumpster servicing, heating and cooling equipment, air compressors, backup generators used on an occasional or emergency basis, and similar customary operational activities. Agricultural activities and impacts customarily associated with agricultural operations shall not constitute Heavy Manufacturing solely because they produce noise, dust, odor, vibration, or other external effects.

Manufacturing, Light. The production, processing, fabrication, assembly, cleaning, testing, treatment, packaging, storage, or distribution of materials, goods, foodstuffs, or products conducted in a manner that does not generate significant external effects beyond the boundaries of the site or materially interfere with the use or enjoyment of nearby properties. Light Manufacturing may produce temporary, intermittent, incidental, or customary external effects associated with normal business operations, including vehicle and delivery activity, loading and unloading, refuse collection or dumpster servicing, heating and cooling equipment, air compressors, and similar equipment or activities.

External effects may include, but are not limited to, air contaminants, dust or blown material, odor, noise, glare, gases, electrical disturbance, heat, vibration, or smoke. The mere presence or detectability of an external effect beyond the property line shall not, by itself, cause a use to be classified as Heavy Manufacturing.

Mobile Home. See ***Manufactured Home***.

Medical Marijuana. The following definitions are related to medical marijuana:

A. ***Enclosed, Locked Facility***. That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423).

B. ***Medical Marijuana***. That term as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.; the **Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq.; and the **Marijuana Tracking Act**, MCL 333.27901 et seq.

C. ***Primary Caregiver***. That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423), who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patient's use of medical marijuana.

D. ***Primary Caregiver Facility***. A building in which the activities of a Primary Caregiver are conducted.

E. ***Qualifying Patient***. That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marijuana Act** and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

Motel. See ***Hotel/Motel***.

N

Nonconforming Building/Structure. A building or structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which is not in conformance with the standards of this Ordinance.

Nonconforming Lot. A lot of record that legally existed on or before the effective date of this Ordinance, or amendments thereto, which does not meet the dimensional requirements of this Ordinance or amendment.

Nonconforming Sign. A sign lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Non-Participating Lot. One (1) or more lots for which there is not a signed lease or easement for the development of a Solar Energy Facility, Wind Energy Facility, Battery Energy Storage Facility, or Wireless Communication Facility associated with the applicant project.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare,

(F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) traffic, (P) a burned out structure, or (Q) a condemned structure.

Nursing Home. See ***Convalescent or Nursing Home***.

O

Off-Street Parking Lot. A parking area off the street for the required parking of four (4) or more vehicles, and which lot may require maneuvering aisles.

Open Space. Land that is either undeveloped or is relatively free of buildings and other structures. It includes all lands that act as a contrast to the manmade environment and may include parks, cemeteries, golf courses, farmland, and forest land if they are expected to remain undeveloped for extended periods of time.

Ordinary High Water Mark. Defined as in the **Michigan Inland Lakes and Streams, Part 301 of PA 451 of 1994**, as amended, to mean 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

Outdoor Sales Facility. Includes uses operated for profit, substantially in the open air, including sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools, and similar items.

P

Park. Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space. An area of definite length and width exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Participating Lot(s). One (1) or more lots under a signed lease or easement for the development of a solar Energy Facility, Wind Energy Facility, Battery Energy Storage Facility, or Wireless Communications Facility associated with the applicant project.

Patio. An outdoor platform, either attached to or detached from the principal structure, constructed on the ground surface and used as a residential accessory structure for domestic or recreational purposes.

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township.

Person. A corporation, co-partnership, association, firm, limited liability company, or any other legal entity as well as an individual.

Planned Unit Development (PUD). Land under unified control which allows a development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space, and other design elements, and the timing and sequencing of the development.

Planning Commission. The body appointed by the Township Board under the provisions of the **Michigan Planning Enabling Act, 2008 PA 33**, as amended, MCL 125.3801 et. seq.

Playground. An area usually adjoining a school used for playing games and for recreation for children and families.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch shall be considered part of the principal building for setback purposes.

Porch, Open. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, projects out from the main wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached. An open porch shall be considered part of the principal building for setback purposes.

Principal Use. The main use of land or structures, as distinguished from a secondary or accessory use.

Private Road. A privately-owned and maintained road, allowing access to more than one (1) residence, place of business, or lot which is normally open to the public and upon which persons other than the owners located thereon may also travel.

Professional Office. The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Road. An open way of passage or travel under public ownership and/or maintenance.

Public Service. Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, and temporary quarters for welfare agencies, public health activities, and similar uses including essential services.

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, telegraph, transportation, or water.

R

Recreational Facility, Indoor. A commercial business that provides indoor amusement facilities, such as arcades, rebound tumbling facilities, bowling, billiards, and other similar attractions, and open to the general public.

Recreational Facility, Outdoor. A commercial business that provides outdoor amusement facilities, such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions, and open to the general public.

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth-wheel trailers, travel trailers, and tent trailers.

Recycling Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

Repowering. Reconfiguring, renovating, or replacing a Solar Energy Facility, Wind Energy Facility, or Battery Energy Storage System to maintain or increase the power rating of the facility within the existing project footprint.

Residential Human Care Facility. A facility (not within a private residence) providing any of the following:

A. Emergency shelter and services for battered individuals and their children in a residential structure.

B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.

C. Emergency shelter for individuals who are homeless.

D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort. A lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and which provides one (1) or more of the following recreational activities: golf, skiing, dude ranching, snowmobiling, bike trails, boating/paddling, fishing, and similar activities. A resort which may or may not contain

a small commercial facility such as sporting goods and/or a restaurant which may be open to guests and/or the public.

Restaurant. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Right-of-Way. A street, alley, or other roadway or easement permanently established for the passage of persons or vehicles.

Roadside Stand. A structure, with or without a roof, established for the direct sale to the consumer of agricultural products grown or raised on the premises or on lands under the same ownership or management, value-added agricultural products produced from such agricultural products, handcrafted items produced on the premises, and firewood. A roadside stand is intended to be incidental and subordinate to the principal use of the property and shall not be construed as a general retail establishment.

Rooming House. See ***Boarding or Rooming House***.

S

Salvage Yard. See ***Junkyard***.

Scrap Yard. See ***Junkyard***.

Seasonal. Any use of such a nature that the activity cannot, or should not, be performed during each season of the year.

Setback. The minimum required horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance. Provided, however, if a private easement is located within a lot and abuts a lot line, then the setback shall be the minimum required horizontal distance from the easement line closest to the center of the lot within which no building or structure can be placed, except as otherwise provided in this Ordinance.

Setback, Front. The required setback measured from the front lot line or applicable easement line.

Setback, Rear. The required setback measured from the rear lot line or applicable easement line.

Setback, Side. The required setback measured from a side lot line or applicable easement line.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, adult

mini-theater, escort agency, nude model studio, sexual encounter center, or similar establishments. Includes any theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of specified anatomical areas or specified sexual activities.

A. ***Adult***. Any person eighteen (18) years or older.

B. ***Adult Arcade***. Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

C. ***Adult Bookstore or Adult Video Store***. A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material in subsection C.1 and C.2 shall be deemed to constitute a principal business purpose of an establishment if it comprises fifty (50) percent or more of sales volume or occupies fifty (50) percent or more of the floor area or visible inventory within the establishment.

D. ***Adult Cabaret***. A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

E. ***Adult Motel***. A hotel, motel, or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

F. ***Adult Motion Picture Theater.*** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

G. ***Adult Mini-Theater***. A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis of specified sexual activities or specified anatomical areas.

H. ***Adult Theater***. A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

I. ***Escort Agency***. Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

J. ***Human***. Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.

K. ***Nude Model Studio***. Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered,

or recognized by the State of Michigan.

L. ***Nudity or a State of Nudity***. Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman breastfeeding a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

2. Material as defined in Section 2 of **Obscene Material, 1984 PA 343**, as amended. MCL 752.362.

3. Sexually explicit visual material as defined in Section 3 of **Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, 1978 PA 33**, as amended, MCL 722.673.

M. ***Sexual Encounter Center***. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

N. ***Specified Anatomical Areas***. Means and includes any of the following:

1. Less than completely and opaquely covered.

   a. Human genitals.
   b. Pubic region.
   c. Buttocks.
   d. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

O. ***Specified Sexual Activities***. Means and includes any of the following:

1. Human genitals in a state of sexual arousal;

2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or

3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shipping Container. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.

Sign. An object, including a structure, movable object, wall, or image displaying any message visible to the public. The following definitions relate to signs:

A. ***Abandoned Sign***. A sign to which any of the following applies:

1. The sign is an on-premise sign which is located on a property on which the use has been abandoned, or the sign is an off-premise sign that advertises an establishment that is no longer in operation or that no longer exists.

2. The sign has remained blank over a period of one (1) year.

3. The sign's message becomes illegible in whole or substantial part.

4. The sign which has fallen into disrepair.

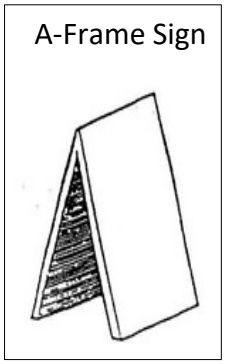
B. ***Accessory Sign***. A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign.

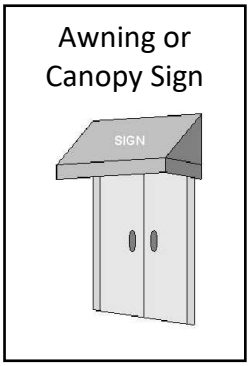
C. ***Attention-Getting Device***.

1. ***Feather Banner or Sail Sign***. A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.

2. ***Air Dancers***. A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.

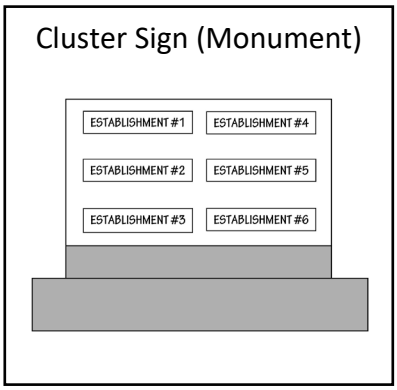
D. ***A-Frame Sign***. Self-supporting temporary sign consisting of two (2) panels hinged at the top, providing advertising on each panel and can be readily moved within a property or to another property.

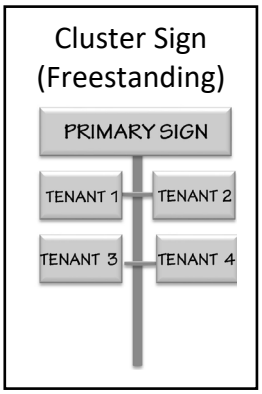




E. ***Awning or Canopy Sign***. A sign painted on, printed on, or attached flat against the surface of an awning. The awning of a building may be made of flexible or rigid material. Rigid awnings may be covered in a traditional building treatment (such as siding) or may be covered in traditional roofing materials (such as shingles).

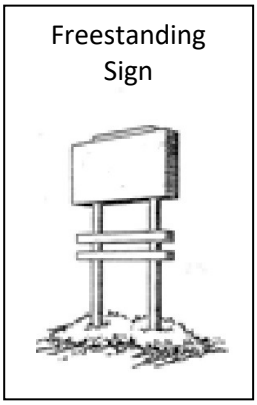
F. ***Banner***. A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.

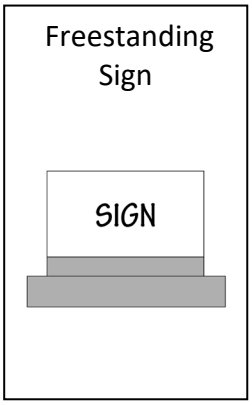




G. ***Cluster Sign***. An on-premise sign which is used for a complex of establishments on one (1) lot and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole. Cluster signs may be monument-style or pylon-style.

H. ***Freestanding Sign***. A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.





I. ***Governmental Sign***. A sign authorized by this municipality, governmental agency, the State of Michigan, or federal government, for street direction, destination, hazardous condition, or traffic control purposes.

J. ***Marquee Sign***. Any sign attached to or supported by a marquee structure.

K. ***Message Center, Digital***. A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diode (LED's), fiber optic, light bulbs, or programmable, microprocessor-controlled displays. Electronic message signs do not include official or time and temperature signs.

L. ***Message Center, Static***. A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

M. ***Mural***. Any sign, message, or image painted directly onto the wall of a building. A mural is not considered a wall sign.

N. ***Off-Premise Sign.*** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

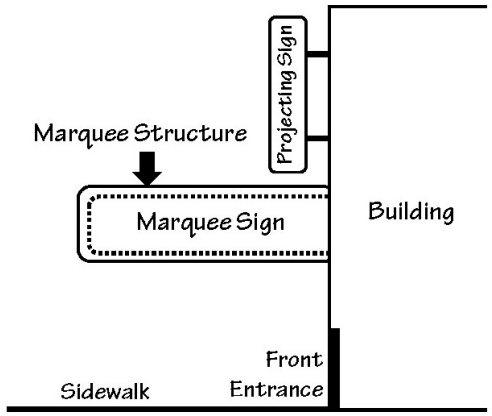
1. ***Small Off-Premise Sign***. An off-premise sign which does not exceed six (6) square feet in area.

2. ***Large Off-Premise Sign (Billboard)***. An off-premise sign which is larger than six (6) square feet in area. Often called a "billboard."

O. ***Owner***. A person owning a sign.

P. ***Portable Changeable Copy Message Board***. Any changeable copy sign not permanently attached to the ground or a building and designed to be transported by some means such as a trailer or wheels, including such signs with wheels removed.

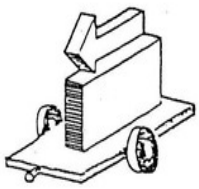
Marquee Sign & Projecting Sign



Message Center

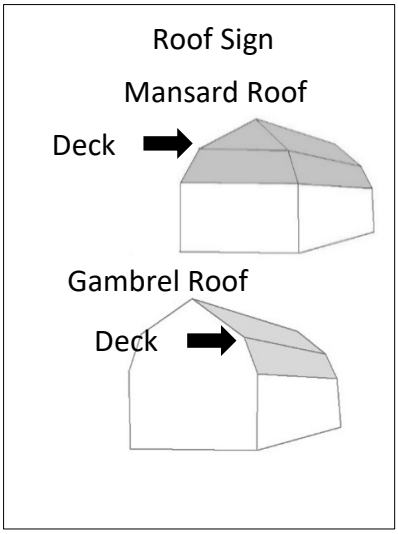


Portable Changeable Copy Message Board

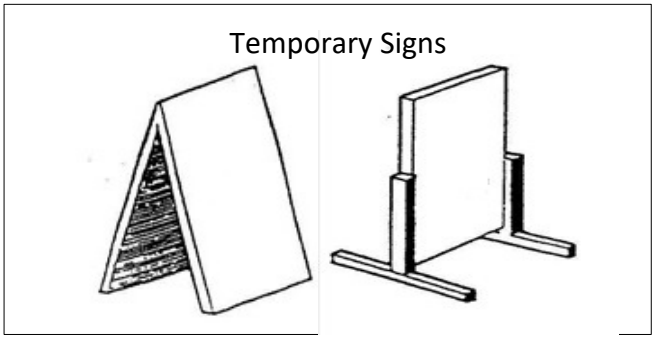


Q. ***Projecting Sign***. A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

R. ***Roof Sign***. A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof or a gambrel roof, a sign that is above the deck line of the roof.

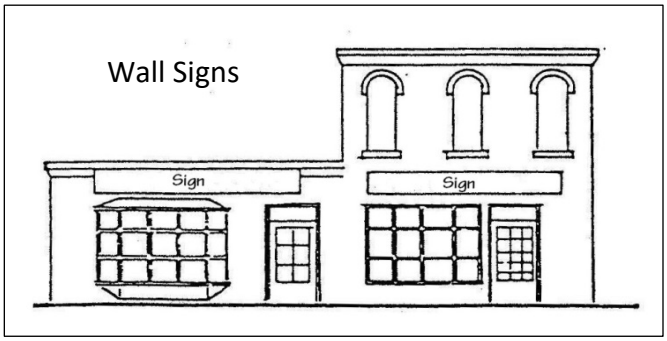


S. ***Temporary Sign***. A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays. A temporary sign shall not be used as a substitute for a permanent sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can easily be moved.



T. ***Wall Sign.*** A sign attached to, placed against, or supported by the exterior surface of any building.

U. ***Window Sign***. A sign installed inside a window and intended to be viewed from the outside.



Sign Area. Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see diagrams below). When a sign uses a shape other than a parallelogram, a rectangular box shall be drawn around the shape to determine the area (Figure B). Sign area excludes the necessary supports or uprights on which the sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

Figure A

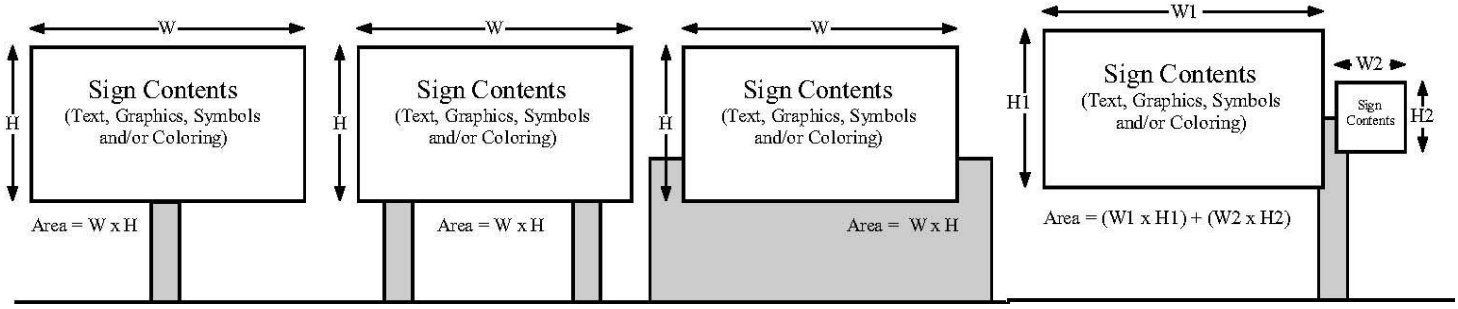
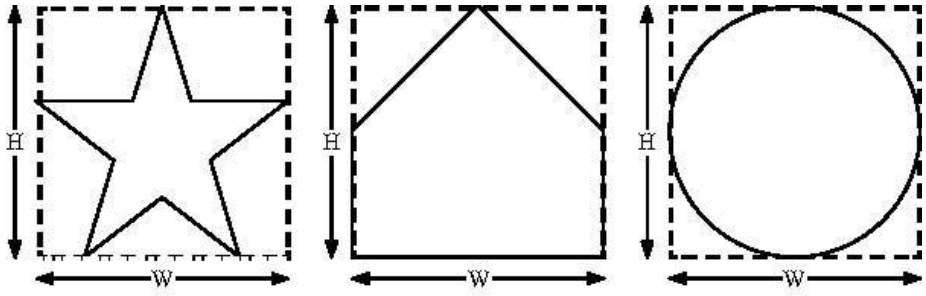


Figure B



Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

Site Plan, Level 1. The drawings and documents depicting and explaining all salient features of a proposed development, which does not require a Level 2 Site Plan, so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance. A Level 1 Site Plan is typically required for development including but not limited to single-family homes and accessory buildings. See **Table 5.2** for the full list of developments that require Level 1 Site Plans.

Site Plan, Level 2. The drawings and documents depicting and explaining all salient features of a proposed development, which does not require a Level 1 Site Plan, so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance. A Level 2 Site Plan is typically required for development including but not limited to multiple-family dwellings and commercial and industrial developments. See **Table 5.2** for the full list of developments that require Level 2 Site Plans.

Small-Scale Craft Making. Small-scale craft making encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Energy:

A. ***Solar Energy Facility (Utility Scale)***. A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

B. ***Solar Energy Panels (Accessory)***. Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.

   1. ***Building-Integrated Accessory Solar Energy Panels***. Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

   2. ***Ground-Mounted Accessory Solar Energy Panels***. Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

   3. ***Building-Mounted Accessory Solar Energy Panels***. A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.

C. ***Solar Collection Device***. The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

D. ***Dual Use***. A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

   1. ***Pollinator Habitat***. Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

   2. ***Conservation Cover.*** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

3. ***Forage***. Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

4. ***Agrivoltaics***. Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

E. ***Maximum Tilt***. The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

F. ***Minimum Tilt***. The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

Special Use. A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

Stable, Private. A stable used or to be used by any individual for housing horses, or other animals, owned by said individual for the use of himself or herself and his/her immediate family.

Stable, Public. A stable used or to be used for housing horses or other animals for remuneration.

State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

Storage. To leave or deposit in a place for preservation or disposal in one (1) or more of the following ways:

A. ***Storage-Accessory***. Storage which is accessory to the principal use of the premises.

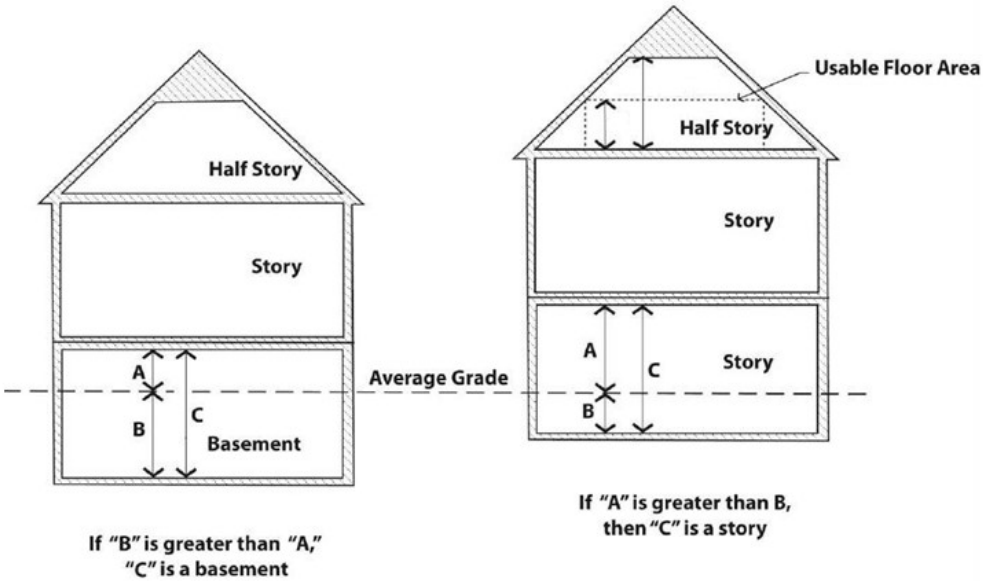
B. ***Mini-Storage***. Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customers' goods or wares.

C. ***Storage Facility***. A building or property on which storage is carried out as the principal use of the property.

Storage Building. A use of a building for storage of items customarily incidental and subordinate to the use of the parcel.

Story. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half. That portion of a building between the eaves and the ridgeline of a pitched roof



Street, Highway, or Road. A thoroughfare which affords the principal means of access to abutting property. See ***Public Road*** and ***Private Road***.

Structure. Anything constructed or erected, which requires permanent location above, on, or below the ground or attachment to something having such location.

T

Temporary Building or Use. A structure or use permitted to exist during periods of construction of the principal building or use or for special events. Temporary buildings or uses are not to exceed twelve (12) months in duration unless otherwise allowed by this Ordinance.

Theater, Indoor. An indoor theater shall be any building used for the presentation of dramatic spectacles, shows, movies, or other entertainment, to which the building has a roof completely sheltering actors and patrons, open to the public with or without charge.

Theater Outdoor. An outdoor theater shall be any outdoor place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, including drive-in theaters.

Tourist Home. See ***Bed and Breakfast Establishment/Tourist Home***.

Townhouse. See ***Dwelling, Multiple-Family***.

Transitional Housing Facility. A residential facility that provides temporary housing, together with supportive services, for individuals who are transitioning from one living situation to another or are in need of support services in addition to the housing. Such facilities may include, but are not limited to, halfway houses, homes for individuals aging out of foster care, reentry housing for individuals leaving correctional facilities, recovery residences, and other similar residential programs that provide supervision, counseling, life-skills training, case management, or other supportive services. A Transitional Housing Facility does not include a hotel, motel, boarding house, residential human care facility/homeless shelter, adult foster care, nursing home, hospital, or other institution providing primarily medical or custodial care unless otherwise specifically authorized by this Ordinance.

Travel Trailer and Camper. See ***Recreational Vehicle***.

U

Use. The purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied. See ***Principal Use*** and ***Accessory Use***.

Use, Accessory. See ***Accessory Use***.

V

Variance. A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty as defined in **Article 8** of this Ordinance.

Variance, Dimensional. A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

Vendor Truck. Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a transient business to sell prepared food and drink (also called Food Trucks), goods, wares, merchandise, or services from a stationary location. Vendor Trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. For the purpose of this ordinance, Vendor Trucks shall not include the following:

A. Mobile vendors that distribute prepared food and drink, goods, wares, and merchandise as they are driving throughout the community (i.e., mobile ice cream truck).

B. A person soliciting orders by sample, brochure, or sales catalog for future delivery or making sales at residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

C. A person operating a stand on any fairgrounds or farmers market.

D. A person selling at an art fair or festival or similar event at the invitation of the event's sponsor.

Vendor Truck Park. A lot or lots under the control of a person or entity upon which two (2) or more Vendor Trucks are located and which is offered to the public for the purpose of conducting commerce.

Veterinary Clinic or Animal Hospital. A self-enclosed building wherein animals, including domestic household pets and farm animals, are given medical or surgical treatment and used as a boarding place for such animals, limited to short-term boarding incidental to hospital use. Such facilities include only those under the direction of a licensed veterinarian registered in the State of Michigan.

W

Wildlife-Friendly Fencing. A fencing system with openings that allow wildlife to traverse over or through a fenced area.

Wind Turbines:

A. ***Wind Energy Facility (Utility-Scale)***. A power generating facility consisting of one (1) or more wind turbines under common ownership or operational control, and including substations, towers, cables/wires, and other buildings accessory to such facility, whose primary purpose is to supply electricity to off-site customers.

B. ***Wind Turbine***. A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.

2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.

3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

C. ***Wind Turbine (Accessory)***. A wind turbine used primarily to generate electricity or produce energy for use on the property where located.

D. ***Wind Turbine Tower Height***.

1. ***Horizontal Axis Wind Turbine Rotors***. The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine.

2. ***Vertical Axis Wind Turbine***. The distance between the ground and the highest point of the wind turbine including the top of the blade in its vertical position.

E. ***Ambient***. Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

F. ***Anemometer***. A device used to measure wind speed.

G. ***Horizontal Axis Wind Turbine***. A wind turbine in which the rotor(s) rotate around a horizontal shaft.

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

I. ***Vertical Axis Wind Turbine***. A wind turbine in which the rotor rotates around a vertical shaft.

Wireless Communications:

A. ***Alternative Tower Structure***. Manmade trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers, or which currently exist in a manner which would support the placement of an antenna without the need for an additional tower.

B. ***Antenna***. Any exterior transmitting or receiving device mounted on a tower, building, structure or Alternative Tower Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

C. ***Antenna Array***. One (1) or more antennae. The Antenna Array does not include the Support Structure.

D. ***Co-Location***. The placement or installation of multiple sets of wireless communication equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

E. ***Height***. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.

F. ***Setback***. The required distance from the lot line of the participating lot(s) on which the Wireless Communication Facility is located to the base of the Support Structure.

G. ***Small Cell Wireless Facility***. A wireless facility that meets both of the following requirements:

1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.

2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

H. ***Tower Compound***. The area enclosing any telecommunications tower or alternative tower structure and the related accessory buildings and structures including, but not limited to, facilities, guy wires, tower access area, antenna, fence, lights, and signs.

I. ***Wireless Communications***. Any **FCC**-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

J. ***Wireless Communications Equipment***. The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

K. ***Wireless Communication Facility***. Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.

L. ***Wireless Communication Facility (Ground-Mounted) – also called "Earth Station or Ground Station".*** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a wireless communications support structure (tower).

M. ***Wireless Communications Support Structure***. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure. Also called a Tower.

Y

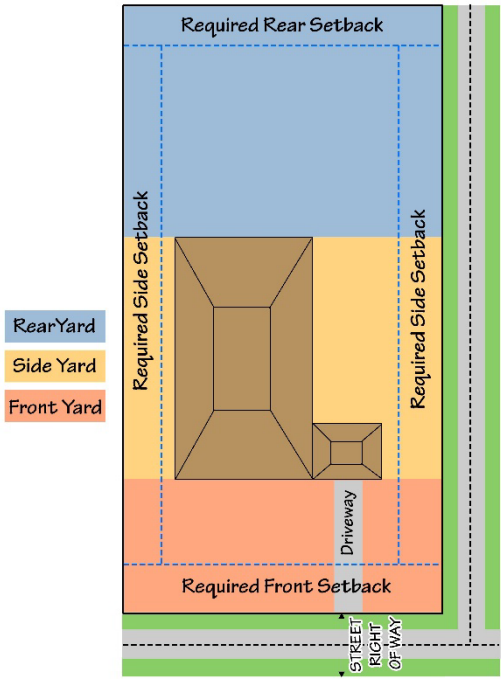
Yard. The space between a principal building and a lot line.

Yard, Front. A yard across the full width of the lot extending from the front lines of the principal building to the front lot line, or highway right-of-way lines as the case may be. In the case of any principal building that fronts on a lake, the front yard shall be that area that lies between the front line of the principal building, excluding steps and unenclosed porches, and the water's edge.

Yard, Rear. A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

Yard, Side. The yard between the principal building and a side lot line extending between the front yard and the rear yard.

Yard/Garage Sales/Rummage Sale. A temporary sale conducted by the owner or occupant of a residential property for the purpose of disposing of used personal, household, or recreational items that have been owned and used by the occupants of the premises. Such sales shall not include the sale of merchandise acquired for resale, products manufactured or produced for commercial purposes, or items offered as part of an ongoing retail or commercial business. For the purposes of this Ordinance, the terms yard sale, garage sale, and rummage sale shall have the same meaning.



Z

Zoning Administrator. The official designated by the Township Board to administer and enforce the provisions of this Ordinance.

Zoning Board of Appeals. The Comins Township Zoning Board of Appeals, whose duties and powers are detailed in **Article 8**.

Zoning District. A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Lot. A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

Zoning Permit. Written authority, as issued by the Zoning Administrator on behalf of the Township, permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

Article 3
General Provisions

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Section 3.1 Purpose

General regulations apply to all districts except as noted herein. Where requirements of a general regulation differ, the more restrictive requirement shall prevail (**Section 9.3**).

Section 3.2 The Effect of Zoning

A. **General**.

1. Zoning affects every building and use and extends vertically.

2. No building structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

3. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be deemed a violation of this Ordinance and shall subject the owner or occupant of the lot to the enforcement provisions of this Ordinance.

4. Every building or structure hereafter erected shall be located on a lot or parcel of land, the description of, and the deed to which shall be on record in the office of the **Register of Deeds** in this County.

B. **Uses, Activities, and Construction Already Begun**.

Any lawful use, activity, building, or structure which exists or any building or structure which is is under substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, shall be considered a legal nonconforming use, building, or structure and be allowed to remain as such, including through completion of construction.

C. **Moving of Building**.

The moving of a building to a different location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.3 Lots

A. **New Lots**.

All newly created lots shall conform to the minimum lot size standards in **Article 4** for the district in which it is located.

B. **Required Area or Space**.

1. **Reduction of Required Space.** No lot, setback, or any other required space shall be divided, altered, or reduced so as to be less than the minimum allowable dimensions as defined in this Ordinance except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered, or reduced further. Division of a lot resulting in a smaller area than prescribed herein may be permitted for the purpose of adding to another lot.

2. **Continued Conformance With Regulations**. The maintenance of setbacks, required open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

C. **Number of Dwellings Allowed on Lot**.

On each lot or parcel, dwellings shall be permitted at the following rate:

Lot Size	# of Dwellings Permitted
Up to 1 acre	2 dwellings
Over 1 acre up to 5 acres	3 dwellings
Over 5 acres up to 10 acres	4 dwellings
Over 10 acres up to 15 acres	5 dwellings
Over 15 acres	6 dwellings

Section 3.4 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening of a lawful building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

Section 3.5 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 3.6 Access

Any lot of record created after the effective date of this Ordinance shall have access to a public road, an easement which provides access to a public road, or access to an approved private road, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the Ordinance.

Section 3.7 Water Supply & Sewage Disposal Facilities

Every building or structure hereafter erected or moved upon any premises, and used in whole or in part for human occupancy, shall be provided with safe and sanitary water supply and a septic tank sewage disposal, each system erected and maintained in accordance with the standards of material and installation recommended by the **District Health Department**.

Section 3.8 Damaged Buildings & Structures

A building damaged by fire, collapse, or Act of God to such extent that the cost of repair and reconstruction exceeds seventy-five (75) percent of the valuation of the building at the time the damage occurred shall be demolished unless reconstruction with proper permits begins within two (2) years of the damage date.

Section 3.9 Drainage & Grades

A. **Stormwater on Non-Residential Uses**.

Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe, or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the **Michigan Department of Transportation (MDOT)** shall be required for an additional site run-off directed into a state trunkline ditch.

B. **Drainage – All Uses**.

The finished surface of the ground areas outside the walls of any building or structure hereinafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a manner that will not cause inconvenience or damage on abutting premises in excess of natural conditions or in an unnatural, concentrated manner.

C. **Grades**.

When property is developed adjacent to existing properties, the previously existing grade shall have priority.

Section 3.10 Dwelling Standards & Illegal Dwellings

A. **General**.

1. Every dwelling hereafter erected in a zoning district permitting such use shall comply with the height, floor area, and width requirements contained in **Article 4**. The entire floor area of the building shall count when calculating minimum square footage of a dwelling unit.

2. The dwelling shall comply with all pertinent building and fire codes.

3. **Mixed Occupancies**. Where any part of any building is used for residential purposes, and the remainder thereof is used for conducting any business, commercial or industrial enterprise, the part thereof so occupied as a dwelling shall conform to the minimum requirements for a dwelling with reference to floor space.

B. **Manufactured Homes**.

Manufactured homes shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.

2. Manufactured homes shall be installed according to the manufacturer's setup requirements, and the **United States Department of Housing and Urban Development (HUD)** regulations entitled "**Manufactured Home Installation Standards**" and the construction of the unit shall comply with **HUD** standards and the **National Mobile Home Construction and Safety Standards Act of 1974 being 24 CFR 3280**, as amended.

3. Manufactured homes shall be installed with the wheels removed. Additionally, no manufactured home shall have any exposed towing mechanism, undercarriage, or chassis, and shall be skirted using an acceptable exterior grade of skirting material so as to be compatible with the exterior construction of the manufactured home and so as to conceal the towing mechanism, undercarriage, and chassis.

4. Manufactured homes shall not be used as accessory storage buildings.

C. **Illegal Dwellings**.

Garages or accessory buildings shall not be occupied for dwelling purposes except for Accessory Dwelling Units pursuant to **Section 7.3**. No structure without adequate sanitary facilities or otherwise structurally incomplete

shall be used for dwelling purposes. The use of any portion of a partially completed structure for permanent dwelling purposes shall not be permitted unless a permit for a temporary dwelling has been issued. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.11 Temporary Buildings During Construction

A. **Temporary Dwellings**.

1. The Zoning Administrator may issue a Zoning Permit, pursuant to the procedures of this Section, to allow a temporary dwelling within any zoning district on the same lot as a permanent dwelling under any of the following circumstances:

   a. Where a permanent dwelling is destroyed or damaged by fire, wind, or other natural causes to the extent that it is no longer habitable, a temporary dwelling may be placed on the same lot as the permanent dwelling during the time the permanent dwelling is repaired.

   b. A temporary dwelling may be placed on a lot while the property owner is constructing a permanent dwelling on the same lot.

2. When requesting a Zoning Permit for a temporary dwelling, the property owner shall file an application for a Zoning Permit for the permanent dwelling and the temporary dwelling at the same time with the Zoning Administrator and pay the required fee. The application shall include the information needed to allow the Zoning Administrator to make the findings required under subsection 3 below. Prior to placing the temporary dwelling on the property, proof of a valid building permit for the permanent dwelling shall be filed with the Zoning Administrator.

3. Before issuing a Zoning Permit for a temporary dwelling, the Zoning Administrator shall find that the proposed temporary dwelling will meet all of the following standards:

   a. The temporary dwelling shall meet all height and setback requirements for the zoning district in which it is located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not physically possible.

   b. The temporary dwelling shall be connected to safe, sanitary, and effective systems for the supply of potable water and the disposal of sewage wastes.

   c. Adequate off-street parking shall be provided for the occupants of the temporary dwelling.

4. The Zoning Administrator may attach reasonable conditions to a Zoning Permit for the temporary dwelling to ensure compliance with the above standards.

5. The use of a temporary dwelling shall be limited to one (1) year or the completion of repairs to or construction of the permanent dwelling under subsection 1 above, whichever comes first. The Zoning Administrator shall grant a one (1) year extension of the Zoning Permit for a temporary dwelling upon the filing of a written statement by the property owner that the circumstances giving rise to the original need for the temporary dwelling continue to exist and that the Zoning Administrator finds good cause for the extension. A maximum of three (3) extensions may be granted. To receive an extension, the applicant shall show proof of a valid building permit in effect.

6. A temporary dwelling shall be removed from the lot on which it was placed within thirty (30) days after the expiration of the Zoning Permit for the temporary dwelling, and the lot shall be restored to its condition immediately prior to the placement of the temporary dwelling. Provided, however, this provision shall not require the removal of a recreational vehicle used as a temporary dwelling from the lot, but shall require that the recreational vehicle no longer be used as a temporary dwelling.

7. No annexes or additions shall be added to temporary dwellings.

B. **Temporary Construction Buildings**.

1. Temporary construction buildings used for offices or for storage of construction materials shall be permitted during construction.

2. Temporary construction buildings do not require a Zoning Permit but shall be required to meet setbacks of the district. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not physically possible.

3. Temporary construction buildings shall be removed from the lot within thirty (30) days of completion or abandonment of the construction. Temporary construction buildings shall be permitted to remain on the property as long as substantial construction is ongoing.

Section 3.12 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator when he or she finds there is good cause for the extension.

Section 3.13 Accessory Buildings & Uses

Except as otherwise permitted in this Ordinance, accessory buildings on residential and non-residential lots shall be subject to the following regulations:

A. **Permit Required**.

Accessory buildings two hundred (200) square feet and over require a Zoning Permit. All accessory buildings shall comply with this Section regardless of whether a Zoning Permit is required.

B. **Attached Accessory Buildings**.

Authorized accessory buildings may be erected as part of the principal building or may be attached to the principal building. Where any accessory building is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining required setbacks. A detached accessory building that is later attached to the principal building shall meet the setbacks of the principal building.

C. **Detached Accessory Buildings**.

1. **Number Allowed**. There is no limit to the number of accessory buildings that may be erected on a lot.

2. **Height**. No accessory building situated shall exceed the height limitations of the district where located. These requirements shall not apply to farm buildings.

3. **Location in Yard and Setbacks**. Detached accessory buildings may be located in any yard except, in the Village Overlay District, detached accessory buildings shall only be located in the side or rear yards.

    a. **Front Setback**. Accessory buildings shall comply with the setbacks of the principal building.

    b. **Side Setback**. Side setback shall be at least six (6) feet from the lot line.

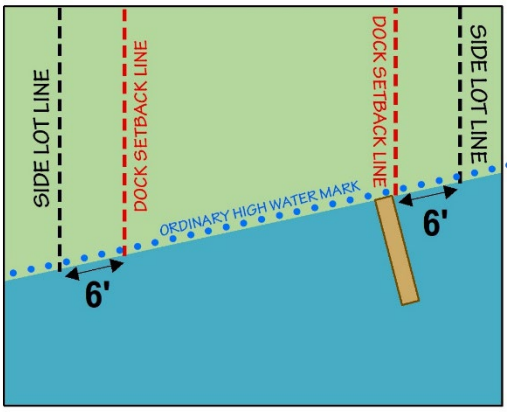
    c. **Rear Setback**. Rear setback shall be at least six (6) feet from the lot line.

D. **Other Accessory Structures.**

1. **Electric Vehicle Charging Stations**. Electric vehicle charging stations for public use shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be set back at least six (6) feet from all lot lines.

2. **Private Swimming Pools**. Swimming pools may be located in any yard and shall adhere to the setbacks listed in subsection C above.

3. **Docks**. Docks shall be set back at least six (6) feet from the point of intersection of the side lot line and the ordinary high water mark. The Township only regulates dock placement at the ordinary high water mark and does not regulate the placement of docks on submerged bottomlands. Docks which do not conform to the six (6) foot setback and which are removed at the end of the summer season shall be set back six (6) feet when they are reinstalled the next season.



4. **Accessory Solar Panels**. See **Section 7.17**.

5. **Accessory Wind Turbines**. See **Section 7.18**.

E. **Accessory Building as a Dwelling**.

An accessory building may be occupied as an accessory dwelling unit pursuant to the standards in **Section 7.3**. Such accessory dwelling unit shall comply with all provisions of this Ordinance relating to buildings for residential purposes unless superseded by **Section 7.3**.

F. **Accessory Storage Buildings on Lots without a Principal**.

Accessory buildings, including storage buildings, may be erected or moved onto vacant lots or parcels of land in all districts except the Village Overlay District. The Zoning Administrator shall review and issue a Zoning Permit for such accessory/storage buildings provided they meet the following criteria:

1. The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.

G. **Nontraditional Storage Facilities/Shipping Containers**.

1. **Non-Traditional Storage**. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as storage for commercial and industrial uses.

2. **Shipping Containers**. Shipping containers shall be allowed to be used as accessory buildings; however, there shall be a limit of one (1) shipping container per lot on lots less than one (1) acre in size and R-1 lots within the Village Overlay District.

Section 3.14 Recreational Vehicles, Trailers & Boats

No person shall park or occupy a recreational vehicle outside of a licensed campground or RV park except as provided in this Ordinance.

1. **Recreational Vehicle Occupancy**.

On developed or vacant lots, recreational vehicles may be occupied. No Zoning Permit is required. Recreational vehicles may be used as a short term rental.

2. **Recreational Vehicle, Trailer, or Boat Storage.**

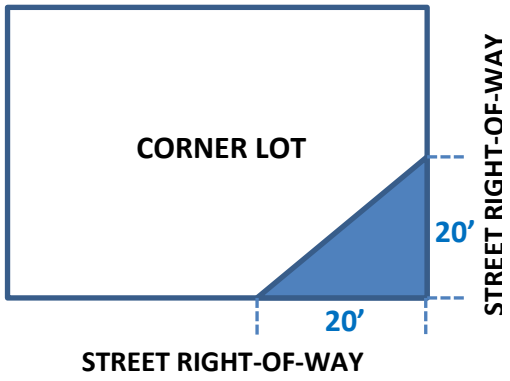
    1. Unoccupied recreational vehicles, trailers, or boats may be stored in any yard of a dwelling, provided it is located not less than six (6) feet from all lot lines.

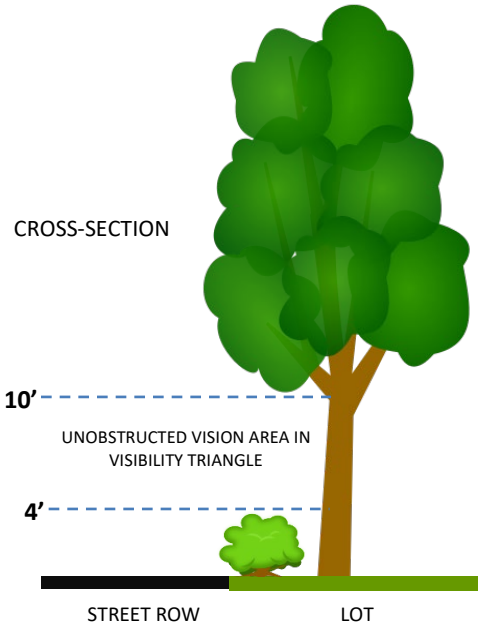
    2. It shall be unlawful to store any unoccupied recreational vehicles on an undeveloped lot.

    3. Not more than three (3) unoccupied recreational vehicles shall be stored or parked on any one (1) zoning lot outside of a licensed camp, trailer sales lot, or boat sales lot at any time.

Section 3.15 Traffic Visibility Across Corners

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding four (4) feet in height, except open fences through which there shall be clear vision, shall be erected, planted, or maintained in the triangular area formed by the right-of-way lines of two (2) intersecting streets and a line connecting them twenty (20) feet from the point of intersection. A clear area shall be kept in this unobstructed corner between the heights of four (4) feet and ten (10) feet.





Section 3.16 Reserved

This Section is reserved for future use.

Section 3.17 Chickens

Chickens may be kept on all lots in the Township with no restrictions.

Section 3.18 Reserved

This Section is reserved for future use.

Section 3.19 Essential Public Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment ("Utility Improvements"), shall be a permitted use in any district when the locating of such Utility Improvements is necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the Tables of Permitted and Special Uses in **Article 4**. Utility Improvements shall undergo site plan review pursuant to **Article 5** and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to **Section 3.20**. This Section shall not apply to storage yards and office buildings.

Section 3.20 Screening/Buffer

A. **When Screening/Buffer is Required**.

1. Whenever a nonresidential use abuts a residential use or residentially zoned lot, there shall be provided and maintained, on each side and/or rear lot line which abuts the residential use or residentially zoned lot, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6) feet in height. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

2. The requirements in this Section apply to all new development of a permanent principal use, including commercial, institutional, industrial, and multiple-family uses, or additions to existing development which increase the floor area by twenty-five (25) percent or greater in any district.

B. **Screening/Buffer**.

Required screening/buffer may consist of fences, walls, a vegetated buffer strip, berm, or some combination thereof.

1. **Screening Fences and Walls**. Solid fences, walls, chainlink, or other wire fences utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.

2. **Vegetative Buffer Strip**. The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence, wall, or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

   a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.

   b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

   c. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.

d. 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 (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

e. Any limbs, shrubs, or bushes which extend into the property of abutting residential property owner may be trimmed back by the residential property owner.

3. **Berms**. The Planning Commission may approve an earth berm to achieve a portion or all of the buffering requirement. When such a berm is provided, it shall be landscaped and maintained in a clean and orderly growing condition and shall meet the following design standards:

a. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) feet run ratio.

b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition to prevent erosion.

c. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.

d. Berms shall be constructed in a way that does not alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

e. Trees shall be allowed to be placed on berms.

f. No buildings or any structures shall be permitted upon or within any berm.

g. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

C. **Screening/Buffering Plans**.

The plans for required protective screening shall be submitted to the Zoning Administrator for recommendations as to the suitability and arrangement of planting material. A timeline for installation shall be submitted at the

time of submission of plans for required protective screening and shall be approved by the Zoning Administrator.

D. **Waiver**.

The Planning Commission may waive or modify any requirements in this Section where cause can be shown that no good purpose would be served with conformance to this Section and that:

1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.

2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.

3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

Section 3.21 Fences

A. **Zoning Permit**.

No Zoning Permit is required for fences. Hedges used to enclose a property or to separate a property from an abutting property are not considered a fence and are not required to meet the standards of this Section. It is recommended that property owners use the Miss Dig system prior to erecting a fence.

B. **Agricultural Fences**.

Fences used for agricultural purposes shall not be subject to the provisions of this Section.

C. **Property Line Determination**.

The Township recommends a professional survey prior to installation of a fence. The Township shall not be held responsible for any property line or fence disputes between adjacent property owners.

D. **Materials**.

Fence materials may include materials specifically designed for fence construction. The Zoning Administrator may approve fence materials that are not specifically manufactured or marketed for use as fencing when he or she determines that the proposed material is of comparable quality and appearance to conventional fence materials and is suitable for long-term outdoor use.

E. **Finished Side of Fence**.

The "finished" side of the fence shall be the side facing a street right-of-way or facing property other than the property of the fence owner. The fence posts and horizontal/vertical supports shall face the side of the fence owner. Gates shall swing open over the property of the fence/gate owner.

F. **Fence Location and Height**.

Fences may be permitted on any lot in any District, and shall be subject to the following:

1. **Height**.

   a. **Front Yards**. Fences in the front yard shall not exceed a height of four (4) feet.

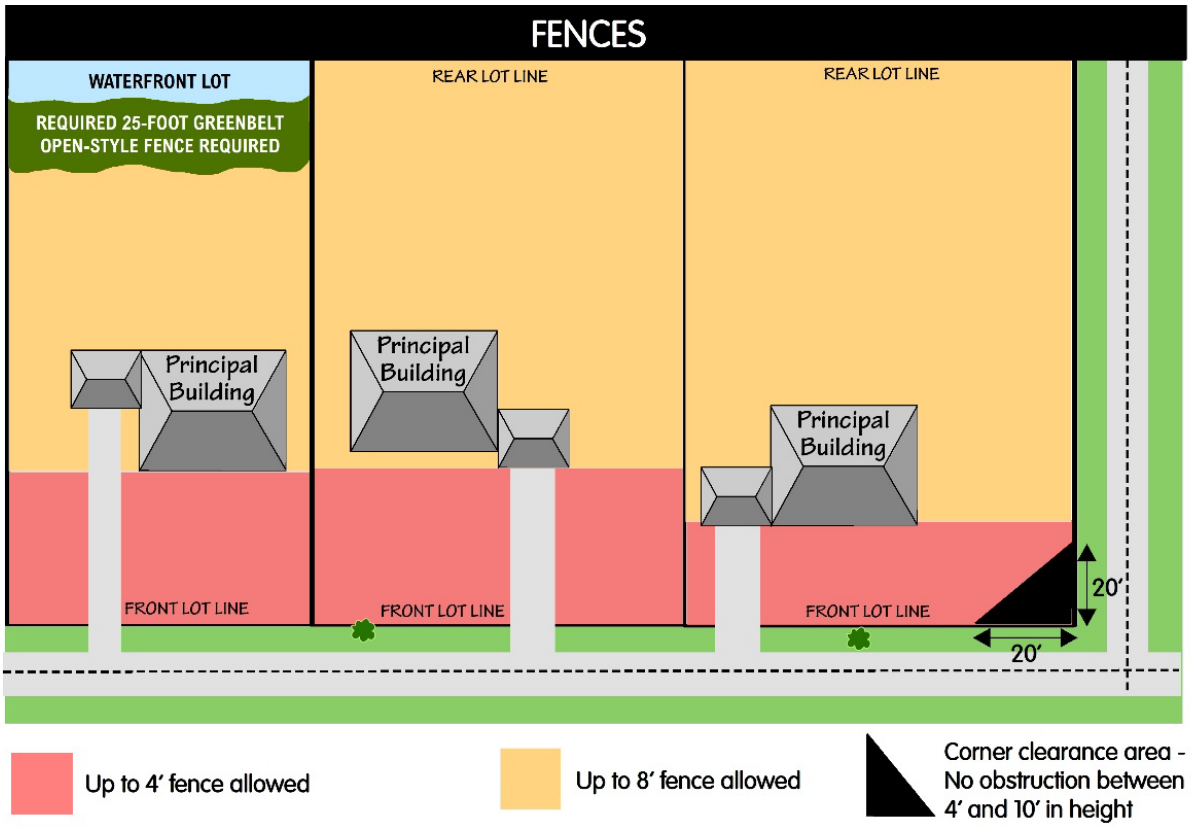
   b. **Side and Rear Yards.** Fences in a side or rear yard shall not exceed a height of eight (8) feet in a side or rear yard.

   c. **Increased Fence Height**. The Planning Commission shall have the authority to grant an increased fence height on non-residential lots for the purpose of security. The Zoning Board of Appeals has the authority to grant an increased fence height on residential lots.

2. **Setbacks**. Fences may be located directly on the lot line.

3. **Corner Visibility**. Fences shall not obstruct sight distances needed for safe vehicular traffic nor create a hazard to traffic or pedestrians pursuant to **Section 3.15**.

4. **Waterfront Lots.** Where a greenbelt is required, fencing shall be an open-style fence within the greenbelt area. The Planning Commission may grant a deviation from this subsection by issuing a Special Use permit. In reviewing this Special Use permit, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts waterfront views of neighboring residents or may in the future. Review standards in **Section 6.4** shall not apply.



Section 3.22 Outdoor Lighting

A. **Intent and Purpose**.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public or private roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow"; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. **General Standards**.

1. **Exempted Areas and Types**. The following types of outdoor lighting shall not be covered by this Ordinance:

   a. Residential decorative lighting such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.

   b. Lights located within the public right-of-way or easement.

   c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.

   d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

   e. Lighting required by the **Federal Communications Commission**, **Federal Aviation Administration**, **Federal Occupational Safety and Health Administrations**, or other applicable federal or state agencies.

   f. Lighting for school recreational facilities.

2. **Regulated Lighting**. The following types of lighting shall be regulated by this Ordinance:

   a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than four (4).

   b. Multiple-family development parking lot lighting and site lighting.

   c. Privately-owned street lighting.

   d. Building facade lighting.

   e. Security lighting, spotlights, and floodlights.

   f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.

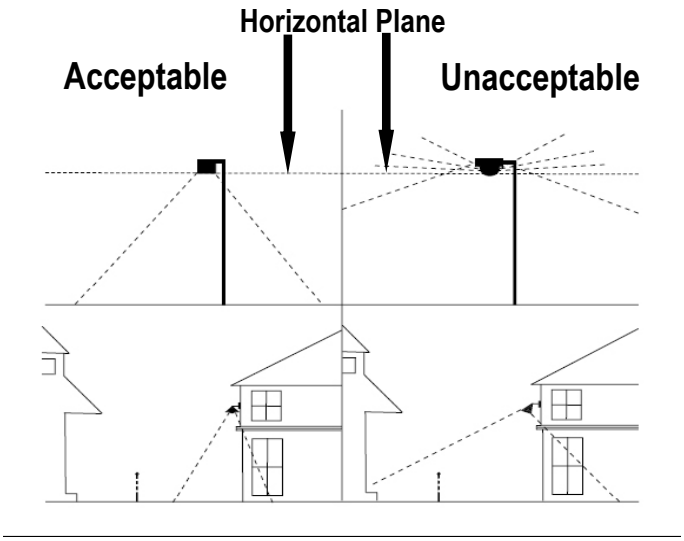
   g. Standards related to the lighting of signs are contained in **Section 3.26**.

3. **Standards**. Lighting shall be designed and constructed as per the following requirements:

   a. **Lighting Confined To Site**. Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

b. **Lighting Directed Downward/Shielded**. Except for diffused globe-style walkway lights and the lighting addressed in subsection c below, all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

Lighting Direction



c. **Upward Directional Lighting**. All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

d. **Moving Lights**. All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.

e. **Interference with Traffic Control Devices**. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.

f. **Gas Stations**. Ceiling lights in gas pump island canopies shall be recessed.

Section 3.23 Nonconformities

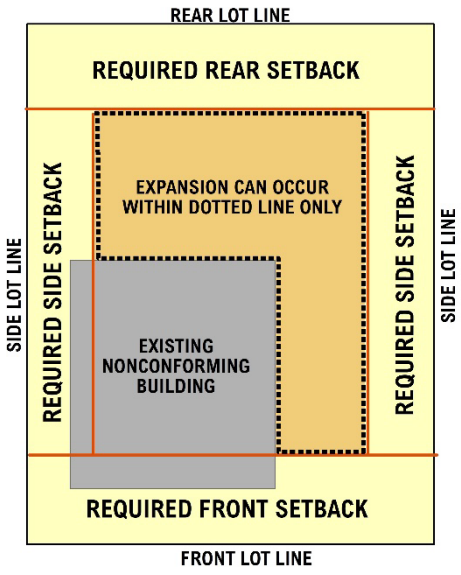
A. **Purpose**.

The purpose of this Section is to provide regulations governing lots, buildings, structures, and uses which were legal before this Ordinance was adopted or amended but which are now prohibited, regulated, or restricted. It is the intent of this Section to permit these lots, buildings, structures, and uses referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared by this Ordinance to be incompatible with the lots, buildings, structures, and uses permitted by this Ordinance in certain districts. The regulations contained in this Section are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

B. **Change in Tenancy or Ownership**.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses, nonconforming building/structures, or nonconforming lot which does not alter its nonconforming status.

Alteration of Nonconforming Building



C. **Nonconforming Buildings/Structures**.

1. **Maintenance and Repair**. Nothing in this Ordinance shall prevent necessary repairs and incidental maintenance of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

2. **Completion**. Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been substantially underway on the effective date of this Ordinance.

3. **Alterations**. A nonconforming building/structure may be enlarged or altered in a way that does not increase its nonconformity. Increasing the height of a nonconforming building along the nonconforming side shall not be considered increasing the nonconformity. A nonconforming building may be lifted up, and the foundation may be replaced in the same footprint without altering the nonconforming status.

4. **Damage or Destruction**. In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God, or the public enemy, it may be rebuilt or restored in the footprint existing immediately prior to damage or destruction, provided the new structure shall not exceed the previous square footage of the structure after such rebuilding or restoration. Reconstruction must begin within

two (2) years or the structure shall be demolished. The Planning Commission may grant an extension if it finds just cause for said extension.

5. **Re-Location of a Nonconforming Structure**. Should a nonconforming building/structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. **Nonconforming Uses**.

1. **Change of Nonconforming Uses**. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after use has been changed to conforming use.

2. **Expansion or Enlargement Throughout a Lot.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance, may allow an expansion or enlargement, provided that it is shown that such expansion or enlargement complies with all of the following:

   a. The expansion or enlargement will not reduce the value or otherwise limit the lawful use of adjacent premises.

   b. The expansion or enlargement will essentially retain the character and environment of abutting premises.

   c. The expansion or enlargement will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).

3. **Expansion Throughout a Building**. Any nonconforming use may be carried on or expanded throughout any parts of a *building* which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.

4. **Abandonment of Nonconforming Use**. If a property owner has an intent to abandon a nonconforming use and in fact abandons this nonconforming use for a period of three (3) years or more, then any subsequent use shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

   a. Whether utilities, such as water, gas, and electricity on the property have been disconnected.

   b. Whether the property, buildings, and grounds have fallen into disrepair.

c. Whether signs or other indications of the existence of the nonconforming use have been removed.

d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.

e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

The Zoning Administrator may delay the declaration of abandonment on properties that are actively for sale.

5. **Damage and Destruction.** In the event that fire, explosion, the public enemy, Act of God, or purposeful removal destroys, damages, or removes an existing structure devoted to a nonconforming use, the structure may be reconstructed but shall not exceed the floor area prior to damage to the building. The renovation or replacement of a damaged structure devoted to a nonconforming use shall require approval using the Special Use process.

E. **Nonconforming Lots**.

Any lot which has less area and/or width and which was a lot of record or was held under separate ownership on the effective date of this Ordinance, or any amendment to this Ordinance, may be occupied by any use otherwise qualified in the Zoning District. A variance may be required to be obtained through the Zoning Board of Appeals. No side setback shall be less than five (5) feet.

Section 3.24 Off-Street Parking & Loading

A. **Purpose**.

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any principal building that is adequate for parking, loading, and unloading of vehicles according to the requirements listed below.

B. **When Compliance is Required**.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction**. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.

2. **Enlargement**. Whenever a building is expanded to increase its usable floor area that results in a higher number of parking spaces required.

3. **Change in Use**. Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

4. **Parking Area Construction and Expansion**. Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.

5. **Existing Parking**. Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless **subsections 1** through 4 (above) occur. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

C. **Parking Location**.

1. **Single-Family and Two-Family Residential Uses**. Residential off-street parking space shall consist of a driveway, garage, or any combination located on the premises they are intended to serve. In a residential district, a commercial vehicle may be parked or stored provided it does not exceed five (5) tons in weight and is owned by someone residing on the premises.

2. **Motor Vehicle Parking: Multiple-Family and Non-Residential Uses**. Parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Parking spaces shall not be located in a required setback.

D. **Parking Lot and Parking Space Standards – Multiple-Family and Non-Residential Uses**.

All off-street parking lots providing space for more than four (4) vehicles located in any district shall comply with the following development regulation, except as specifically stated otherwise herein:

1. **Plans**. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator and must be approved by the Township prior to the start of construction. In the event that, owing to inclement or cold weather conditions, the parking lot cannot be improved, a six (6) month extension can be issued by the Zoning Administrator.

2. **Ingress/Egress**. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained from the **County Road Commission** or **MDOT**; such approval shall include the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.

3. **Surface and Runoff**. The parking lots shall be maintained in a usable dustproof condition and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private property. The off-street parking areas shall be surfaced with a durable material such as gravel, reclaimed road millings (rap), asphalt, cement, or other material approved by the Planning Commission, that shall be graded to drain and dispose of stormwater.

4. **Illumination**. All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day. Lighting shall be directed downward pursuant to **Section 3.22**.

5. **Dimensions**. A minimum of one hundred forty (140) square feet located on the property intended to be served shall comprise one (1) vehicular space. Handicapped spaces must conform to the Michigan Barrier Free Design Standards.

6. **Turn-Around Space**. Adequate space shall be provided in all parking areas to facilitate turning around of vehicles so that the entry onto streets and roads may be in a forward manner and not by backing into a road. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to ensure vehicular and pedestrian safety.

7. **Snow Storage.** Adequate area shall be provided for snow piling.

8. **Designation**. Designation of parking area shall be clearly identifiable for use by the public.

E. **Number of Parking Spaces Required**.

The Township requires a specific number of parking spaces for the residential uses listed in Table 3.24. For all other uses, applicants shall submit plans for parking showing the number of spaces needed. With the exception of uses listed in Table 3.24 below, the applicant shall present evidence or data showing that their proposed number of parking spaces is sufficient. In reviewing and approving parking plans, the Township shall take the following into consideration:

1. The number of customers expected.

2. The number of staff required to operate the use.

3. Shared parking arrangements.

4. Any other information the applicant provides which supports the number of spaces needed for the use.

Table 3.24 Parking Spaces Required	
Residential Uses	
Use	**Parking Spaces Required**
Bed & breakfast facilities/tourist homes/rooming houses	Two (2) spaces for the operator; plus one (1) for each guest room; plus one (1) space for each non-resident employee
Group day care homes	Two (2) for each home in addition to the two (2) required for the residence
Home Occupations	Two (2) spaces for dwelling use; plus one (1) for each employee; plus additional spaces for Level 2 Home Occupations as determined by Planning Commission to accommodate customers or clients
Manufactured homes	Two (2) for each dwelling unit
Multiple-family dwellings	One and a half (1.5) for each dwelling unit
Single-family and two-family dwellings	Two (2) for each dwelling unit

F. **Loading/Unloading Space**.

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the highway.

Section 3.25 Driveways, Easements & Private Roads

Access to principal buildings(s) shall require a driveway or easement which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This Section does not cover or require snow removal).

Section 3.26 Signs

A. **Purpose**.

The purpose of this Section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the communications needs of both businesses and other parties and creating a more attractive business environment and attractive residential neighborhoods. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may have a negative impact on the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; promote pedestrian and traffic safety; and promote pleasing community aesthetics.

B. **Sign Permit**.

1. No sign shall be erected, installed, replaced, or reconstructed on any lot, parcel, or structure, unless or until a permit has been issued by the Township for such sign, except for those signs listed in subsection C.

2. Application for a sign permit shall be submitted to the Township on the appropriate forms supplied by the Township. The application shall contain the following information:

   a. Name, address, and telephone number of applicant.

   b. Written permission of the property owner, if other than an on-premises sign.

   c. Type of sign or sign structure, as defined in this Ordinance.

   d. Color sketch showing sign size, height, type of support (if applicable), and zoning district in which sign is located, location of sign on property, including front and side yard setback distances, and any other information required herein.

   e. Street address of the property upon which the sign is proposed to be located.

   f. The name of the contractor who is producing and/or erecting the sign, or the business or property owner who is producing and/or erecting the sign themselves.

3. **Permit Fees**. A permit shall be required for every sign structure regulated by this Section. Every applicant, before being granted a permit hereunder, shall pay the proper fee in effect at the time of application.

C. **Signs Allowed Without a Permit**.

The following signs shall not require permits:

Signs Allowed Without Permits		
TYPE OF SIGN	**DESCRIPTION**	**SUBJECT TO SUBSECTION H**
1. **Freestanding Accessory Signs for Non-Residential Uses**.	Permanent, freestanding accessory signs that do not exceed six (6) square feet each per side.	NO
2. **Accessory Signs on Structures for Non-Residential Uses**	Accessory signs on structures such as gas pumps or storage sheds.	NO
3. **Governmental Signs**	Signs erected by an agency of the local, state, or federal government.	NO
4. **Flags**		NO
5. **Warning Signs**	Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop-offs, high voltage, fire danger, and explosives are permitted.	NO
6. **Historical Site Signs**	A sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted.	NO
7. **Placards and Signs Cut Into Building Materials**	Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.	NO
8. **Canopy, Awning or Marquee Signs**	Signs when located on or below a canopy, awning, or marquee.	NO
9. **Window Signs**	Signs in windows.	NO
10. **Temporary Signs**	If a temporary sign is being used in place of a permanent sign, then a Zoning Permit is required.	YES
11. **Bulletin Boards**	Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.	NO
12. **Signs Not Visible**	Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.	NO
13. **Required Signs**	Signs required by law.	NO
14. **911 Signs**	Signs required for 911 emergency services.	NO
15. **Murals**		

D. **General Sign Standards**.

1. **Construction and Maintenance**. The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

2. **Illumination**. Internal or external illumination is permitted and shall be by non-flashing light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent roads. The source of any illumination shall not be visible beyond the lot lines of the lot upon which the advertising structure is located. Exterior lighting of signs shall be shielded so as not to glare or be hazardous to traffic or adjacent property. When adjacent to residential uses, illuminated signs shall contain a mechanism to automatically adjust the intensity of the light according to natural ambient light conditions.

3. **Building Code**. All signs shall be subject to the building code.

4. **Setbacks**. All signs shall be setback a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Section.

5. **Height**. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by **Table 3.26**.

6. **Ground Clearance**. Projecting signs shall have a minimum clearance of eight (8) feet between the ground surface and the lowest point of the sign.

7. **Corner Clearance**. No signs shall be placed in required clear vision areas (**Section 3.15**).

8. **Sign Maintenance**. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.

9. **Substitution Clause**. Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

E. **Nonconforming Signs**.

1. A nonconforming sign or sign structure existing and in place on the date of the enactment of this Ordinance may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a nonconforming sign existing on the day of enactment of this Section shall not:

a. Be changed to another nonconforming sign.

b. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.

c. Be re-established after it has been determined to be an abandoned sign.

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

2. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework, location, and/or the size and/or shape of the sign remain unchanged. If such framework is altered or moved/removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

F. **Abandoned Signs**.

1. An abandoned sign is any sign to which any of the following applies:

a. The sign is an on-premise sign which is located on a property on which the use has been abandoned, or the sign is an off-premise sign that advertises an establishment that is no longer in operation or that no longer exists.
b. The sign has remained blank over a period of one (1) year.
c. The sign's message becomes illegible in whole or substantial part.
d. The sign which has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed in the time provided in the second notice, then the sign shall be determined to be a violation of this Ordinance.

a. The Zoning Administrator has discretion to extend the period of time during which abandoned signs are required to be removed in the event that the property is for sale or if he or she finds good cause for such extension.

b. The frame of an abandoned sign may remain in place.

G. **Removal of Unsafe or Damaged Signs**.

In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall,

within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

H. **Signs Permitted and Prohibited**.

1. **Prohibited Signs.** Any sign not specifically permitted is prohibited. The Zoning Administrator shall have the authority to classify signs not specifically denoted.

   a. Signs not securely affixed to a substantial structure.
   b. Abandoned signs.
   c. Signs which are affixed to trees, rocks, or other natural features.
   d. Signs which resemble official traffic signs or devices or which obstruct official signs.
   e. Flashing, rotating, animated, intermittent, glaring, and oscillating signs.
   f. Signs which are hazardous to traffic.
   g. Signs which obstruct doors, windows, or fire escapes.
   h. Signs which contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.

2. **Signs in the Right-of-Way**. No sign other than a traffic or regulatory sign shall be erected in a street or road right-of- way unless permission is obtained from the agency with jurisdiction over the road.

3. **Signs Erected by Governmental Agencies**. Signs when erected by the Township, county, or state shall be permitted in all Districts.

4. **Zoning Permit Required**. Unless a sign is exempt from permit requirements as specified in subsection C, a Zoning Permit shall be obtained from the Zoning Administrator prior to the construction or placement of any sign.

5. **Permitted Signs.** Permitted signs shall be limited to those listed in the following **Table 3.26**, subject to all regulations listed and other requirements of this Section.

   a. Lots may contain any of the sign types listed in the table. A lot which contains a sign of one (1) type (i.e., freestanding signs) may also contain signs of any other type (i.e., wall signs).
   b. Sign number limits, sizes, and heights are listed as the maximum allowed unless specified otherwise.

c. All maximum allowable sign areas mean per side of the sign.

Table 3.26: R-1, RR, & FF Districts

Sign Type	Single-Family & Two-Family Dwellings	Residential Developments (including Multiple-Family Dwellings, Subdivisions, Attached Housing Developments, PUDs)	Non-Dwelling Uses (Farms & Other Commercial Uses
Primary Sign, Freestanding *(permanent)*	**Size**: 6 sq ft *(max.)* **Number Allowed**: 1 per dwelling unit **Height**: 5 ft	**Size**: 64 sq ft *(max.)* **Number Allowed**: 1 per entrance **Height**: 8 ft above uniform finished grade	**Size**: 64 sq ft *(max.)* **Number Allowed**: 1 **Height**: 8 ft above uniform finished grade
Wall Signs (Primary) *(permanent)*	**Size**: 6 sq ft *(max.)* **Number Allowed**: 1 per dwelling unit	**Size**: 25 % of each building wall *(max.)*	
Temporary Signs *(no permit req)*	**Size**: 24 sq ft *(total square footage of all temporary signs)* **Number**: 6 *(max.)*		
Attention-Getting Devices *(no permit req)*	Not allowed	1 (32 sq ft each) per 20 linear feet of road frontage	
Portable Changeable Copy Message Boards	Not allowed	**Size**: 32 sq ft *(max.)* **Number**: 1	
Electronic or Static Message Center *(permanent)* See **subsection I** below	Not allowed	**Size**: 20 sq ft **Number Allowed**: 1 **Height**: 8 ft above uniform finished grade	
Cluster Signs *(permanent)*	Not allowed		
Projecting Signs *(permanent)*	Not allowed	**Size**: 12 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*	**Size**: 12 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*
Large Off-Premise Signs	Not allowed		
Small Off-Premise Signs	See **subsection K**		
Roof Signs	Not allowed		

Table 3.26: C & I Districts	
Sign Type	
Primary Sign, Freestanding *(permanent)*	**Maximum Size**: 64 sq ft **Number Allowed**: 1 per entrance **Height**: Not to exceed a height of ten (10) feet above the uniform finished grade
Wall Signs (Primary) *(permanent)*	**Maximum Size**: 25% of each building wall *(max.)* **Window**: Signs may be placed inside the window areas of the buildings in commercial or retail zones. The sign area may not exceed ten percent (10) of the area of the window. The window sign area shall be deducted from the sign area permitted on the lot.
Temporary Signs *(no permit req)*	**Size**: 24 sq ft *(total square footage of all temporary signs)* **Number**: 6 *(max.)*
Attention-Getting Devices *(no permit req)*	1 (32 sq ft each) per 20 linear feet of road frontage
Portable Changeable Copy Message Boards	**Size**: 32 sq ft *(max.)* **Number Allowed**: 1
Digital or Static Message Center *(permanent)* (see **subsection I** below)	**Size**: 20 sq ft **Number Allowed**: 1 **Height**: 10 ft above uniform finished grade
Cluster Signs *(permanent)*	**Size**: 32 sq ft (total of all signs in the cluster) **Number Allowed**: 1 **Height**: 10 ft above uniform finished grade Larger cluster signs may be permitted upon approval of the Planning Commission
Projecting Signs *(permanent)*	**Size**: 16 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*
Large Off-Premise Signs (see **subsection J** below)	**Size**: 100 sq ft *(max.) (if there is an existing use on the premises, the off-premise sign does not count toward the sign allowance for the use)* **Number Allowed**: 1 **Height**: 15 ft **Setback**: 100 feet from road right-of-way
Small Off-Premise Signs	See **subsection K**
Roof Signs	Not allowed

I. **Digital Message Centers**.

1. A digital message center shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.

2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.

3. A digital message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message center and shall be subject to all provisions of this Ordinance.

J. **Large Off-Premise Signs (Billboards)**.

The following standards shall apply:

1. **Illumination**. A billboard may be externally illuminated, provided such external illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate except in conformance with subsection 3 below.

2. **Structure**. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to ensure proper alignment of structure, continued structural soundness, and continued readability of the message.

3. **Digital Off-Premise Signs**.

   a. **Rate of Change**. The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be complete in one (1) second or less.

b. **Luminance**. The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet.

c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

4. **Highway Advertising Act**. A billboard established along a State of Michigan trunkline, in addition to complying with the above conditions, shall also comply with all applicable provisions of the **Highway Advertising Act, 1972 PA 106**, as amended, and the regulations promulgated thereunder.

5. **Planning Commission Approval Required**. Billboards are subject to review and approval by the Planning Commission using the site plan review procedures in **Section 5.4** and the approval standards in **Section 5.6**.

K. **Small Off-Premise Signs**.

Small off-premise signs shall be allowed on private property.

1. Small off-premise signs may be located on vacant or developed lots. Small off-premise signs on developed lots shall NOT count toward that lot's sign size limitations.

2. Signs shall not be located in the road right-of-way.

3. Small off-premise signs shall be no greater than twelve (12) square feet.

4. One (1) small off-premise sign shall be allowed on each lot. Up to two (2) small off-site signs shall be allowed on lots which are located at intersections.

5. The height of an off-site sign shall not exceed six (6) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.

L. **Deviation from Sign Section**.

The Planning Commission may allow deviations from this Section; provided, however, no such deviation shall be based on the content (message) displayed on the sign. The following factors shall be considered by the Planning Commission when approving deviations:

1. Relationship of the sign to surrounding properties and rights-of-way.

a. Compatibility with adjacent land uses and signs.

b. Visibility of neighboring signs or buildings.

c. Visibility and legibility of the sign for pedestrian and vehicular traffic.

d. Lighting trespass impacts.

2. Relationship of the sign to features on the site of the sign installation.

a. Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.

b. Compatibility of the sign with the size, location, and character of the principal building(s) on-site.

c. Impact of the sign upon on-site vehicular and pedestrian circulation.

3. Impact of the sign upon parks and historic properties.

a. Impact of the sign upon views of prominent natural features.

b. Impact of the sign upon parks and public spaces.

c. Impact of the sign upon historic buildings or properties.

4. Impacts of the sign upon public safety.

a. Visibility of traffic safety devices.

b. Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.

c. Impacts of sign lighting upon vehicular traffic.

d. The safety of the placement of the sign.

Section 3.27 Voting Place

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

Section 3.28 Man-Made Waterbodies

A. Man-made water bodies, including ponds, shall be set back twenty (20) feet from all lot lines of abutting properties.

B. Artificial fish ponds shall be contained to prevent fish from entering natural water bodies in the event of flooding.

Section 3.29 Performance Standards

A. **Vibration**.

All machinery shall be so mounted and operated as to prevent transmission of ground vibration which can be readily perceived by a person standing at any lot line of the transmitting use. Vibrations resulting from temporary construction and excavation activity shall be exempt from the requirements of this Section.

B. **Odor**.

The emission of noxious odors in such quantities as to be readily detectable at any lot line so that it is a public nuisance or hazard beyond lot lines is prohibited.

C. **Drifted or Blown Material**.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation, or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

D. **Gases**.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. **Electrical Disturbance, Electromagnetic, or Radio Frequency Interference**.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. **Glare and Heat**.

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.

G. **Solid Waste Management**.

Solid waste shall be managed in accordance with the current Oscoda County Solid Waste Management Plan, as amended.

Article 4
District Regulations

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4.2	Zoning Map & Zoning District Boundaries	4-2
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Section 4.1 Zoning Districts

Comins Township is hereby divided into the following zoning districts:

Comins Township Zoning Districts	
R-1	Single-Family Residential District
FF	Farm & Forest District
RR	Resort-Recreational District
C	Commercial District
I	Industrial District
VOD	Village Overlay District

Section 4.2 Zoning Map & Zoning District Boundaries

A. Official Zoning Map.

The boundaries of designated districts are shown on the map made a part of this Ordinance, which map is designated as the **Comins Township Zoning Map**. The zoning districts map is a part of this Ordinance and is on file in the office of the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the zoning districts map and all such notations, references, and other information shown thereon were fully set forth or described herein.

B. District Boundaries.

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.

2. All streets, alleys, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad right of way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or such alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

3. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline shall be construed as following the actual shoreline.

4. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

5. All questions concerning the exact location of any Zoning District boundary not clearly described shall be determined by the Zoning Board of Appeals consistent with the purposes of this Ordinance upon written application or upon its own motion.

C. 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 come a part of the land formerly within such vacated street, alley, or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the district boundary line, and the lands on either side of said centerline shall acquire the zoning district of their respective adjoining properties without further governmental action.

D. **Zoning of Filled Areas.**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates.

E. **Annexed Areas.**

Whenever any area is annexed to Comins Township, land that is zoned previously to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

Section 4.3 Application of Setback & Height Regulations

A. **Application of Setback Regulations.**

1. No building or structure shall hereafter be erected, altered, or enlarged unless the height, setback, and lot requirements in this Article are provided and maintained in connection with such building, erection, alteration, or enlargement.

2. **Measuring Setbacks**. Setback shall be measured from the eave or overhang (dripline) of the building.

B. **Application of Height Regulations.**

1. Building height is measured from the established grade. See definition of ***Building Height***.

2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.

3. **Exceptions to Height Limitations**. Height regulations shall apply to any area that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (belfries, church spires, monuments, smokestacks, rooftop equipment, chimneys, etc.). Height restrictions do not apply to flag poles, light poles, agricultural accessory structures, wind turbines, anemometer towers, wireless towers, and similar facilities.

Section 4.4 Application of Use Regulations

A. **Uses in Districts**.

1. **Permitted Uses**. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district section or **Table 4.11** or are similar to such listed uses, as determined by the Planning Commission.

2. **Special Uses**. Special Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Use in the specific zoning district section or **Table 4.11** or are similar to such listed uses, as determined by the Planning Commission.

B. **Unlisted Uses**.

1. The Township Planning Commission shall have the power, on written request of a property owner in a zoning district, to classify a use not listed with a comparable permitted use or Special Use in the district. Petition for such classification shall be made through the office of the Township Zoning Administrator.

2. The Planning Commission shall use the following factors to determine if an unlisted use is comparable to another listed use:

   a. the nature and intensity of the use;
   b. traffic generation;
   c. hours of operation;
   d. noise, vibration, odor, lighting, and other external effects;
   e. building and site characteristics;
   f. parking and loading demand; and
   g. compatibility with the purpose and intent of the district.

3. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

Section 4.5 (R-1) Single-Family Residential District

A. **Intent**.

The R-1 Single-Family Residential District is intended to provide for neighborhoods consisting primarily of single-family dwellings while allowing a limited range of compatible residential, civic, institutional, and neighborhood-serving uses that support the daily needs of residents.

R-1 DISTRICT

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.11: Full Table of Permitted and Special Uses**).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**R-1**
Accommodation & Food/Event Services	
Bakeries (goods produced and sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	**S**
Bed & Breakfasts/Tourist Homes	**S**
Boarding & Rooming Houses	**S**
Caterers / Food Service Contractors	**S**
Inns	**S**
Restaurants without Drive-Through	**S**
Short Term Rentals	**P**
Agriculture, Animal Services & Forest Products	
Roadside Stands	**P**
Arts, Entertainment & Recreation	
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	**P**
Educational Services & Religion	
Churches or Places of Worship & Customary Accessory Uses	**P**
Pre-Schools	**P**
Schools, Primary or Secondary	**P**
Schools, Post-Secondary (technical, college, business schools)	**P**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**R-1**
Educational Services & Religion (Continued)	
Trade/Industrial Schools	**P**
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (6 or fewer adults)	**P**
Adult Day Care Facilities (in private home) (7 - 12 adults)	**S**
Adult Foster Care Family Homes	**P**
Child Care Home, Family	**P**
Child Care Home, Group	**S**
State-Licensed Residential Facilities (6 or fewer adults)	**P**
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	**P**
Miscellaneous	
Accessory Buildings/Structures §3.13	**P**
Cemeteries	**S**
Planned Unit Developments (PUD) §7.10	**S**
Site Condominiums §7.11	**S**
Residential	
Accessory Dwelling Units §7.3	**P**
Home Occupations, Level 1 §7.2	**P**
Home Occupations, Level 2 §7.2	**S**

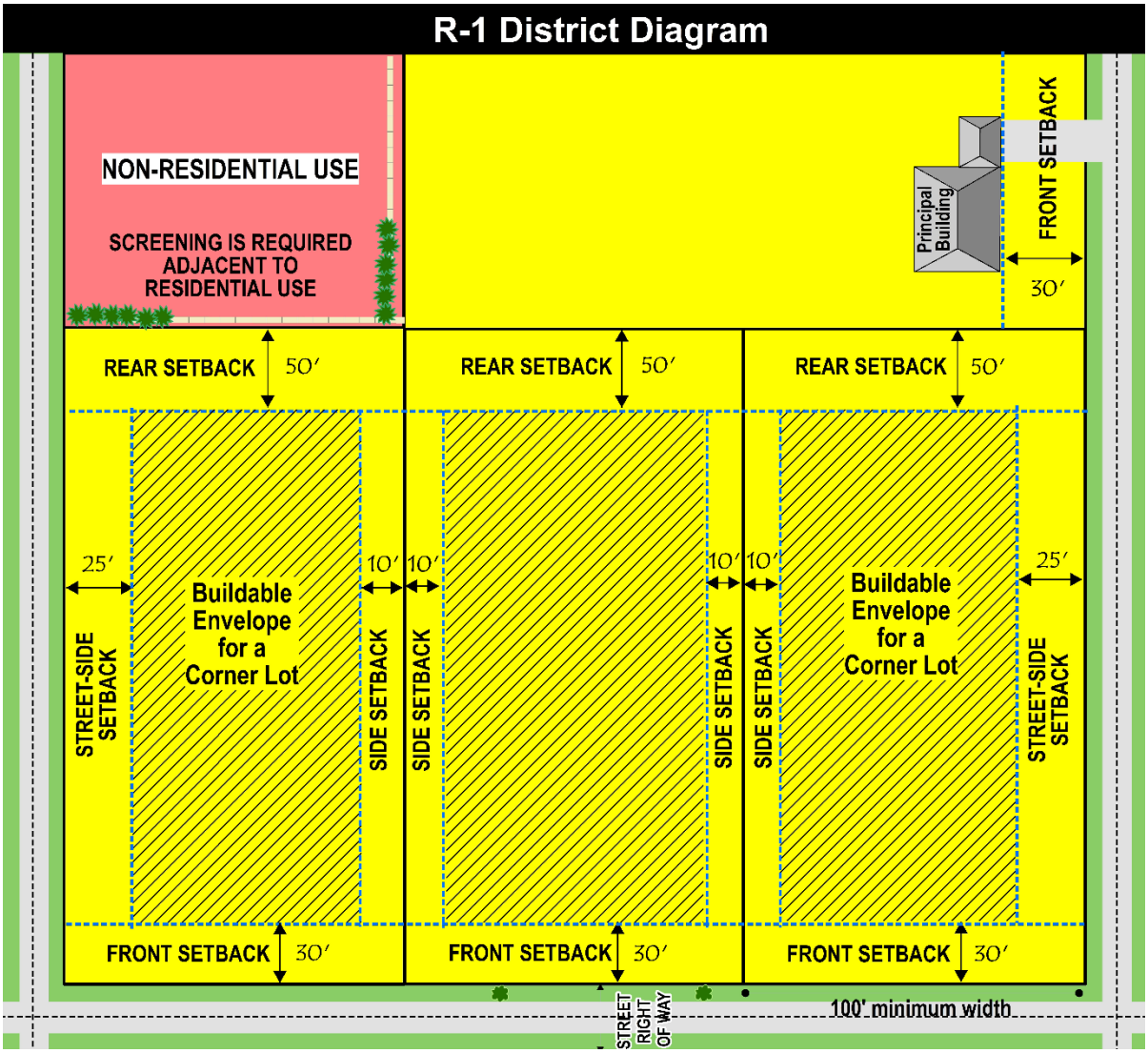
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**R-1**
Residential (Continued)	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) (only in conjunction with commercial uses that are listed as permitted or special uses in the R-1 district)	**P**
Multiple-Family Dwelling	**S**
Single-Family Dwelling	**P**
Single-Family Conversions	**S**
Two-Family Dwelling (duplex)	**P**
Utilities, Energy & Communications	
Essential Services §3.19	**P**
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	**S**
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	**P**
Solar Energy – Accessory (Ground-Mounted) §7.17	**S**
Wind Turbines (Accessory) §7.18	**S**

C. Development Standards for the R-1 District.

R-1 DISTRICT

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards		
a.	**Lot Area (min.)**	¼ acre
b.	**Lot Width (min.)**	100 feet - No lot shall have a greater than 4:1 depth-to-width ratio
c.	**Building Height (max.)**	2.5 stories or 35 feet, whichever is less
d.	**Dwelling Unit Size (min. per dwelling unit)**	320 square feet (except Accessory Dwelling Units) The entire floor area of the building shall count when calculating minimum square footage of a dwelling unit.
2. Setbacks		
a.	**Front (min.)**	30 feet
b.	**Side (min.)**	10 feet
		25 feet for the street-side yard on corner lots
c.	**Rear (min.)**	50 feet
3. Additional Development Standards		
a.	**Accessory Buildings**	§3.13
b.	**Screening**	§3.20
c.	**Fences**	§3.21
d.	**Decks & Patios**	Decks and patios shall maintain a 10-foot setback from all lot lines.
e.	**Parking**	§3.24
f.	**Signs**	§3.26


R-1 District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
50′
REAR SETBACK
50′
REAR SETBACK
50′
25′
STREET-SIDE SETBACK
Buildable Envelope for a Corner Lot
10′
SIDE SETBACK
10′
SIDE SETBACK
10′
SIDE SETBACK
10′
SIDE SETBACK
Buildable Envelope for a Corner Lot
25′
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY
100' minimum width

Section 4.6 (FF) Farm & Forest District

A. **Intent**.

This district is intended to promote the proper use, enjoyment, and conservation of the water, land, topographic, and forestland resources of the township, particularly adapted in general to recreational and forestry uses, as well as agriculture and residential and commercial uses.

FF DISTRICT

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.11: Full Table of Permitted and Special Uses**).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Accommodation & Food/Event Services	
Bakeries (goods produced and sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	**S**
Bed & Breakfasts/Tourist Homes	**S**
Boarding & Rooming Houses	**S**
Caterers / Food Service Contractors	**S**
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.7	**S**
Inns	**S**
Resorts	**S**
Restaurants without Drive-Through	**S**
Short Term Rentals	**P**
Vendors & Vendor Truck Parks §7.14	**S**
Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations	**S**
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	**S**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Agriculture, Animal Services & Forest Products (Continued)	
Agricultural Equipment Sales	**S**
Agricultural Products Processing & Storage (on a farm)	**P**
Agricultural Research & Development Facilities (public or private)	**S**
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	**P**
Educational Tours, Classes, Lectures and Seminars	**P**
Family-Oriented Animated Barns (haunted houses)	**S**
Farm Stays	**P**
Gift shops for agriculturally related products, crafts	**S**
Historical Agricultural Exhibits	**P**
Organized Meeting Space & Small-Scale Entertainment – Commercial Event Facilities §7.7	**S**
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	**S**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Agriculture, Animal Services & Forest Products (Continued)	
Picnic Areas (including restrooms)	**P**
Playgrounds, Wagon / Sleigh Rides, Nature Trails	**S**
Restaurants (related to the agricultural use of the site)	**S**
Seasonal Outdoor Mazes of Agricultural Origin	**P**
Animal Attractions (such as zoos, animal tours and other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	**S**
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) §7.5	**S**
Animal Shelters §7.5	**S**
Biofuel Production Facilities on Farms §7.9	**PS**
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	**P**
Composting Facilities (large-scale facilities – compost material brought in & deposited)	**S**
Farms (including agricultural buildings)	**P**
Farm Markets - on property controlled by the affiliated farm	**P**
Farm Product Sales (Fruit / Vegetable Market) – not affiliated with a specific farm	**P**
Forest Products Processing (including sawmills, planing mills, veneer mills and related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	**S**
Grain Elevators	**P**
Greenhouse, Nursery, Landscaping & Garden Supplies	**P**
Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.5	**S**
Livestock Auction Yards	**P**
Pet Grooming	**P**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Agriculture, Animal Services & Forest Products (Continued)	
Roadside Stands	**P**
Slaughter Houses	**S**
Stables	**P**
Veterinary Clinics & Animal Hospitals §7.5	**P**
Arts, Entertainment & Recreation	
Archery Range (outdoor) / Axe Throwing Facilities	**P**
Art Studios	**P**
Boat/Canoe/Kayak/Paddle Board Rental	**P**
Campgrounds & RV Parks	**S**
Clubs, Lodges & Fraternal Organizations	**P**
Country Clubs	**P**
Equipment Rental, Motorized (ORV, Snowmobile)	**P**
Equipment Rental, Non-Motorized (Outfitter)	**P**
Golf Courses	**P**
Golf Driving Ranges	**P**
Marinas (including boat fuel sales, boat supplies, and accessories)	**P**
Museums & Galleries	**P**
Recreation Facility, Indoor Commercial (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades)	**S**
Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf)	**S**
Theaters; Fine & Performing Arts Facilities, Indoor	**P**
Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters)	**S**
Preserves, Hunting or Wildlife	**S**
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	**P**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Arts, Entertainment & Recreation (Continued)	
Shooting Range, Indoor	S
Shooting Range, Outdoor	S
Spectator Arenas & Stadiums	S
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tours (Commercial Operations), not already listed	P
Commercial	
AUTOMOTIVE and VEHICULAR USES	
Automobile Repair Garage	S
Automotive Equipment Rental & Leasing	S
Automotive Towing Businesses	S
Boat/RV/Recreational Equipment Repair & Storage	S
Car Washes	S
Gas Stations & Electric Vehicle Charging Facility	S
Truck and Heavy Equipment Sales/Service Establishments	S
Vehicle Impound Lot	S
Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar	S
RETAIL USES	
Retail, General	S
Antique Shop; Resale Shop; Consignment Shop	S
Art & Photography Shops	S
Automotive Accessory Sales	S
Bait and Tackle Shops, Fly Shops	S
Bicycle Shops	S
Book Stores	S
Building Material & Garden Equipment and Supplies Dealers	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Commercial (Continued)	
Clothing and Clothing Accessories Stores & Shoe Stores (including shoe repair)	S
Convenience Stores	S
Department Stores	S
Electronics and Appliance Stores	S
Firearms Store	S
Florists	S
Food & Beverage Stores	S
Furniture & Home Furnishings Stores	S
Garden Centers, Greenhouses, Nurseries, & Landscaping Supply	P
Hardware Stores	S
Health & Personal Care Stores	S
Home Improvement Centers (lumber stored in an enclosed structure)	S
General Merchandise Stores	S
Gift Shops	P
Liquor Store (where liquor is the primary item)	S
Lumber Yards	S
Mall, Shopping Center	S
Manufactured Home Dealers	S
Office Supply Stores	S
Outdoor Sales & Rental Facilities (may include service)	S
Pawn Shops	S
Pharmacies/Medical & Optical Supplies	S
Retail Uses with Outdoor Storage	S
Seasonal Use Sales	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book, & Music Stores	S
SERVICE USES and GENERAL COMMERCIAL	
Business Incubators	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Commercial (Continued)	
Business Services and Repair	S
Cash Advance Stores	S
Cleaning Services	S
Commercial/Industrial Equipment Repair, Rental, & Leasing	S
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) with Storage Yards	S
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) without Storage Yards	S
Dry Cleaning & Laundry Services	S
Extermination & Pest Control Services	S
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages and other related activities)	S
Financial Institutions/Banks	S
Funeral Homes	S
Mortuaries and Crematorium	S
General Rental Centers/Rent-To-Own	S
Interior Designers/Showrooms	S
Laboratories, Support, & Medical	S
Locksmiths	S
Offices, Professional	S
Personal Services (barber/beauty shops, tailoring, health spas, & massage)	S
Photofinishing/Photographers	S
Printing/Binding/Publishing of Printed Materials	S
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic and precision equipment, & similar items)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Commercial (Continued)	
Repair Shops, Large Items (including but not limited to commercial and industrial equipment, lawnmowers, and similar items) not within a Totally Enclosed Building	S
Tattoo/Piercing/Body Art Facilities	S
Taxidermy Shops	S
Upholstery Shop	S
Educational Services & Religion	
Churches or Places of Worship & Customary Accessory Uses	P
Pre-Schools	P
Schools, Primary or Secondary	P
Schools, Post-Secondary (technical, college, business schools)	P
Trade/Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (6 or fewer adults)	P
Adult Day Care Facilities (in private home) (7 - 12 adults)	S
Adult Day Care Facilities (not in a private home)	S
Adult Foster Care Family Homes	P
Adult Foster Care Facility, Convalescent/Nursing Home, & Assisted Living Facilities (7 or more)	S
Child Care Center	S
Child Care Home, Family	P
Child Care Home, Group	S
Child Caring Institution	S
Community/Emergency & Other Relief Services	P
Hospitals	S
Medical/Health Care Clinics & Surgical Centers	S
Medical Laboratories	S
Rehabilitation Institutions (not related to substance abuse)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Human Care & Social Assistance (Continued)	
Rehabilitation Institutions (related to substance abuse)	**S**
Residential Human Care Facility (ex: Homeless Shelter)	**S**
State-Licensed Residential Facilities (6 or fewer adults)	**P**
Transitional Housing	**S**
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	**P**
Vocational Rehabilitation Services (job training, job readiness, etc.)	**S**
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing, Light	**S**
Accessory Uses incidental to Manufacturing (offices, food services)	**P**
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)	**P**
Extraction of Natural Resources (Mining on Property) §7.13	**S**
Food Hub/Food Incubator Facility	**S**
Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services §7.4	**S**
Machine Shops	**S**
Metal Plating/Buffing/Polishing	**S**
Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)	**S**
Oil & Gas Processing Facilities	**S**
Pressurized Gas Filling & Distribution (principal use)	**S**
Research/Design/Experimental Product Development/Testing	**S**
Solid Waste Disposal Facilities & Landfills, Waste Collection, Materials Recovery, or Transfer Facility	**S**

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Manufacturing; Industrial; Mining; Waste Management (Continued)	
Tool & Die Shops	**S**
Welding Shops	**S**
Wineries/Distilleries/Breweries without Food or Drink Service	**S**
Miscellaneous	
Accessory Buildings/Structures §3.13	**P**
Cemeteries	**S**
Planned Unit Developments (PUD) §7.10	**S**
Site Condominiums §7.11	**S**
Public Facilities	
Community Centers (public)	**P**
Government Offices/Facilities	**P**
Libraries	**P**
Police/Fire Stations	**P**
Post Office	**P**
Public Works Facilities with Outdoor Storage	**P**
Publicly Owned/Operated Office & Service Facilities	**P**
Residential	
Accessory Dwelling Units §7.3	**P**
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) (only in conjunction with commercial uses that are listed as permitted or special uses in the FF district)	**P**
Home Occupations, Level 1 §7.2	**P**
Home Occupations, Level 2 §7.2	**P**
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.6	**S**
Multiple-Family Dwelling	**P**
Single-Family Dwelling	**P**
Single-Family Conversions	**P**
Two-Family Dwelling (duplex)	**P**

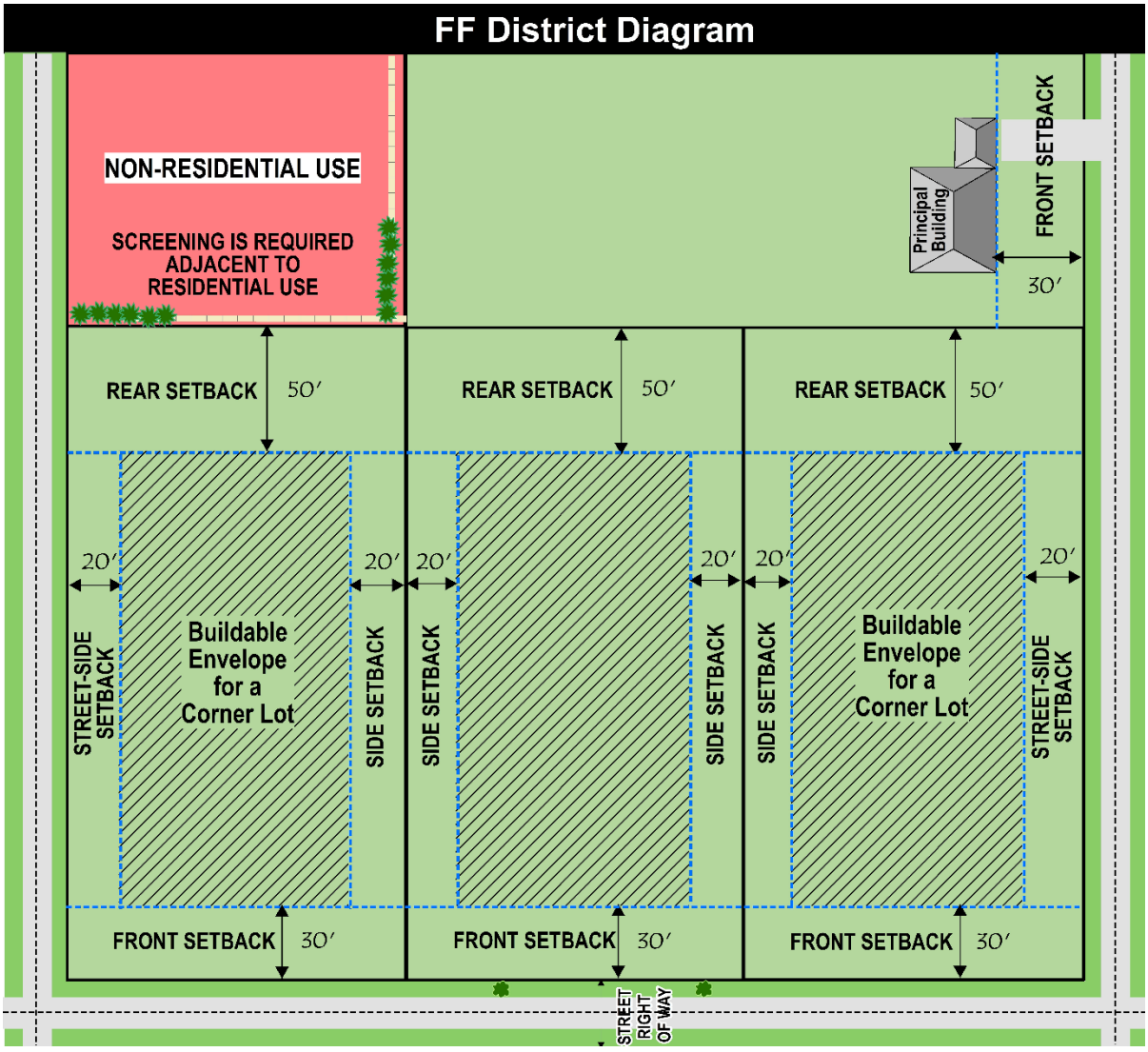
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**FF**
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade	
Airports, Landing Fields & Heliports	**S**
Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals	**S**
Drone (Unmanned Aerial) Centers	**S**
Mini-Storage	**P**
Storage Facility & Warehousing (indoor or outdoor)	**P**
Truck Washes	**P**
Wholesale	**P**
Utilities, Energy & Communications	
Essential Services §3.19	**P**
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	**P**
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	**P**
Solar Energy – Accessory (Ground-Mounted) §7.17	**P**
Wind Turbines (Accessory) §7.18	**P**
Wireless Facilities (new - with or without support structures) §7.15	**S**
Wireless Facilities (Small Cell) §7.16	**S**

C. Development Standards for the FF District.

FF DISTRICT

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. **Lot Area (min.)**	2.5 acres
b. **Lot Width (min.)**	No lot shall have a greater than 4:1 depth-to-width ratio
c. **Building Height (max.)**	2.5 stories or 35 feet, whichever is less
d. **Dwelling Unit Size (min. per dwelling unit)**	320 square feet The entire floor area of the building shall count when calculating minimum square footage of a dwelling unit.
2. Setbacks	
a. **Front (min.)**	30 feet
b. **Side (min.)**	20 feet
c. **Rear (min.)**	50 feet
3. Additional Development Standards	
a. **Accessory Buildings**	§3.13
b. **Screening**	§3.20
c. **Fences**	§3.21
d. **Decks & Patios**	Decks and patios shall maintain a 10-foot setback from all lot lines.
e. **Parking**	§3.24
f. **Signs**	§3.26


FF District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
50′
REAR SETBACK
50′
REAR SETBACK
50′
20′
20′
20′
20′
20′
20′
STREET-SIDE SETBACK
Buildable Envelope for a Corner Lot
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Buildable Envelope for a Corner Lot
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY

Section 4.7 (RR) Resort-Recreational District

A. **Intent**.

The Resort-Recreational (RR) District is intended to provide for a compatible mix of residential, recreational, tourism, lodging, and limited commercial uses in areas that serve the Township's lakes, rivers, forests, trails, and other natural amenities. The district is designed to accommodate year-round and seasonal residents, visitors, and businesses that support outdoor recreation while preserving the scenic character and natural resources that make these areas desirable.

RR DISTRICT

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.11: Full Table of Permitted and Special Uses**).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	RR
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes	P
Boarding & Rooming Houses	P
Caterers / Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.7	S
Hotels & Motels	S
Inns	S
Resorts	S
Restaurants without Drive-Through	S
Short Term Rentals	P
Agriculture, Animal Services & Forest Products	
Roadside Stands	P
Arts, Entertainment & Recreation	
Archery Range (outdoor) / Axe Throwing Facilities	S
Art Studios	S
Boat/Canoe/Kayak/Paddle Board Rental	S
Campgrounds & RV Parks	S
Clubs, Lodges & Fraternal Organizations	S
Country Clubs	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	RR
Arts, Entertainment & Recreation (Continued)	
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses	S
Golf Driving Ranges	S
Marinas (including boat fuel sales, boat supplies, and accessories)	S
Museums & Galleries	P
Recreation Facility, Indoor Commercial (ex: health clubs, gyms, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades)	S
Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf)	S
Theaters; Fine & Performing Arts Facilities, Indoor	S
Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters)	S
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	S

TABLE OF PERMITTED USES & SPECIAL USES	RR
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	
Arts, Entertainment & Recreation (Continued)	
Tours (Commercial Operations), not already listed	S
Commercial	
RETAIL USES	
Art & Photography Shops	S
Bait and Tackle Shops, Fly Shops	S
Book Stores	S
General Merchandise Stores	S
Gift Shops	S
Outdoor Sales & Rental Facilities (may include service)	S
Small-Scale Craft Making	S
Sporting Goods, Hobby, Book, & Music Stores	S
SERVICE USES and GENERAL COMMERCIAL	
Dry Cleaning & Laundry Services	S
Personal Services (barber/beauty shops, tailoring, health spas, & massage)	S
Educational Services & Religion	
Churches or Places of Worship & Customary Accessory Uses	P
Pre-Schools	P
Schools, Primary or Secondary	P
Schools, Post-Secondary (technical, college, business schools)	P
Trade/Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (6 or fewer adults)	P
Adult Day Care Facilities (in private home) (7 - 12 adults)	S
Adult Foster Care Family Homes	P
Child Care Home, Family	P
Child Care Home, Group	S

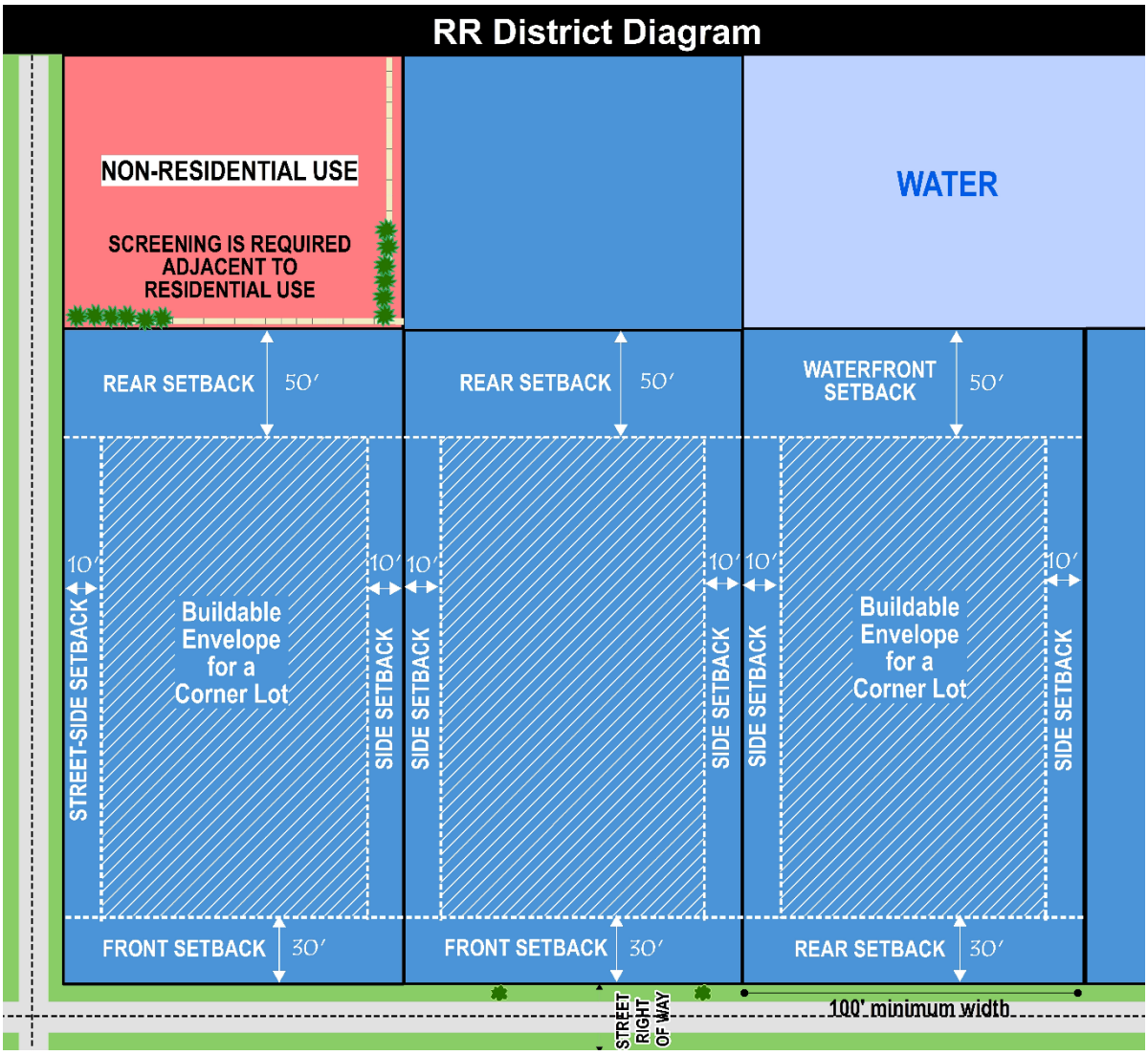
TABLE OF PERMITTED USES & SPECIAL USES	RR
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	
Human Care & Social Assistance (Continued)	
State-Licensed Residential Facilities (6 or fewer adults)	P
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	P
Miscellaneous	
Accessory Buildings/Structures §3.13	P
Cemeteries	S
Planned Unit Developments (PUD) §7.10	S
Site Condominiums §7.11	S
Public Facilities	
Community Centers (public)	P
Residential	
Accessory Dwelling Units §7.3	P
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) (only in conjunction with commercial uses that are listed as permitted or special uses in the RR district)	P
Home Occupations, Level 1 §7.2	P
Home Occupations, Level 2 §7.2	S
Multiple-Family Dwelling	P
Single-Family Dwelling	P
Single-Family Conversions	P
Two-Family Dwelling (duplex)	P
Utilities, Energy & Communications	
Essential Services §3.19	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	S
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	P
Solar Energy – Accessory (Ground-Mounted) §7.17	S
Wind Turbines (Accessory) §7.18	S

C. Development Standards for the RR District.

RR DISTRICT

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards		
a.	**Lot Area (min.)**	¼ acre
b.	**Lot Width (min.)**	100 feet - No lot shall have a greater than 4:1 depth-to-width ratio
c.	**Building Height (max.)**	2.5 stories or 35 feet, whichever is less
d.	**Dwelling Unit Size (min. per dwelling unit)**	320 square feet Floor space area shall be measured on the outside perimeter, exclusive of breezeway and garage. No area shall be considered as living area where more than 4 feet of the walls are below outside ground grade except that such finished areas may be included if 1 wall is entirely above the grade line of the lot and adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from such finished living quarters.
2. Setbacks		
a.	**Front (min.)**	30 feet 50 feet from the waterfront; 30 feet on the roadside
b.	**Side (min.)**	10 feet
c.	**Rear (min.)**	50 feet
3. Additional Development Standards		
a.	**Accessory Buildings**	§3.13
b.	**Screening**	§3.20
c.	**Fences**	§3.21
d.	**Decks & Patios**	Decks and patios shall maintain a 10-foot setback from all lot lines.
e.	**Parking**	§3.24
f.	**Signs**	§3.26


RR District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
WATER
REAR SETBACK 50′
REAR SETBACK 50′
WATERFRONT SETBACK 50′
10′
STREET-SIDE SETBACK
Buildable Envelope for a Corner Lot
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Buildable Envelope for a Corner Lot
SIDE SETBACK
FRONT SETBACK 30′
FRONT SETBACK 30′
REAR SETBACK 30′
STREET RIGHT OF WAY
100' minimum width

Section 4.8 (C) Commercial District

A. **Intent**.

The purpose of creating a general commercial zone is to provide areas, which include the sale of commodities or performance of services for the entire community.

C DISTRICT

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.11: Full Table of Permitted and Special Uses**).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	C
Accommodation & Food/Event Services	
Bakeries (goods produced and sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Bed & Breakfasts/Tourist Homes	S
Caterers / Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.7	S
Hotels & Motels	P
Inns	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through or Drive-In	S
Vendors & Vendor Truck Parks §7.14	P
Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Sales	S
Agricultural Research & Development Facilities (public or private)	S
Animal Shelters §7.5	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	C
Agriculture, Animal Services & Forest Products (Continued)	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Farm Markets - on property controlled by the affiliated farm	P
Farm Product Sales (Fruit / Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (including sawmills, planing mills, veneer mills and related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S
Grain Elevators	S
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.5	S
Pet Grooming	P
Roadside Stands	P
Veterinary Clinics & Animal Hospitals §7.5	P
Arts, Entertainment & Recreation	
Archery Range (outdoor) / Axe Throwing Facilities	S
Art Studios	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	C
Arts, Entertainment & Recreation (Continued)	
Boat/Canoe/Kayak/Paddle Board Rental	P
Clubs, Lodges & Fraternal Organizations	P
Country Clubs	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Driving Ranges	S
Marinas (including boat fuel sales, boat supplies, and accessories)	P
Museums & Galleries	P
Recreation Facility, Indoor Commercial (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades)	P
Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf)	P
Theaters; Fine & Performing Arts Facilities, Indoor	P
Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters)	S
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P
Shooting Range, Indoor	S
Spectator Arenas & Stadiums	S
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tours (Commercial Operations), not already listed	P
Commercial	
AUTOMOTIVE and VEHICULAR USES	
Automobile Repair Garage	P
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	C
Commercial (Continued)	
Boat/RV/Recreational Equipment Repair & Storage	P
Car Washes	P
Gas Stations & Electric Vehicle Charging Facility	P
Truck and Heavy Equipment Sales/Service Establishments	P
Vehicle Impound Lot	P
Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar	P
RETAIL USES	
Retail, General	P
Antique Shop; Resale Shop; Consignment Shop	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait and Tackle Shops, Fly Shops	P
Bicycle Shops	P
Book Stores	P
Building Material & Garden Equipment and Supplies Dealers	P
Clothing and Clothing Accessories Stores & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics and Appliance Stores	P
Firearms Store	P
Florists	P
Food & Beverage Stores	P
Furniture & Home Furnishings Stores	P
Garden Centers, Greenhouses, Nurseries, & Landscaping Supply	P
Hardware Stores	P
Health & Personal Care Stores	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**C**
Commercial (Continued)	
Home Improvement Centers (lumber stored in an enclosed structure)	P
General Merchandise Stores	P
Gift Shops	P
Liquor Store (where liquor is the primary item)	P
Lumber Yards	P
Mall, Shopping Center	P
Manufactured Home Dealers	P
Office Supply Stores	P
Outdoor Sales & Rental Facilities (may include service)	P
Pawn Shops	P
Pharmacies/Medical & Optical Supplies	P
Retail Uses with Outdoor Storage	P
Seasonal Use Sales	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book, & Music Stores	P
SERVICE USES and GENERAL COMMERCIAL	
Business Incubators	P
Business Services and Repair	P
Cash Advance Stores	P
Cleaning Services	P
Commercial/Industrial Equipment Repair, Rental, & Leasing	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) with Storage Yards	S
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) without Storage Yards	P
Dry Cleaning & Laundry Services	P
Extermination & Pest Control Services	P
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages and other related activities)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**C**
Commercial (Continued)	
Financial Institutions/Banks	P
Funeral Homes	P
Mortuaries and Crematorium	S
General Rental Centers/Rent-To-Own	P
Interior Designers/Showrooms	P
Laboratories, Support, & Medical	P
Locksmiths	P
Offices, Professional	P
Personal Services (barber/beauty shops, tailoring, health spas, & massage)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic and precision equipment, & similar items)	P
Repair Shops, Large Items (including but not limited to commercial and industrial equipment, lawnmowers, and similar items) not within a Totally Enclosed Building	S
Tattoo/Piercing/Body Art Facilities	P
Taxidermy Shops	P
Upholstery Shop	P
Educational Services & Religion	
Churches or Places of Worship & Customary Accessory Uses	P
Pre-Schools	P
Schools, Primary or Secondary	P
Schools, Post-Secondary (technical, college, business schools)	P
Trade/Industrial Schools	P

TABLE OF PERMITTED USES & SPECIAL USES	C
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	
Human Care & Social Assistance	
Adult Day Care Facilities (not in a private home)	P
Adult Foster Care Facility, Convalescent/Nursing Home, & Assisted Living Facilities (7 or more)	S
Child Care Center	S
Child Caring Institution	S
Community/Emergency & Other Relief Services	P
Hospitals	S
Medical/Health Care Clinics & Surgical Centers	S
Medical Laboratories	P
Rehabilitation Institutions (not related to substance abuse)	P
Rehabilitation Institutions (related to substance abuse)	P
Residential Human Care Facility (ex: Homeless Shelter)	P
Vocational Rehabilitation Services (job training, job readiness, etc.)	P
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing, Light	P
Accessory Uses incidental to Manufacturing (offices, food services)	P
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)	P
Food Hub/Food Incubator Facility	P
Machine Shops	S
Metal Plating/Buffing/Polishing	S
Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)	P
Pressurized Gas Filling & Distribution (principal use)	S
Research/Design/Experimental Product Development/Testing	P
Tool & Die Shops	S
Welding Shops	S

TABLE OF PERMITTED USES & SPECIAL USES	C
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	
Manufacturing; Industrial; Mining; Waste Management (Continued)	
Wineries/Distilleries/Breweries without Food or Drink Service	P
Miscellaneous	
Accessory Buildings/Structures §3.13	P
Cemeteries	S
Planned Unit Developments (PUD) §7.10	S
Public Facilities	
Community Centers (public)	P
Government Offices/Facilities	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Publicly Owned/Operated Office & Service Facilities	P
Residential	
Accessory Dwelling Units §7.3	S
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses)	P
Home Occupations, Level 1 §7.2	P
Home Occupations, Level 2 §7.2	P
Multiple-Family Dwelling	P
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade	
Bus Stations	P
Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals	P
Drone (Unmanned Aerial) Centers	S
Mini-Storage	P
Storage Facility & Warehousing (indoor or outdoor)	S
Truck Washes	S
Wholesale	S

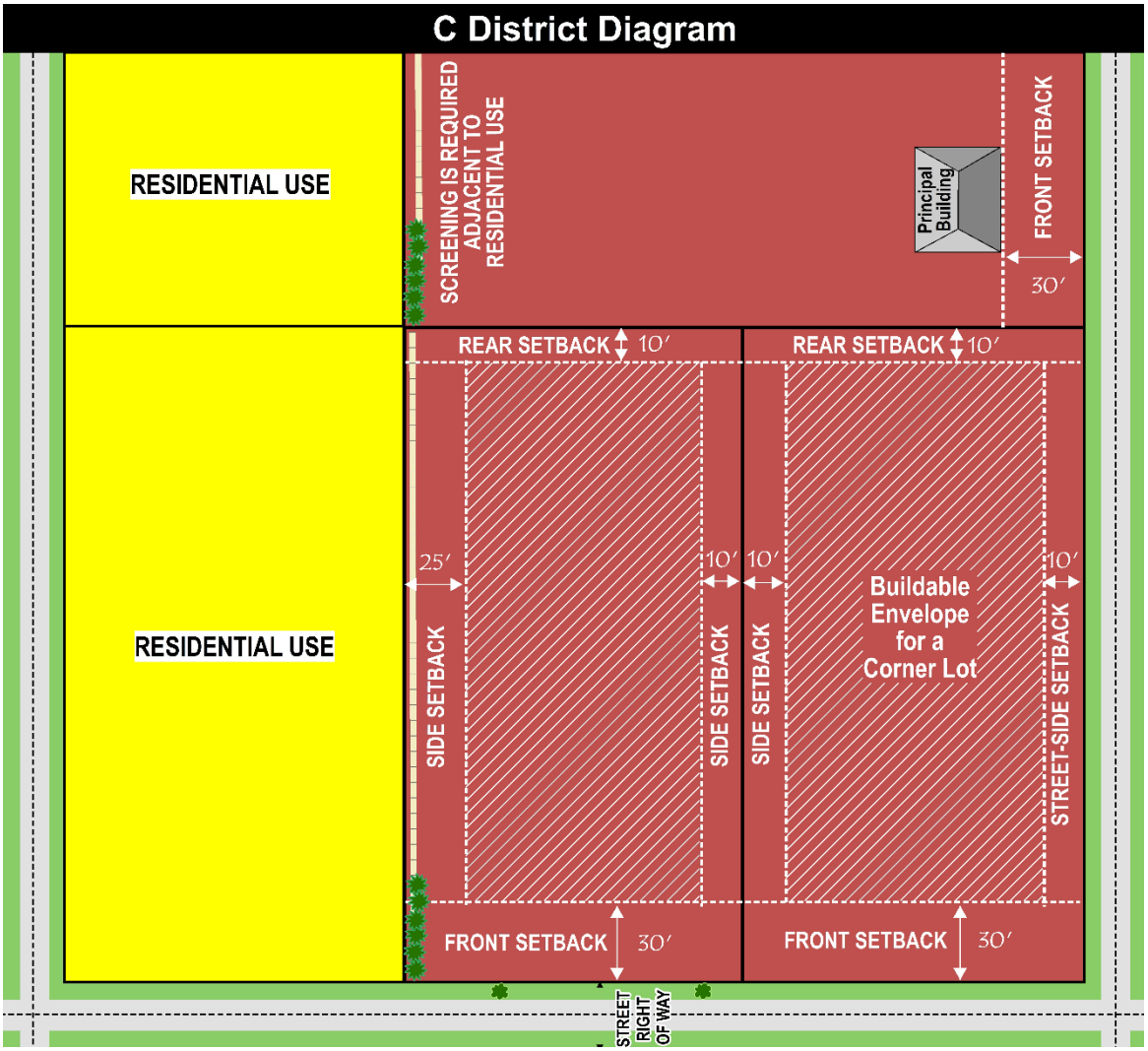
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	C
Utilities, Energy & Communications	
Essential Services §3.19	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	S
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	P
Solar Energy – Accessory (Ground-Mounted) §7.17	P
Wind Turbines (Accessory) §7.18	P

C. Development Standards for the C District.

C DISTRICT

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. **Lot Area (min.)**	No Minimum
b. **Lot Width (min.)**	No Minimum
c. **Building Height (max.)**	2.5 stories or 35 feet, whichever is less
2. Setbacks	
a. **Front (min.)**	30 feet
b. **Side (min.)**	10 feet
	25 feet where a commercial zone abuts a residential zone
c. **Rear (min.)**	10 feet
3. Additional Development Standards	
a. **Accessory Buildings**	§3.13
b. **Screening**	§3.20
c. **Fences**	§3.21
d. **Decks & Patios**	Decks and Patios shall maintain a 10-foot setback from all lot lines.
e. **Parking**	§3.24
f. **Signs**	§3.26
g. **Commercial Overlay**	The Commercial Overlay allows Commercial (C) District uses on parcels within the overlay zone in addition to the uses allowed in the underlying district. The Commercial Overlay Zone is 660 feet deep as measured from the front property line, where indicated on the Zoning Map. (1) Uses which are listed as Permitted or Special Uses within the underlying district only shall adhere to the development standards for the underlying district and, if applicable, all supplemental standards in Article 7. (2) Uses which are listed as Permitted or Special Uses within the Commercial District only shall adhere to the development standards of the Commercial District and, if applicable, all supplemental standards in Article 7. (3) Uses which are listed as Permitted or Special Uses within both the underlying district and the Commercial District shall adhere to the least restrictive district development standards and, if applicable, all supplemental standards in Article 7.


C District Diagram
RESIDENTIAL USE
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
10′
REAR SETBACK
10′
25′
SIDE SETBACK
10′
SIDE SETBACK
10′
SIDE SETBACK
Buildable Envelope for a Corner Lot
10′
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY

Section 4.9 (I) Industrial District

A. **Intent**.

This purpose of creating an industrial zone is to serve the general industrial needs of the community.

I DISTRICT

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.11: Full Table of Permitted and Special Uses**).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	I
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Sales	S
Agricultural Research & Development Facilities (public or private)	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Composting Facilities (large-scale facilities – compost material brought in & deposited)	S
Forest Products Processing (including sawmills, planing mills, veneer mills and related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S
Grain Elevators	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Livestock Auction Yards	P
Roadside Stands	P
Slaughter Houses	P
Stables	P
Arts, Entertainment & Recreation (Continued)	
Spectator Arenas & Stadiums	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	I
Commercial	
AUTOMOTIVE and VEHICULAR USES	
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Car Washes	P
Truck and Heavy Equipment Sales/Service Establishments	P
Vehicle Impound Lot	P
Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar	P
RETAIL USES	
Garden Centers, Greenhouses, Nurseries, & Landscaping Supply	P
Lumber Yards	S
Manufactured Home Dealers	P
SERVICE USES and GENERAL COMMERCIAL	
Business Incubators	P
Business Services and Repair	P
Cleaning Services	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**I**
Commercial (Continued)	
Commercial/Industrial Equipment Repair, Rental, & Leasing	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) with Storage Yards	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) without Storage Yards	P
Data Processing & Computing Centers §7.22	S
Sexually Oriented Businesses §7.8	S
Educational Services & Religion	
Trade/Industrial Schools	S
Manufacturing; Industrial; Mining; Waste Management	
Manufacturing, Light	P
Manufacturing, Heavy	S
Accessory Uses incidental to Manufacturing (offices, food services)	P
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)	P
Extraction of Natural Resources (Mining on Property) §7.13	S
Food Hub/Food Incubator Facility	P
Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services §7.4	S
Machine Shops	P
Metal Plating/Buffing/Polishing	P
Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)	P
Oil & Gas Processing Facilities	S
Petroleum Products, Gas Products, Paint & Chemical, and Other Flammable Liquids Bulk Storage & Distribution (above or below ground)/Bulk Station §7.23	S
Pressurized Gas Filling & Distribution (principal use)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**I**
Manufacturing; Industrial; Mining; Waste Management (Continued)	
Research/Design/Experimental Product Development/Testing	P
Solid Waste Disposal Facilities & Landfills, Waste Collection, Materials Recovery, or Transfer Facility	S
Tool & Die Shops	P
Welding Shops	P
Wineries/Distilleries/Breweries without Food or Drink Service	P
Miscellaneous	
Accessory Buildings/Structures §3.13	P
Planned Unit Developments (PUD) §7.10	S
Public Facilities	
Community Centers (public)	P
Government Offices/Facilities	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Publicly Owned/Operated Office & Service Facilities	P
Residential	
Accessory Dwelling Units §7.3	S
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) (only in commercial establishments that are listed as permitted or special uses in that district)	P
Home Occupations, Level 1 §7.2	P
Home Occupations, Level 2 §7.2	P
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade	
Airports, Landing Fields & Heliports	S
Bus Stations	P
Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals	P
Drone (Unmanned Aerial) Centers	S
Mini-Storage	P

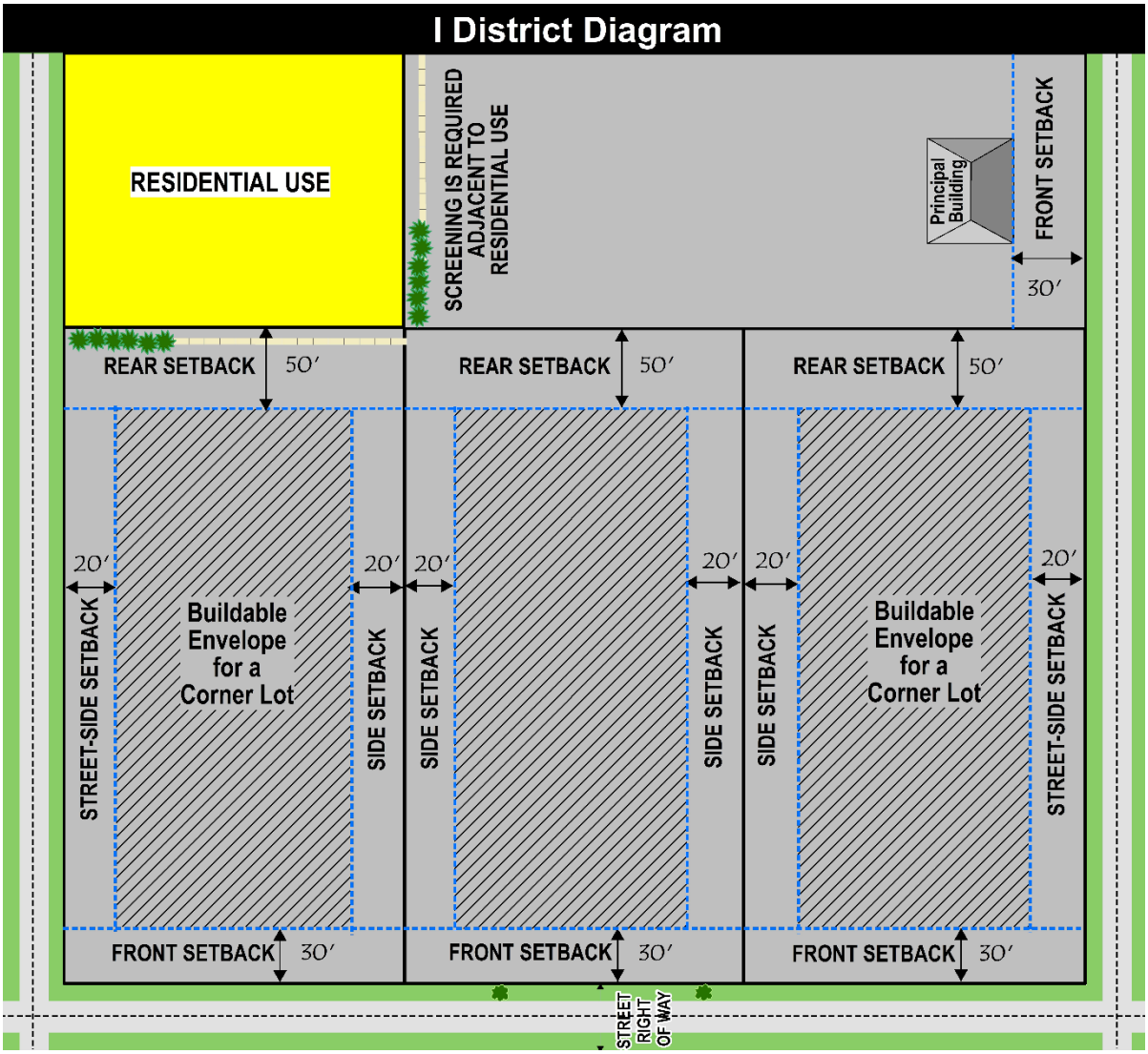
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit § *indicates supplemental regulations apply*	**I**
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade (Continued)	
Storage Facility & Warehousing (indoor or outdoor)	**P**
Truck Washes	**S**
Wholesale	**P**
Utilities, Energy & Communications	
Battery Energy Storage Systems §7.20	**S**
Essential Services §3.19	**P**
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	**P**
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	**P**
Solar Energy – Accessory (Ground-Mounted) §7.17	**P**
Solar Energy Facilities – Utility-Scale §7.19	**S**
Wind Turbines (Accessory) §7.18	**P**
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.21	**S**

C. Development Standards for the I District.

I DISTRICT

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards		
a.	**Lot Area (min.)**	None
b.	**Lot Width (min.)**	None
c.	**Building Height (max.)**	2.5 stories or 35 feet, whichever is less
2. Setbacks		
a.	**Front (min.)**	30 feet
b.	**Side (min.)**	20 feet
c.	**Rear (min.)**	50 feet
3. Additional Development Standards		
a.	**Accessory Buildings**	§3.13
b.	**Screening**	§3.20
c.	**Fences**	§3.21
d.	**Decks & Patios**	Decks and Patios shall maintain a 10-foot setback from all lot lines.
e.	**Parking**	§3.24
f.	**Signs**	§3.26


I District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
50′
REAR SETBACK
50′
REAR SETBACK
50′
20′
STREET-SIDE SETBACK
Buildable Envelope for a Corner Lot
20′
SIDE SETBACK
20′
SIDE SETBACK
20′
SIDE SETBACK
20′
SIDE SETBACK
Buildable Envelope for a Corner Lot
20′
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY

Section 4.10 Village Overlay District

A. Intent.

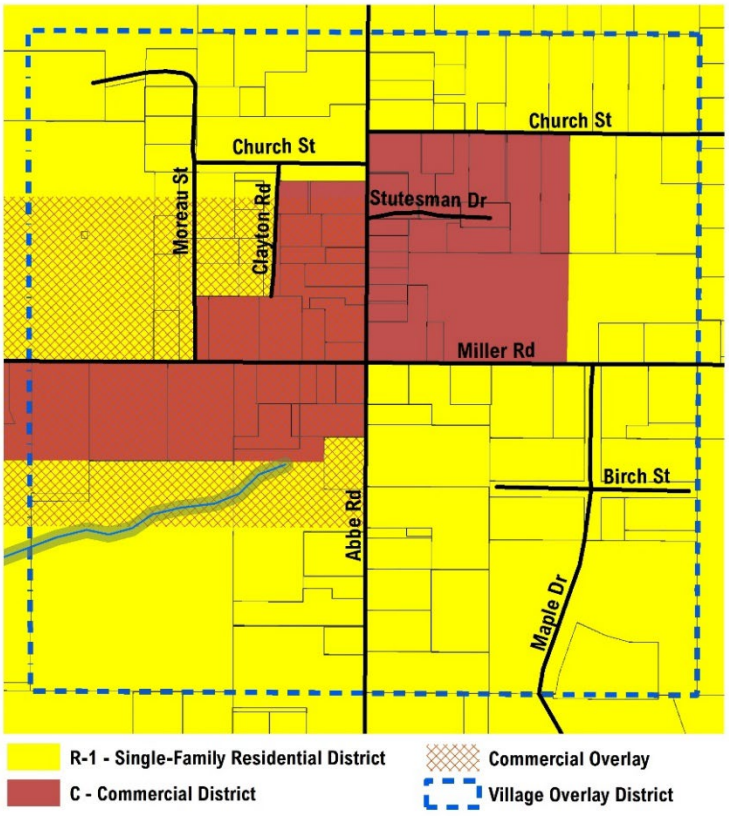
The Village Overlay District is intended to establish additional standards for building appearance, site design, and property maintenance that promote an orderly, well-maintained community, protect adjacent properties, and strengthen the identity of the village without unnecessarily restricting reasonable use of property. Unless modified by the Village Overlay District, the underlying zoning district regulations shall apply.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in each underlying district in **Section 4.11: Table of Permitted and Special Land Uses**.

C. Area Included in Village Overlay District.

The following map shows the boundaries of the Village Overlay District, which extend one-quarter (1/4) mile from the intersection of East Miller and North Abbe Road in all directions.



D. **Development Standards**.

In addition to all other applicable provisions of this Ordinance, the following standards shall apply within the Village Overlay District:

1. **Accessory Buildings**. Detached accessory buildings shall be located in the side or rear yard.

2. **Maintenance of Exterior Areas.** Exterior areas shall be maintained free of conditions that create an appearance of neglect or constitute a nuisance, including excessive accumulation of discarded materials, debris, or deteriorated items visible from a public street or adjoining property.

    a. **Outdoor Storage and Accumulation.** Outdoor storage shall be limited to materials, equipment, and items customarily incidental to the principal use of the property, commonly meant to be stored outdoors, and maintained in an orderly manner.

    b. **Front Yard Storage Prohibited.** No outdoor storage shall be permitted within any front yard, except for outdoor furniture intended for residential use, recreational items, decorative features, landscaping materials actively being used for maintenance or construction, and refuse or recycling containers placed for scheduled collection.

    c. **Junk and Debris.** The outdoor accumulation or storage of junk, refuse, rubbish, litter, discarded household goods, discarded building materials, scrap metal, inoperable machinery or equipment, appliances, furniture not designed for outdoor use, tires, or other discarded or abandoned materials is prohibited.

    d. **Inoperable and Unlicensed Vehicles.** Inoperable, dismantled, partially dismantled, wrecked, abandoned, or unlicensed motor vehicles shall not be stored outdoors unless completely enclosed within a building. This provision shall not apply to licensed vehicles temporarily undergoing repair for a period not to exceed one (1) year.

    e. **Temporary Exceptions.** These standards shall not prohibit temporary outdoor storage of materials associated with active construction authorized by a valid permit, seasonal yard maintenance, moving, community events, or emergency situations, provided such materials are removed within a reasonable period.

Section 4.11 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 4.4**. In the event of a conflict between the regulations in this Section and the use regulations contained in **Section 4.5** through **4.9**, then this Section shall control. For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to Principal Uses or Special Uses are permissible as part of the principal use.

Land Use Categories Reference Table	Pg
Accommodation & Food/Event Services	4-36
Agriculture, Animal Services & Forest Products	4-36
Arts, Entertainment & Recreation	4-38
Commercial	4-39
Educational Services & Religion	4-41
Human Care & Social Assistance	4-42
Manufacturing; Industrial; Mining; Waste Management	4.43
Miscellaneous	4-44
Public Facilities	4-44
Residential Uses	4-44
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade	4-45
Utilities, Energy & Communications	4-45

Comins Township Zoning Districts	
R-1	Single-Family Residential District
FF	Farm & Forest District
RR	Resort-Recreational District
C	Commercial District
I	Industrial District

Table 4.11: Full Table of Permitted & Special Uses

P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Accommodation & Food/Event Services					
Bakeries (goods produced and sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	S	S		P	
Bars/Taverns				P	
Bed & Breakfasts/Tourist Homes	S	S	P	S	
Boarding & Rooming Houses	S	S	P		
Caterers / Food Service Contractors	S	S	P	P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.7		S	S	S	
Hotels & Motels			S	P	
Inns	S	S	S	P	
Resorts		S	S		
Restaurants without Drive-Through	S	S	S	P	
Restaurants with Drive-Through or Drive-In				S	
Short Term Rentals	P	P	P		
Vendors & Vendor Truck Parks §7.14		S		P	
Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms & Distribution Operations		S		P	
Agriculture, Animal Services & Forest Products					
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)		S			
Agricultural Equipment Sales		S		S	S
Agricultural Products Processing & Storage (on a farm)		P			
Agricultural Research & Development Facilities (public or private)		S		S	S
Agricultural Tourism (see following):					
Bakeries (selling goods grown primarily on-site)		P			
Educational Tours, Classes, Lectures and Seminars		P			
Family-Oriented Animated Barns (haunted houses)		S			
Farm Stays		P			
Gift shops for agriculturally related products, crafts		S			
Historical Agricultural Exhibits		P			
Organized Meeting Space & Small-Scale Entertainment – Commercial Event Facilities §7.7		S			
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)		S			

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	**R-1**	**FF**	**RR**	**C**	**I**
Agriculture, Animal Services & Forest Products (Continued)					
Picnic Areas (including restrooms)		P			
Playgrounds, Wagon / Sleigh Rides, Nature Trails		S			
Restaurants (related to the agricultural use of the site)		S			
Seasonal Outdoor Mazes of Agricultural Origin		P			
Animal Attractions (such as zoos, animal tours and other animal visitation establishments) (may not be accessory use to hobby or commercial farms)		S			
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) §7.5		S			
Animal Shelters §7.5		S		S	
Biofuel Production Facilities on Farms §7.9		PS			
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)		P		P	P
Composting Facilities (large-scale facilities – compost material brought in & deposited)		S			S
Farms (including agricultural buildings)		P			
Farm Markets - on property controlled by the affiliated farm		P		P	
Farm Product Sales (Fruit / Vegetable Market) – not affiliated with a specific farm		P		P	
Forest Products Processing (including sawmills, planing mills, veneer mills and related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)		S		S	S
Grain Elevators		P		S	P
Greenhouse, Nursery, Landscaping & Garden Supplies		P		P	P
Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.5		S		S	
Livestock Auction Yards		P			P
Pet Grooming		P		P	
Roadside Stands	P	P	P	P	P
Slaughter Houses		S			P
Stables		P			P
Veterinary Clinics & Animal Hospitals §7.5		P		P	

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Arts, Entertainment & Recreation					
Archery Range (outdoor) / Axe Throwing Facilities		P	S	S	
Art Studios		P	S	P	
Boat/Canoe/Kayak/Paddle Board Rental		P	S	P	
Campgrounds & RV Parks		S	S		
Clubs, Lodges & Fraternal Organizations		P	S	P	
Country Clubs		P	S	P	
Equipment Rental, Motorized (ORV, Snowmobile)		P	S	P	
Equipment Rental, Non-Motorized (Outfitter)		P	S	P	
Golf Courses		P	S		
Golf Driving Ranges		P	S	S	
Marinas (including boat fuel sales, boat supplies, and accessories)		P	S	P	
Museums & Galleries		P	P	P	
Preserves, Hunting or Wildlife		S			
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P	P	P	P	
Recreation Facility, Indoor Commercial (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades)		S	S	P	
Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf)		S	S	P	
Shooting Range, Indoor		S		S	
Shooting Range, Outdoor		S			
Spectator Arenas & Stadiums		S		S	S
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses		P	S	P	
Theaters; Fine & Performing Arts Facilities, Indoor		P	S	P	
Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters)		S	S	S	
Tours (Commercial Operations), not already listed		P	S	P	

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	**R-1**	**FF**	**RR**	**C**	**I**
Commercial					
AUTOMOTIVE and VEHICULAR USES					
Automobile Repair Garage		S		P	
Automotive Equipment Rental & Leasing		S		P	P
Automotive Towing Businesses		S		P	P
Boat/RV/Recreational Equipment Repair & Storage		S		P	P
Car Washes		S		P	P
Gas Stations & Electric Vehicle Charging Facility		S		P	
Truck and Heavy Equipment Sales/Service Establishments		S		P	P
Vehicle Impound Lot		S		P	P
Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar		S		P	P
RETAIL USES					
Retail, General		S		P	
Antique Shop; Resale Shop; Consignment Shop		S		P	
Art & Photography Shops		S	S	P	
Automotive Accessory Sales		S		P	
Bait and Tackle Shops, Fly Shops		S	S	P	
Bicycle Shops		S		P	
Book Stores		S	S	P	
Building Material & Garden Equipment and Supplies Dealers		S		P	
Clothing and Clothing Accessories Stores & Shoe Stores (including shoe repair)		S		P	
Convenience Stores		S		P	
Department Stores		S		P	
Electronics and Appliance Stores		S		P	
Firearms Store		S		P	
Florists		S		P	
Food & Beverage Stores		S		P	
Furniture & Home Furnishings Stores		S		P	
Garden Centers, Greenhouses, Nurseries, & Landscaping Supply		P		P	P
Hardware Stores		S		P	

Table 4.11: Full Table of Permitted & Special Uses **P** = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Commercial (Continued)					
Health & Personal Care Stores		S		P	
Home Improvement Centers (lumber stored in an enclosed structure)		S		P	
General Merchandise Stores		S	S	P	
Gift Shops		P	S	P	
Liquor Store (where liquor is the primary item)		S		P	
Lumber Yards		S		P	S
Mall, Shopping Center		S		P	
Manufactured Home Dealers		S		P	P
Office Supply Stores		S		P	
Outdoor Sales & Rental Facilities (may include service)		S	S	P	
Pawn Shops		S		P	
Pharmacies/Medical & Optical Supplies		S		P	
Retail Uses with Outdoor Storage		S		P	
Seasonal Use Sales		P		P	
Small-Scale Craft Making		P	S	P	
Sporting Goods, Hobby, Book, & Music Stores		S	S	P	
SERVICE USES and GENERAL COMMERCIAL					
Business Incubators		S		P	P
Business Services and Repair		S		P	P
Cash Advance Stores		S		P	
Cleaning Services		S		P	P
Commercial/Industrial Equipment Repair, Rental, & Leasing		S		P	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) with Storage Yards		S		S	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) without Storage Yards		S		P	P
Data Processing & Computing Centers §7.22					S
Dry Cleaning & Laundry Services		S	S	P	
Extermination & Pest Control Services		S		P	

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Commercial (Continued)					
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages and other related activities)		S		P	
Financial Institutions/Banks		S		P	
Funeral Homes		S		P	
Mortuaries and Crematorium		S		S	
General Rental Centers/Rent-To-Own		S		P	
Interior Designers/Showrooms		S		P	
Laboratories, Support, & Medical		S		P	
Locksmiths		S		P	
Offices, Professional		S		P	
Personal Services (barber/beauty shops, tailoring, health spas, & massage)		S	S	P	
Photofinishing/Photographers		S		P	
Printing/Binding/Publishing of Printed Materials		S		P	
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic and precision equipment, & similar items)		S		P	
Repair Shops, Large Items (including but not limited to commercial and industrial equipment, lawnmowers, and similar items) not within a Totally Enclosed Building		S		S	
Sexually Oriented Businesses §7.8					S
Tattoo/Piercing/Body Art Facilities		S		P	
Taxidermy Shops		S		P	
Upholstery Shop		S		P	
Educational Services & Religion					
Churches or Places of Worship & Customary Accessory Uses	P	P	P	P	
Pre-Schools	P	P	P	P	
Schools, Primary or Secondary	P	P	P	P	
Schools, Post-Secondary (technical, college, business schools)	P	P	P	P	
Trade/Industrial Schools	P	P	P	P	S

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Human Care & Social Assistance					
Adult Day Care Facilities (in private home) (6 or fewer adults)	P	P	P		
Adult Day Care Facilities (in private home) (7 - 12 adults)	S	S	S		
Adult Day Care Facilities (not in a private home)		S		P	
Adult Foster Care Family Homes	P	P	P		
Adult Foster Care Facility, Convalescent/Nursing Home, & Assisted Living Facilities (7 or more)		S		S	
Child Care Center		S		S	
Child Care Home, Family	P	P	P		
Child Care Home, Group	S	S	S		
Child Caring Institution		S		S	
Community/Emergency & Other Relief Services		P		P	
Hospitals		S		S	
Medical/Health Care Clinics & Surgical Centers		S		S	
Medical Laboratories		S		P	
Rehabilitation Institutions (not related to substance abuse)		S		P	
Rehabilitation Institutions (related to substance abuse)		S		P	
Residential Human Care Facility (ex: Homeless Shelter)		S		P	
State-Licensed Residential Facilities (6 or fewer adults)	P	P	P		
Transitional Housing		S			
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	P	P	P		
Vocational Rehabilitation Services (job training, job readiness, etc.)		S		P	

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Manufacturing; Industrial; Mining; Waste Management					
Manufacturing, Light		S		P	P
Manufacturing, Heavy					S
Accessory Uses incidental to Manufacturing (offices, food services)		P		P	P
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)		P		P	P
Extraction of Natural Resources (Mining on Property) §7.13		S			S
Food Hub/Food Incubator Facility		S		P	P
Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services §7.4		S			S
Machine Shops		S		S	P
Metal Plating/Buffing/Polishing		S		S	P
Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)		S		P	P
Oil & Gas Processing Facilities		S			S
Petroleum Products, Gas Products, Paint & Chemical, and Other Flammable Liquids Bulk Storage & Distribution (above or below ground)/Bulk Station §7.23					S
Pressurized Gas Filling & Distribution (principal use)		S		S	P
Research/Design/Experimental Product Development/Testing		S		P	P
Solid Waste Disposal Facilities & Landfills, Waste Collection, Materials Recovery, or Transfer Facility		S			S
Tool & Die Shops		S		S	P
Welding Shops		S		S	P
Wineries/Distilleries/Breweries without Food or Drink Service		S		P	P

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Miscellaneous					
Accessory Buildings/Structures §3.13	P	P	P	P	P
Cemeteries	S	S	S	S	
Planned Unit Developments (PUD) §7.10	S	S	S	S	S
Site Condominiums §7.11	S	S	S		
Public Facilities					
Community Centers (public)		P	P	P	P
Government Offices/Facilities		P		P	P
Libraries		P		P	
Police/Fire Stations		P		P	P
Post Office		P		P	P
Public Works Facilities with Outdoor Storage		P		P	P
Publicly Owned/Operated Office & Service Facilities		P		P	P
Residential					
Accessory Dwelling Units §7.3	P	P	P	S	S
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) (only in commercial establishments that are listed as permitted or special uses in that district)	P	P	P	P	P
Home Occupations, Level 1 §7.2	P	P	P	P	P
Home Occupations, Level 2 §7.2	S	P	S	P	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.6		S			
Multiple-Family Dwelling	S	P	P	P	
Single-Family Dwelling	P	P	P		
Single-Family Conversions	S	P	P		
Two-Family Dwelling (duplex)	P	P	P		

Table 4.11: Full Table of Permitted & Special Uses					
P = Permitted **S** = Permitted with a Special Use Permit No marking indicates the use is not permitted in that district § *indicates supplemental regulations apply*	R-1	FF	RR	C	I
Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade					
Airports, Landing Fields & Heliports		S			S
Bus Stations				P	P
Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals		S		P	P
Drone (Unmanned Aerial) Centers		S		S	S
Mini-Storage		P		P	P
Storage Facility & Warehousing (indoor or outdoor)		P		S	P
Truck Washes		P		S	S
Wholesale		P		S	P
Utilities, Energy & Communications					
Battery Energy Storage Systems §7.20					S
Essential Services §3.19	P	P	P	P	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.19	S	P	S	S	P
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.17	P	P	P	P	P
Solar Energy – Accessory (Ground-Mounted) §7.17	S	P	S	P	P
Solar Energy Facilities – Utility-Scale §7.19					S
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.21					S
Wind Turbines (Accessory) §7.18	S	P	S	P	P
Wireless Facilities (Co-Location)	on existing towers				
Wireless Facilities (new - with or without support structures) §7.15		S			
Wireless Facilities (Small Cell) §7.16		S			

Section 4.12 Schedule of Regulations

Districts	Area of Lot (minimum)	Width of Lot[a] (minimum)	Maximum Height of Structure	Setbacks (minimum)			Minimum Dwelling Unit Size
				Front	Side	Rear	
R-1: Single-Family Residential	¼ acre	100'	35' or 2.5 stories whichever is less	30'	10'[d]	50'	320 sq ft
FF: Farm and Forest	2.5 acres	No minimum	35' or 2.5 stories whichever is less	30'	20'	50'	320 sq ft
RR: Resort-Recreational	¼ acre	100'	35' or 2.5 stories whichever is less	30'[b]	10'	50'	320 sq ft
C: Commercial	No minimum	No minimum	35' or 2.5 stories whichever is less	30'	10'[c]	10	320 sq ft
I: Industrial	No minimum	No minimum	35' or 2.5 stories whichever is less	30'	20'	50'	320 sq ft

a. No lot shall have greater than a 4:1 depth-to-width ratio.
b. On waterfront lots, the waterfront setback shall be 50 feet, and the roadside setback shall be 30 feet.
c. The side setback shall be 25 feet where a commercial zone abuts a residential zone.
d. The street-side setback shall be 25 feet on corner lots in the R-1 district.

Article 5
Plan Review

Sec	Name	Pg
5.1	Purpose	5-1
5.2	Approval Overview Table	5-1
5.3	Level 1 Site Plans	5-3
5.4	Level 2 Site Plan Review Procedure	5-4
5.5	Level 2 Site Plan Data Required	5-7
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5.9	Site Plan Violations	5-12
5.10	Expiration of Site Plan Approval	5-12

Section 5.1 Purpose

It is the purpose of this Article to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent lots, and the character of future development and to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as it was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such a manner as to protect adjacent properties from substantial adverse impacts.

Section 5.2 Approval Overview Table

The following table provides an overview of the approval process for types of uses, which type of plan is required, and the person or body responsible for conducting the review and approval process.

Table 5.2: Approval Overview Table

	Type of Use	Required	Approving Authority
RESIDENTIAL	1. Single-Family Dwellings & Two-Family Dwellings	Level 1 Site Plan	Zoning Administrator
	2. Accessory Dwelling Units	Level 1 Site Plan	Zoning Administrator
	3. Multiple-Family Dwelling Units; Manufactured Housing Communities	Level 2 Site Plan	Planning Commission
	4. Dwelling Units in conjunction with Commercial Establishments	Level 2 Site Plan	Planning Commission
	5. Temporary Dwellings	Level 1 Site Plan	Zoning Administrator
	6. Family Child Care Homes and Adult Day Care Homes (in private residence – 6 or less)	Level 1 Site Plan	Zoning Administrator
	7. Special Uses (Residential): Home Occupation Level 2, Bed & Breakfasts/Tourist Home, Group Day Care Homes & Adult Day Care Homes (in private residence – more than 6 adults)	Level 1 Site Plan	Planning Commission
NON-RESIDENTIAL	8. Special Uses (Non-Residential)	Level 2 Site Plan	Planning Commission
	9. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses Principal Buildings/Principal Uses (new)	Level 2 Site Plan	Planning Commission
	10. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses – increase in floor area 25% and over	Level 2 Site Plan	Planning Commission
	11. Non-Residential Principal Buildings/Principal Uses – increase in floor area of less than 25% of the existing floor area in the event of no impact to other site requirements or improvements 12. Changes to building height that do not add additional floor area nor exceed the maximum height requirements of the district.	Level 2 Site Plan or Site Plan Amendment	Zoning Administrator
	13. Parking Lots - except #14 below	Level 2 Site Plan	Planning Commission
	14. Increase in parking or loading area of less than 25%	Level 2 Site Plan	Zoning Administrator
	15. Change of Use – where no exterior changes are proposed	N/A	No approval needed
OTHER	16. Accessory Buildings/Structures - residential & non-residential. Accessory buildings/structures under 200 sq ft do not need a zoning permit.	Level 1 Site Plan	Zoning Administrator
	17. Fences – agricultural uses are exempt	N/A	No approval needed
	18. Signs – except signs exempted from permits per Section 3.26.C.	Level 1 Site Plan	Zoning Administrator
	19. Vendor Trucks on property for more than 30 days	Level 1 Site Plan	Zoning Administrator
	20. Seasonal Uses	N/A	No approval needed
	21. Accessory Solar Panels and Accessory Wind Turbines	Level 1 Site Plan	Zoning Administrator (except where listed as a Special Use which requires Planning Commission approval)
NOTE: The Zoning Administrator may refer any application to the Planning Commission for review and approval.			

Section 5.3 Level 1 Site Plans

A. Level 1 Site Plan Submittal Requirements.

The Zoning Administrator shall require that all applications for zoning approval be accompanied by plans and specifications, including a Level 1 Site Plan, drawn to scale, showing the information listed below and containing the signature of the lot owner. One (1) print copy is required. The Zoning Administrator may waive any of the Level 1 Site Plan requirements listed below when he/she finds that those requirements are not applicable or necessary to determine whether the proposed development complies with all applicable requirements of this Ordinance. Nothing in this Section shall be construed as to prohibit a lot owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided.

Table 5.3: Level 1 Site Plan Requirements

1. **Address/ Contact**	Address or legal or tax description of the lot where the proposed use will occur. Name, address, and telephone number of the lot owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. **Lot Lines**	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. **Setbacks**	Location of required setbacks of the zoning district.
4. **Structures**	The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot, drawn to scale.
5. **Access**	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting pavements and rights-of-way.
6. **Use**	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
7. **Natural Features**	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
8. **Other**	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

B. Level 1 Site Plan Administrative Procedure.

1. Level 1 Site Plans are reviewed and approved according to the approval chart in **Table 5.2** after an application has been submitted and applicable fees have been paid. The Zoning Administrator or

Planning Commission will issue or authorize the issuance of a Zoning Permit pursuant to **Section 9.2** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance. When the Planning Commission reviews a Level 1 Site Plan, they shall use the Site Plan Review Procedures in **Section 5.4**.

2. After approval, copies of the application and Level 1 Site Plan submitted shall be signed and dated. One (1) copy shall be filed with the Township and one (1) returned to the applicant with the Zoning Permit.

3. Level 1 Site Plan approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to expiration of an approved Level 1 Site Plan, an applicant may make application to the Zoning Administrator or Planning Commission (depending on who approved the Level 1 Site Plan) for a one (1) year extension of the Level 1 Site Plan approval. The Zoning Administrator or Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

Section 5.4 Level 2 Site Plan Review Procedure

A. Site Plan Pre-Application Meeting.

The Zoning Administrator, alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission, shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this meeting is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Application and Fee.

1. **Application Form**. Application for Site Plan Review shall be submitted through the Zoning Administrator to the Planning Commission on a special application form for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of processing the application. No part of any fee shall be refundable unless by vote of the Township Board.

2. **Number of Copies and Timing**. Seven (7) copies of the proposed site plan, at a readable scale, containing the data listed in **Section 5.5**, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or lot owner or his designated agent at

least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the site plan shall be required.

a. The Zoning Administrator may waive the thirty (30) day submittal requirement and accept an application submitted fewer than thirty (30) days before the Planning Commission meeting if the Zoning Administrator determines that there is sufficient time to complete the administrative completeness review, distribute the application and supporting materials to the Planning Commission, and otherwise satisfy the requirements of this Ordinance without delaying the review. Approval of such a waiver shall be at the sole discretion of the Zoning Administrator and shall not obligate the Township to place the application on any particular Planning Commission agenda.

C. **Review for Completeness by the Zoning Administrator**.

The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting (if the complete site plan was submitted at least thirty (30) days prior to the Planning Commission meeting). If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with **Section 9.6** and the procedures of **Article 6** shall be followed.

D. **Coordination with Other Agencies/Departments**.

Upon receipt of an application for Site Plan Review, including all data required in **Section 5.5**, the Zoning Administrator may transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application to request feedback on the site plan:

1. The **Oscoda County Building Department**
2. The Oscoda County Soil Erosion and Sedimentation Control Officer
3. The Oscoda County Drain Commissioner
4. The **Oscoda County Road Commission** and, if appropriate, the **Michigan Department of Transportation**
5. **District Health Department**
6. Local police, fire, and ambulance service providers
7. Planning consultant
8. Other agencies or consultants, as deemed appropriate

E. **Site Plans Requiring ZBA Action**.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said

favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

F. **Attendance at Meeting**.

If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review shall be postponed until the next scheduled Planning Commission meeting. If the applicant or authorized representative fails to appear in person or by an authorized representative at the next scheduled meeting, the application shall be acted upon without the applicant's input.

G. **Planning Commission Action**.

1. **Decision**. The Planning Commission, after reviewing any submitted comments of the above-affected agencies, shall proceed with review of the site plan to determine compliance with provisions of this Ordinance, including the standards in **Section 5.6**. The Planning Commission shall do one of the following, within forty-five (45) days of the initial site plan review meeting:

    1. Approve the site plan; or

    2. Approve the site plan with conditions; or

    3. Deny the site plan. If the site plan is not approved by the Planning Commission, notification of such denial shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

    If the site plan is approved, a Zoning Permit shall be issued to the applicant by the Zoning Administrator.

2. **Findings of Fact**. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.

3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.8** of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

4. **Signed Copies**. After approval, copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township, and one (1) returned to the applicant with the Zoning Permit specifying the terms of the Zoning Permit for posting on the premises during the progress of any construction authorized.

5. **Performance Guarantee**. The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per **Section 9.5**.

6. **Appeals**. The decision of the Planning Commission may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the State of Michigan; or the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the date of the Planning Commission decision.

7. **Rehearing**. A rehearing may be granted pursuant to **Section 9.10**.

Section 5.5 Level 2 Site Plan Data Required

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Zoning Administrator or Planning Commission upon a finding that the information being waived is not necessary to determine whether the proposed development complies with all applicable requirements of this Ordinance. All site plans must be signed and dated.

Table 5.5: Level 2 Site Plan Requirements

A. General Information
1. Name and address of lot owner and developer (including contact information). Evidence of ownership required.
2. Name and address of firm preparing the site plan (including contact information).
3. Proposed use of the lot.
4. The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district.
5. Gross acreage of development and total usable floor area.
6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
B. Map Information
1. Date and north arrow.
2. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties, and their uses.
C. Lot Lines & Right of Way
1. Existing and proposed boundary lines of the lot to include all dimensions and legal description.
2. The location and width of all abutting rights-of-way and/or private easements.

D. Development Features

1. **Existing and Proposed Features**. The size, shape and location of all existing and proposed buildings and structures, including common use areas and recreational areas and facilities.
2. **Nearby Structures**. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
3. **Vehicular and Pedestrian Circulation**. The proposed streets, service lanes, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. **Parking.** The location and size of parking areas and spaces (including number of spaces).
5. **Loading and Unloading Areas**. The proposed location and size of all loading and unloading areas.
6. **Landscaping**. A landscaping plan indicating locations of proposed planting and screening, fencing, signs and advertising features
7. **Waste**. The location of all storage and disposal facilities including location of dumpsters.
8. **Lighting and Signs**. The location of all proposed exterior lighting and signs, including size and type.
9. **Hazardous Materials**. Information on the storage and use of hazardous materials and the disposal of hazardous waste.
10. **Storage**. Outdoor storage areas and snow storage areas.
11. **Utilities**. The type, location, and size of all existing and proposed utilities.

E. Natural Features & Drainage

1. Water courses and water bodies, including surface drainage ways and wetlands.
2. Existing significant vegetation.
3. The location of wooded areas or any other unusual environmental features.

F. Cross-Sections/Floor Plans/Density

A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:

1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
3. Typical elevation drawings of the front and rear of each building

G. Other

Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 5.6 Level 2 Site Plan Approval Standards

In reviewing the site plan, the Planning Commission shall determine whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding lots or to the intent of the Ordinance.

A. **General**.

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 lots, and the type and size of buildings.

B. **Adjacent Lots**.

1. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding lots for uses permitted in this Ordinance.

2. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.

C. **Landscaping and Topography**.

The landscaping shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

D. **Drainage**.

Special attention shall be given to proper site surface drainage so that the removal of stormwater will not adversely affect neighboring properties, bodies of water, or groundwater recharge areas.

E. **Visual & Sound Privacy**.

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.

F. **Emergency Services**.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

G. **Access and Circulation**.

1. Every structure or dwelling unit shall have access to a street, walkway, or other areas dedicated to common use.

2. The traffic and pedestrian circulation features within the site and the location of automobile parking areas shall be safe and efficient.

3. Traffic circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.

4. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

H. **Snow Storage.**

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

I. **Lighting.**

Exterior lighting shall comply with **Section 3.22** and shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

Section 5.7 Conformance with Approved Site Plan

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to construct site improvements which conform to the approved site plan shall be considered a violation of this Ordinance.

Section 5.8 Amendment to an Approved Site Plan

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such changes being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the

Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

A. **Determination of Minor Changes to a Site Plan**.

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.

2. Alterations to vertical elevations by up to twenty-five (25) percent as long as the vertical elevation change does not exceed the maximum height limit of the Ordinance.

3. Movement of a building or buildings by no more than ten (10) feet.

4. Reduction of the size of any structure and/or sign.

5. Improvements to site access or circulation, such as the inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

6. Internal rearrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.

7. Relocation of sidewalks and/or refuse storage stations.

8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.

9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

10. Changes that will preserve the natural features of the site without changing the basic site layout.

11. Change type and design of lighting fixture provided there will be no change in the intensity of light at the lot boundary.

12. Changes required or requested by the Township or other state or federal regulatory agencies in order to conform with other laws or regulations, provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval, and provided that such changes conform to the regulations contained in this Ordinance.

B. **Revised Site Plan with Minor Changes**.

After approval, the revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. **Amendment to Site Plan – Major**.

1. For amendments to site plans that do not qualify as a minor amendment and which require Planning Commission action, the same application process and fee for site plan review shall apply.

2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.9 Site Plan Violations

If conditions and stipulations of an approved site plan are not being adhered to, or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance. See **Section 9.2.H** for revocation of a Zoning Permit.

Section 5.10 Expiration of Site Plan Approval

Site plan approval shall expire one (1) year after the approval is granted unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to the expiration of an approved site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension. Also see **Section 9.2.G** for expiration of a Zoning Permit.

Article 6
Special Use Review

Sec	Name	Pg
6.1	Purpose	6-1
6.2	Special Use Application Procedure	6-1
6.3	Special Use Application Review	6-3
6.4	Special Use Review Standards	6-5
6.5	Expiration, Abandonment, & Violation of a Special Use	6-6
6.6	Previously Existing Special Uses	6-7

Section 6.1 Purpose

Special Use permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district but which possess characteristics or locational qualities which require review with discretionary standards applied. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Uses are listed in this Ordinance under each zoning district.

Section 6.2 Special Use Application Procedure

A. **Applications**.

1. **Applicant.** Any person owning or having an interest in the subject property may file an application for one (1) or more Special Use permits provided for in this Ordinance in the zoning district in which the land is situated. If the applicant is not the property owner, then the application shall be accompanied by a letter from the property owner giving the applicant permission to submit the application.

2. **Application.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of processing the application. No part of any fee shall be refundable except by vote of the Township Board.

3. **Timing of Submittal**. Special Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.

a. The Zoning Administrator may waive the forty-five (45) day submittal requirement and accept an application submitted fewer than forty-five (45) days before the Planning Commission meeting if the Zoning Administrator determines that there is sufficient time to complete the administrative completeness review, distribute the application and supporting materials to the Planning Commission, comply with the public hearing notice requirements in **Section 9.6**, and otherwise satisfy the requirements of this Ordinance without delaying the review. Approval of such a waiver shall be at the sole discretion of the Zoning Administrator and shall not obligate the Township to place the application on any particular Planning Commission agenda.

4. **Data Required in Application**. Every application shall be accompanied by sufficient copies of the following information and data:

   a. Special form, supplied by the Township, filled out in full by the applicant.

   b. Site plan, drawn to a readable scale, and containing that information specified in **Section 5.3** for Level 1 Site Plans and **Section 5.5** for Level 2 Site Plans.

   c. Preliminary plans and outline specifications of the proposed development, if applicable.

   d. A statement with supporting evidence regarding the required findings specified in **Section 6.4: Special Use Review Standards**.

B. **Review for Completeness by the Zoning Administrator**.

The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting (if the site plan was submitted at least forty-five (45) days prior to the Planning Commission meeting).

C. **Coordination with Other Agencies/Departments**.

Upon receipt of an application for Special Use Review, including all data required, the Zoning Administrator may transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application to request feedback on the site plan:

1. The **Oscoda County Building Department**
2. The Oscoda County Soil Erosion and Sedimentation Control Officer
3. The Oscoda County Drain Commissioner
4. The **Oscoda County Road Commission** and, if appropriate, the **Michigan Department of Transportation**

5. District Health Department
6. Local police, fire, and ambulance service providers
7. Planning consultant
8. Other agencies or consultants, as deemed appropriate

D. **Special Uses Requiring ZBA Action.**

Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals.

E. **Attendance at Meeting**.

If the applicant fails to attend the Planning Commission meeting at which the Special Use will be reviewed, either in person or by an authorized representative, the review may be postponed until the next scheduled Planning Commission meeting. If the applicant or authorized representative fails to appear in person or by an authorized representative at the next scheduled meeting, the application shall be acted upon without the applicant's input.

Section 6.3 Special Use Application Review

A. **Public Hearing**.

The Planning Commission, upon receiving an application that the Zoning Administrator has determined is administratively complete (**subsection 6.2.B**) and, if applicable, after reviewing any submitted comments of the above-affected agencies (**subsection 6.2.C**), shall proceed with a public hearing on the request. The Township Clerk shall provide notice of the public hearing meeting pursuant to **Section 9.6**.

B. **Planning Commission Decision**.

1. After the public hearing, the Planning Commission, upon finding that the proposed Special Use complies with all applicable provisions of this Ordinance, the standards listed in **Section 5.6**, the standards listed in **Section 6.4**, and the standards in **Article 7** which are applicable to the specific Special Use, may:

   a. Approve the Special Use; or

   b. Approve the Special Use with conditions; or

   c. Disapprove the Special Use. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such

Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

2. Approval, by the Planning Commission, of a Special Use authorizes the issuance of a Zoning Permit.

C. **Findings of Fact**.

The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any condition(s) imposed.

D. **Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to **Section 9.8** of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

E. **Signed Copies of an Approved Site Plan for a Special Use**.

After approval, copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township, and one (1) returned to the applicant with the Special Use Permit specifying the terms of the Zoning Permit for posting on the premises during the progress of any construction authorized.

F. **Continued Conformance to the Special Use Approval**.

1. All plans, specifications, and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Special Use Permit issued thereto.

2. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator may make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.

G. **Performance Guarantee**.

The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per **Section 9.5**.

H. **Appeal**.

Recourse for a person considering himself aggrieved by a decision of the Planning Commission in the granting or denial of a Special Use Permit shall be to the Zoning Board of Appeals.

I. **Reapplication and Rehearing**.

No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except for a rehearing on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission. A rehearing may be granted pursuant to **Section 9.10**.

J. **Amendment to an Approved Special Use**.

Minor amendments to a previously approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in **Section 5.8**. Amendments which are not classified as minor in accordance with **Section 5.8** shall be processed in the same manner as a new Special Use.

Section 6.4 Special Use Review Standards

The Planning Commission shall review the particular facts and circumstances of each application in terms of the following standards and shall find adequate evidence showing that the proposed use meets these standards. The following standards are basic to all Special Uses. The specific requirements in **Article 7** relate to particular uses, are in addition, and shall be required in all applicable situations.

A. **General**.

1. The proposed use shall be consistent with the intent and purposes of this Ordinance.

2. The proposed use shall be located in a zoning district in which the proposed Special Use is allowed.

B. **Nearby Lots**.

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

2. The proposed use shall not be hazardous or disturbing to existing or future neighboring uses.

3. The proposed use shall be a substantial improvement to property in the immediate vicinity and to the community as a whole.

4. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be a nuisance to any persons, property, or the general welfare by reason of excessive

production of traffic, noise, smoke, fumes, glare, odors, or other factors which define a ***nuisance*** in **Article 2**.

C. **Public Services**.

1. The proposed use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

2. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

D. **Traffic**.

1. The proposed use shall not significantly increase traffic hazards or cause congestion on the public or private roads of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways.

2. Allowance shall be made for vehicles to enter and exit the use safely, and signs, buildings, land uses, plantings, and similar features shall create no visibility impediments to drivers.

E. **Natural Environment**.

The proposed use shall not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

Section 6.5 Expiration, Abandonment, & Violation of a Special Use

A. **Expiration of Special Use Permit**.

Special Use approval shall expire one (1) year after the approval is granted unless substantial construction of the approved development has begun within that time. For Special Uses that do not require construction, then Special Use approval shall expire one (1) year after approval is granted if the use has not commenced. Thirty (30) days prior to expiration of an approved Special Use Permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Use Permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval.

B. **Special Use that has been Replaced or Superseded**.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the

case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. **Abandonment of Special Use**.

If a lot owner has an intent to abandon a Special Use permit and in fact abandons this Special Use permit for a period of one (1) year or more, then the Special Use permit shall be deemed abandoned. When determining the intent of the lot owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity on the lot have been disconnected.
2. Whether the lot, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the lot owner to abandon the Special Use.

The Zoning Administrator may delay the declaration of abandonment on properties that are actively for sale.

D. **Special Use and Transfer or Sale of Property**.

A Special Use does not expire on the transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to subsection C.

E. **Special Use Violation**.

If the conditions and stipulations of an approved Special Use (and site plan) are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance. See **Section 9.2.H** for revocation of a Zoning Permit.

Section 6.6 Previously Existing Special Use

In the event that a use was in place prior to the effective date of this Ordinance or subsequent amendment regarding allowable uses in districts that is relevant to the use in question, and that use is now listed as a Special Use in the district in which it is located, then that use shall be treated as having a previously approved Special Use permit and may continue to operate at its existing scope and scale. However, if changes are proposed to the Special Use that result in the expansion of the use throughout the lot or that, in the opinion of the Zoning Administrator, may have an impact on adjacent lots, then the property owner shall be required to apply for and receive an amended Special Use permit from the Planning Commission prior to implementing the proposed changes.

Article 7
Supplemental Regulations

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Section 7.1 Purpose

The purpose of this Article is to provide supplemental standards for specific uses which are allowed as Permitted Uses and Special Uses in specific zoning districts. These uses shall comply with this Article and with the remainder of the Zoning Ordinance and the regulations of the zoning district in which the use is located.

Section 7.2 Home Occupations

While the Township recognizes that many residents feel the necessity to work at home or on the same property, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by commercial activities. The intent of this Section is to ensure that any Home Occupation is compatible with other permitted uses and to maintain and preserve the rural character of the Township.

A. **Zoning Permit**.

1. **Level 1 Home Occupation**. No Zoning Permit is required.

2. **Level 2 Home Occupation.** Level 2 Home Occupations shall be allowed on the basis of individual merit. If a complaint is officially filed with the Zoning Administrator on a Township complaint form, a review of the Level 2 Home Occupation will be conducted by the Zoning Administrator. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

B. **Use of Buildings**.

Level 1 and Level 2 Home Occupations operated within the dwelling shall occupy no more than twenty-five (25) percent of the dwelling's floor area. Level 1 and Level 2 Home Occupations may occupy one hundred (100) percent of attached or detached accessory buildings.

C. **Residential Character**.

Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.

D. **Products Sold**.

No products shall be sold from the premises which are not strictly related to the Home Occupation conducted therein.

E. **Employees (including Independent Contractors)**. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence.

1. **Level 1 Home Occupation**. No more than one (1) nonresident person shall be employed to assist with the business.

2. **Level 2 Home Occupation**. The maximum number of non-resident employees shall be determined at the time of Special Use review.

F. **Nuisances**.

No Home Occupation shall be conducted upon or from the premises, which would constitute a nuisance (as defined in **Section 2.2**) or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, traffic, vibrations, electrical disturbance, or any other effect specified in the definition of nuisance. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil, or atmosphere.

G. **External Appearance**.

Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued.

H. **Parking**.

The Level 1 or Level 2 Home Occupation shall provide adequate off-street parking, if needed.

I. **Signs**.

One (1) on-site sign is permitted in addition to the number of signs allowed by **Section 3.26**.

J. **Hours of Operation**.

Hours of operation for Level 2 Home Occupations may be specified by the Planning Commission based on the type of business.

K. **Outdoor Storage and Display**.

The Planning Commission may require screening of outdoor storage of goods and/or materials. Products produced on premises may be displayed outside upon approval of the Planning Commission. The proposed outdoor display areas shall be shown on the proposed site plan.

L. **Traffic and Delivery**.

Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. No such Home Occupation shall require the delivery of goods or the visit of customers before 8:00 AM and after 7:00 PM.

M. **Prohibited Uses and Uses Not Classified as Home Occupation**.

1. The following uses (including similar establishments) are prohibited as a Home Occupation:

a. Private Clubs.
b. Restaurants and Bars/Taverns.
c. Sexually-Oriented Businesses.
d. Marijuana Establishments and Facilities (Commercial).
e. Vehicle Sales (this does not include occasional sale of a resident's personal vehicle on the property).
f. Commercial Events Facilities

2. The following uses are not classified as a Home Occupation and are listed separately in **Article 4**:

a. Family Child Care Home
b. Group Child Care Home
c. Adult Day Care Facilities
d. Adult Foster Care Facilities
e. Bed and Breakfast/Tourist Homes
f. Rooming & Boarding Houses
g. Short Term Rentals
h. Agricultural Tourism Businesses
i. Kennels
j. Roadside stands.
k. Medical Marijuana Primary Caregivers.

Section 7.3 Accessory Dwelling Units

A. **Intent**.

The intent of this Section is to allow space on a lot to provide additional dwelling units. Accessory dwelling units which meet the definition of a dwelling, as defined in **Article 2**, shall comply with the following regulations:

B. **Standards**.

1. Accessory Dwelling Units may be rented as either a Short-Term Rental (less than thirty (30) days) or a Long-Term Rental (thirty (30) days or more).

2. See **Section 3.3.C** for the number of dwellings permitted on each lot based on lot size.

3. The floor area of an Accessory Dwelling Unit shall be at least three hundred twenty (320) square feet.

4. The Accessory Dwelling Unit may be a detached structure or may be attached to another building on the property, including the principal dwelling or an accessory building.

5. Accessory Dwelling Units shall meet the required setbacks for the principal building.

6. Accessory Dwelling Units shall meet the current Building Code.

7. The owner of the principal building shall maintain the Accessory Dwelling Unit and shall ensure that no excessive noise, traffic, or blight occurs on the lot.

8. Accessory Dwelling Units shall have adequate water and septic.

C. **Parking and Access**.

In addition to the required parking for the principal residence, one (1) additional off-street parking space shall be provided for the Accessory Dwelling Unit.

Section 7.4 Junkyards

Use of premises for the operation of a junkyard shall be subject to the following requirements, in addition to the requirements and standards of the zoning district where located, in order to prevent conflict with or impairment of the principal permitted uses of the zoning district.

A. **Setbacks.**

There shall be a front setback of not less than one hundred (100) feet in depth, and such setback shall not be used for parking, storage, burning, wrecking, or dismantling of any junk or refuse material. There shall be a side and rear setback of fifty (50) feet.

B. **Screening**.

The Planning Commission may require that a junkyard be adequately screened by a solid, uniformly finished wall or fence or an adequately maintained evergreen hedge, the height of which screening shall be no less than eight (8) feet and in no case less than that of the enclosed material. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.

C. **Operations**.

1. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 a.m. and after 6:00 p.m., and no such activity shall operate on Sundays.

2. Glare from any process which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

3. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly

functioning. No burial of wastes shall be permitted on the lot under this Section unless in compliance with State of Michigan regulations.

4. Once approved, no other portion of the lot shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

5. Issuance of a permit shall in no way exempt the applicant from any additional laws, ordinances, or regulations of the State of Michigan.

Section 7.5 Dog Kennels, Animal Hospitals, Animal Rescues & Animal Shelters

A. All kennels, animal hospitals, animal rescues, and animal shelters shall be operated in conformity with all pertinent county and state regulations.

B. Buildings where animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any dwelling on another lot or any adjacent building used by the public, and shall be set back at least one hundred (100) feet from adjacent lot lines.

C. Animals shall be kept inside a building from 10 PM to 8 AM.

D. The Planning Commission, upon review of the Special Use permit request, may require plant materials, fences, or walls for noise barriers.

Section 7.6 Manufactured Housing Communities

All manufactured housing communities shall comply with the applicable requirements of **1987 PA 96, the Mobile Home Commission Act**, as amended, and **Michigan Manufactured Housing Commission Administrative Rules**.

Section 7.7 Commercial Event Facilities

A. **Intent**.

The intent of this Section is to define minimum standards for Commercial Event Facilities because these facilities have a high potential of impacting surrounding properties.

B. **Standards**.

The Planning Commission shall grant a Special Use permit for a Commercial Event Facility when it finds the proposed commercial event facility complies with the standards as provided in **Section 5.6** and **Section 6.4,** and it complies with all of the following requirements:

1. **Parking**. No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100) feet from the property boundaries of the zoning lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided in on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.

2. **Setbacks**. The Commercial Event Facility shall comply with the following applicable setback requirements:

    a. If the Commercial Event Facility is a designated open space on the lot or is in a structure without hard walls such as a tent or gazebo, then there shall be a three hundred (300) foot setback from all zoning lot lines and from all public or private road rights-of-way.

    b. If the Commercial Event Facility is a type of completely enclosed structure, then there shall be a one hundred (100) foot setback from all zoning lot lines and from all public or private road rights-of-way.

    c. The Planning Commission may grant a deviation to the required setbacks in this subsection 2 after determining that a lesser setback will not have a negative impact on adjacent lots due to topography, distance to buildings on adjacent lots, and the existence of natural or manmade buffers.

3. **Location of Activities**. Except for parking, all activities associated with the Commercial Event Facility should be located within the facility itself. In addition, all activities shall be subject to current and future noise ordinances enacted by the Township.

4. **Hours of Operation**. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility, with the understanding that the clean-up process may occur after termination of the event.

5. **Amplified Sound**. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 8:00 AM and shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound

for a particular site upon a finding that, due to the remote location of the site, the physical characteristics of the site, and/or the vegetation or other effective buffers on the site, the modified time limits for amplified sound will not cause a substantial detrimental impact on neighboring properties. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Sound from the facility shall not, because of its frequent occurrences, volume, or sound vibration, annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities on any adjacent property.

6. **Overnight Accommodations**. No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless overnight accommodations were included and approved by the Planning Commission.

7. **Capacity**. The number of persons allowed at each event for a proposed Commercial Event Facility shall comply with the existing State of Michigan fire code.

8. **Sanitary Facilities**. The applicant shall obtain approval for the required sanitary facilities from the **District Health Department**.

9. **Year-Round Operations and Number of Events**. Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that, due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site, an unlimited number of events could cause a substantial detrimental impact on neighboring properties.

10. **Ingress/Egress**. The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, subject to approval of the Fire Department.

11. **Buffers**. The Planning Commission may require buffers between the Commercial Event Facility and adjoining properties after evaluating the size of the zoning lot, the natural topography, and vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.

12. **Outdoor Seating**. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

C. **Submittal Requirements**.

1. In addition to the requirements in **Section 5.5: Level 2 Site Plan Data Required**, the site plan shall show the following:

   a. Area of the event, including indoor and outdoor areas.

b. Parking location and number of parking spaces.
c. Temporary structures.
d. Sanitation facilities.
e. Areas for food trucks or food vendors, including proposed setbacks from lot lines, and the maximum number of food trucks or food vendors planned.
f. Areas for trash receptacles and a schedule for trash pick-up.
g. Location of firepits.
h. Location of outdoor lighting and light levels.

2. **Event Management Plan**. An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include all of the following:

a. Type and number of events expected.
b. Provisions for traffic and parking management.
c. Hours of operation, including setup and takedown times.
d. Provisions for noise abatement and expected sources of noise, including the location of speaker systems and similar sources of noise.
e. Toilet facilities.
f. Expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
g. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
h. Public safety plans.
i. List of contacts for emergency situations.
j. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
k. List of other permits and licenses required, and proof that said permits are being applied for.

3. **Coordination with Other Agencies**. Upon receipt of the completed application, the Zoning Administrator shall forward a copy of the application to the police department and/or county sheriff department, fire department, **County Road Commission**, and **MDOT** (if applicable). Each department may review the application and return it, with any comments or recommendations, to the Zoning Administrator within ten (10) working days of receipt.

Section 7.8 Sexually-Oriented Businesses

The purpose and intent of this Section pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-

oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. No sexually oriented business shall be permitted in a location in which any principal or accessory building or structure, including signs, is within one thousand (1,000) feet of any principal or accessory building or structure of another sexually oriented business.

B. No sexually oriented business shall be established on a lot which is within one (1) mile of any lot zoned for or used for residential use or any lot used for park, school, child care center, children's camp, library, or religious or cultural activity.

C. The distances in subsections A and B shall be measured in a straight line without regard to intervening structures, topography, and zoning. Said business shall not be permitted as a Home Occupation.

D. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.

E. The proposed use shall meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

F. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.

G. Any sign or signs proposed for the sexually oriented business shall comply with the provisions of this Ordinance and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.

H. Entrances to the proposed sexually-oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) "persons under the age of 18 are not permitted to enter the premises", and (2)

"No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the **Michigan Liquor Control Commission**."

I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.

J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).

K. Any booth, room, or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

1. Shall be handicap accessible to the extent required by the **Americans with Disabilities Act**;

2. Shall be unobstructed by any door, lock, or other entrance and exit control device;

3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;

5. Has no holes or openings in any side or rear walls.

L. **Review Procedure for Sexually Oriented Businesses**.

The Planning Commission shall adhere to the following procedures when reviewing a Special Use application for a sexually oriented business.

1. Once a complete application has been submitted, the Planning Commission shall within sixty (60) days after the submission make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in this Section, **Section 5.6** and **Section 6.4**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use shall be deemed to have been approved.

2. **Prompt Judicial Review of Adverse Determination**. In the event an application for Special Use within this Section is denied, the applicant shall be entitled to prompt judicial review of that denial. If the applicant desires prompt judicial review of the denial, the applicant shall submit a written request for that review with the Township Clerk. Within five (5) business days after receipt of the written request for judicial review, the Township shall file a motion for preliminary injunction in the Oscoda County Circuit Court that seeks to restrain the applicant from operating the sexually oriented business in

violation of the Zoning Ordinance. If the applicant seeks an order from the Circuit Court, under the then applicable Michigan court rule, that the trial of the action on the merits be advanced and consolidated with the hearing on the motion for preliminary injunction, the Township shall consent to that request. If the applicant appeals an adverse ruling from the Circuit Court to the Michigan Court of Appeals and the applicant seeks an order from the Court of Appeals, under the then applicable Michigan court rule, that seeks to expedite the priority of the appeal on the Court's calendar, the Township shall consent to that request. In the event the Michigan Supreme Court accepts applicant's appeal from an adverse ruling from the Court of Appeals and the applicant seeks an order from the Supreme Court, under the then applicable Michigan court rule, that seeks to expedite the proceeding before the Court, the Township shall consent to that request.

Section 7.9 Biofuel Production Facilities on Farms

A. In conformance with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:

   a. The biofuel production facility is located on a farm.

   b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.

   c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

2. Each of the following requires Special Use approval under **subsections A.3** to **A.5**:

   a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of subsections A.1.a and A.1.b but that does not meet the requirements of subsection A.1.c.

   b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of subsections A.1.a and A.1.b.

3. An application for Special Use approval for a biofuel production facility described in **subsection A.2** shall include all of the following:

   a. A site plan including a map of the property and existing and proposed buildings and other facilities.

   b. A description of the process to be used to produce biofuel.

   c. The number of gallons of biofuel anticipated to be produced annually.

   d. Emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

   e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.

   f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2** and A.5.

   g. Any additional information requested by the Planning Commission or Zoning Administrator.

4. The Township shall hold a hearing on an application for Special Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.

5. Special Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:

   a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.

   b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:

      (1) Air pollution emissions.

      (2) Transportation of biofuel or additional products resulting from biofuel production.

(3) Use or reuse of additional products resulting from biofuel production.

(4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

c. The biofuel production facility includes sufficient storage for both of the following:

(1) Raw materials and fuel.

(2) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.10 Planned Unit Developments (PUD)

A. **Purpose**.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts' standards of this Ordinance, where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. These regulations provide for better design and planning of land uses by making the geography, history, culture, and ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land while encouraging a diversity of housing types and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

B. **Uses Allowed**.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses**. Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures, are permitted in a PUD.

2. **Non-Residential Uses**. Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.

3. **Development not associated with Residential Uses**. A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this

Ordinance with respect to adjoining land uses, both existing and anticipated. A PUD excluding residential uses may not be located in a residential zoning district.

C. **Creation of Lots.**

All legal methods of land subdivision may be used in the design of a Planned Unit Development. All pertinent regulations addressed elsewhere in the Zoning Ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, manufactured housing communities, and land divisions within a PUD shall be administered and reviewed under this Section.

D. **Flexibility of District Standards**.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

E. **Performance Standards**.

The following development requirements shall apply to all Planned Unit Developments:

1. **Compatible Design.** The Planned Unit Developments should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.

2. **Open Space.**

   a. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance shall be provided. If land is to remain undeveloped, measures may be required to mitigate construction, improve natural habitat, prevent erosion, and control drainage. Open space left in its natural state shall be kept free of litter. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.

   b. All or any part of designated open space shall be reserved for use in common by the owners or residents of the Planned Unit Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, require that open space easements be conveyed to the Township or to another responsible entity.

3. **Perimeter Setback**. The Planning Commission may require a setback from the perimeter of the PUD property.

4. **Public Roads.** All public roads within or abutting the proposed Planned Unit Development shall be improved to County specifications for the particular classification of road. When the developer desires to retain any roads within the development as private roads, such roads shall be maintained for their intended purposes by the development's landowners' association or other means acceptable to the Township and County. All roads and passageways shall be designed to allow emergency vehicle access.

5. **Natural Features.**

   a. Planned Unit Developments shall be in harmony with the topography of the site and shall preserve water courses, drainage areas, wooded areas, rough terrain, and similar natural features and areas.

   b. The designation of building plots or building areas within which structures shall be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site.

6. **Utilities**. All utilities within a Planned Unit Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.

7. **Property Owner's Association**. A property owners' association shall be formed to hold title to and manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Unit Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.

8. **Other Requirements**. The development shall meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Unit Development shall be granted final approval until all necessary approvals are obtained.

9. **Phased Development.**

   a. If development is to be done in stages, the site plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total development.

   b. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted, indicating planned phases, including the construction of roads, utilities, dwellings, and amenities - all the major components of the project. An annually updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at a minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages

of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.

F. **Accessory Structures and Uses**.

Accessory uses and structures shall be located as specified on the site plans as approved by the Township.

G. **Miscellaneous Regulations**.

General Provisions shall apply pursuant to **Article 3**. Parking shall be pursuant to **Section 3.24**. Signage shall be pursuant to **Section 3.26**.

H. **Pre-Application Meeting**.

A pre-application meeting is required pursuant to **Section 5.4**.

I. **Conceptual Site Plan Requirements**.

1. **Conceptual Site Plan Requirements**. Seven (7) copies of a Conceptual Site Plan encompassing all phases of the proposed PUD, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet, if more, containing the following information:

   a. Name of development, applicant name, preparer name, if different, date of preparation, written and graphic scale, north arrow, property lines and dimensions, and the size of the property in acres.

   b. Zoning and use of all adjacent properties.

   c. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.

   d. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.

   e. Existing site elevation contours at a minimum of twenty (20) foot intervals.

   f. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary, and existing wetlands.

   g. Existing rights-of-way lines, pavement edges, and names of public roads; proposed layout of new public roads or private roads.

h. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Unit Development includes the construction of buildings or other structures, identify proposed footprints and dimensions, the proposed number of stories; identify uses proposed within the Planned Unit Development, and the acreage allotted to each use.

i. Locations of proposed access driveways and parking areas.

j. If multi-phase development is proposed, identify areas included in each proposed phase.

2. **Legal Description**. A legal description of the land to be included in the Planned Unit Development.

3. **Vicinity Map**. A map of the vicinity of the subject property, locating the property in relation to properties, structures, roads, and uses within three hundred (300) feet of the Planned Unit Development.

4. **Narrative**. A narrative statement describing the overall objectives of the Planned Unit Development.

5. **Application**. A complete application on a form supplied by the Township.

6. **Fees**. Payment of the fee established to cover the cost of the Planned Unit Development project review.

J. **Review and Approval of Conceptual Site Plan**.

The applicant may elect to combine the Conceptual Site Plan review and the Final Site Plan review into one (1) review.

1. **Public Hearing Required.** The Planning Commission shall review the Conceptual Site Plan at a public hearing.

2. **Planning Commission Review.** The Planning Commission shall base its review on the following and shall provide written findings of fact:

a. The standards for approval of a Planned Unit Development contained in this Section and based upon the intent of the Ordinance.

b. Site plan review standards in **Section 5.6** and Special Use standards in **Section 6.4**.

c. The uses, buildings, and structures shown on the Conceptual Site Plan shall not be in conflict with the Master Plan of current adoption.

d. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to adequately mitigate non-compatible uses have been included in the conceptual site plan.

3. **Planning Commission Approval.** Based on the findings of its review, the Planning Commission shall do one of the following:

   a. Approve Conceptual Site Plan.

   b. Approve Conceptual Site Plan subject to conditions and the submission of a revised site plan.

   c. Disapprove the Conceptual Site Plan, stating the specific reasons for the disapproval.

4. **Time Period**. Once approved, the Conceptual Site Plan shall be valid for a period of two (2) years. If a Final Site Plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

K. **Review and Approval of Final Site Plan**.

1. The Final Site Plan shall contain the same application requirements as stated in **subsection I.1** above and all Level 2 Site Plan data requirements stated in **Section 5.5**.

2. The Planning Commission shall review the Final Site Plan at a public hearing.

3. The Planning Commission shall base its review on the following:

   a. The standards for approval of a Planned Unit Development contained in this Section and based upon the intent of the Ordinance.

   b. Site plan review standards in **Section 5.6** and Special Use standards in **Section 6.4**.

   c. The uses, buildings, and structures shown on the conceptual site plan shall not be in conflict with the Master Plan of current adoption.

   d. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to adequately mitigate non-compatible uses have been included on the Final Site Plan.

4. Based on the findings of its review, the Planning Commission shall do one of the following:

   a. Approve the Final Site Plan.

b. Approve the Final Site Plan subject to conditions and the submission of a revised site plan.

c. Disapprove the Final Site Plan, stating the specific reasons for the disapproval.

L. **Changes to an Approved Planned Unit Development**.

Changes to an approved PUD shall be approved according to **Section 5.8**.

M. **Time Limit For Approved Planned Unit Developments**.

1. Construction of an approved Planned Unit Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Final Site Plan by the Planning Commission.

2. The owner or applicant of the Planned Unit Development may apply to the Planning Commission for one (1) extension of the original approval for an additional term of one (1) year. The Planning Commission may, in its discretion, authorize this extension. In considering such authorization, the Planning Commission shall use the following standards:

   a. The Planned Unit Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.

   b. The Planned Unit Development is likely to commence and to be completed.

3. If the Planned Unit Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one (1) permitted extension thereof, then the Planned Unit Development approval shall automatically become invalid and void.

Section 7.11 Site Condominium Developments

Site condominium developments are reviewed and permitted using the Planned Unit Development process, subject to the standards and conditions of **Section 7.10** of this Ordinance.

Section 7.12 Medical Marijuana Primary Caregivers

A. **Intent and Purpose**.

The purpose of this Section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the **Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008**, MCL 333.26423, et seq., and its administrative rules, R 333.101, et seq.

B. **Regulations for Primary Caregivers**.

A primary caregiver facility is hereby authorized as a use by right in any zoning district (no zoning permit is required), provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.

2. Except when being transported as provided in **subsection 8** below, all marijuana plants or products shall be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.

3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, shall not be visible from neighboring properties, and shall not be visible from adjacent roads or public ways.

4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.

5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.

6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 AM and 8:00 PM, except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.

7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.

8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:

    a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and

    b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.

12. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. **Relationship to Federal Law**.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 7.13 Extraction of Natural Resources (including mining and gravel pits)

A. Conformance to the **Michigan Zoning Enabling Act, PA 110 of 2006**, as amended: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.

1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in Silva v Ada Township, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

   a. The relationship of extraction and associated activities with existing land uses.

   b. The impact on existing land uses in the vicinity of the property.

   c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

   d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

   e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

   f. The overall public interest in the extraction of the specific natural resources on the property.

B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by **Part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451**, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

Section 7.14 Vendor Trucks & Vendor Truck Parks

A. **Intent**.

The Township feels that Vendor Trucks allow new vending opportunities that can add vitality to the community, businesses, vacant parking lots, and underutilized commercial properties. The intent of this Section is to allow Vendor Trucks and Vendor Truck Parks, but also to provide regulations that limit their impact.

B. **Scope**.

1. Vendor Trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e., mobile ice cream trucks).

2. Vendor trucks may be the principal use of the lot or an accessory use of the lot.

3. A single Vendor Truck may receive approval for multiple locations, and a single lot may receive approval for multiple Vendor Trucks.

C. **Approval**.

1. Vendor Trucks that will stay in the same location for thirty days or less do not need a Zoning Permit.

2. Vendor Trucks that will stay in the same location for more than thirty (30) days require approval by the Zoning Administrator pursuant to **Article 5**. The property owner shall submit a Level 1 Site Plan pursuant to **Section 5.3**. The Level 1 Site Plan shall show the planned parking for any Vendor Trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) Vendor Truck (Vendor Truck Park), only one (1) zoning approval is required for all of the Vendor Trucks on the property. The Zoning Administrator may refer approval to the Planning Commission.

D. **Standards**

1. The Vendor Truck shall meet the setback requirements of the district; see **Article 4**. Vendor trucks that are proposed for thirty (30) days or less do not have a setback requirement.

2. Sales shall not occur in the public right-of-way.

3. Use of generators shall not cause a nuisance to neighbors due to noise, exhaust, or vibration, as determined by the Zoning Administrator.

4. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public roads and shall be transported to a proper location for disposal.

5. All areas of the lot shall be kept clean and free of debris.

6. Vendor Trucks and Vendor Truck Parks shall meet the site plan review standards in **Section 5.6**.

7. No permanent structures related to the vendor truck shall be allowed.

Section 7.15 Wireless Facilities (except Small Cell Wireless)

A. **Purpose**.

The purpose of this Section is to establish general guidelines for the location of wireless facilities and antennas. The Township recognizes that it is in the public interest to permit the location of wireless facilities and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, and that wireless facilities and antennas may have negative

aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from the potential adverse impact of wireless facilities and antennas.
2. Encourage the location of wireless facilities in nonresidential areas.
3. Minimize the total number of wireless facilities throughout the community.
4. Encourage the joint use of new and existing wireless facilities sites rather than the construction of additional towers.
5. Encourage developers of wireless facilities and antennas to configure them in a way that minimizes their adverse visual impact.
6. Enhance the ability of providers of wireless services to provide such services to the community quickly, effectively, and efficiently.

B. **Exempted Uses**.

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other "customer end" devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Single-use towers and masts shall comply with all **FCC** rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

C. **Uses Allowed**.

1. **Co-Location - Permitted Use**. Pursuant to Section 514 of **2006 PA 110, as amended (Michigan Zoning Enabling Act**, being MCL 125.3101 et.seq.), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No Zoning Permit is required.

    a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure, thereby jeopardizing the support structure's structural integrity.

    b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

2. **New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations)**. New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in **Section 4.11** and the individual district tables and shall be evaluated using the procedures stated in subsection D below using the standards stated in **subsection E**.

3. **Other Wireless Communications Facilities**. Wireless communications facilities which do not fall under **subsections C.1** or C.2 (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection C.2 (above)

D. **Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations)**.

1. **Application**. An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include a Level 2 Site Plan containing all information required by **Section 5.5,** as well as the following:

   a. **Legal Ownership.** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower.

   b. **Visual Impact Analysis.** The application for the tower shall include a visual impact analysis, prepared by the applicant, which includes a graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area.

   c. **Landscaping Plan**. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

   d. **Engineer's Certification.** The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall.

   e. **Location of Other Wireless Facilities.** The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

f. **Contact Information.** The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated at all times the facility is on the premises.

g. **Decommissioning Plan.** A decommissioning plan which shall include:

(1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

(2) The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.

(3) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit pursuant to **Section 9.5: Performance Guarantee**). If required, such performance guarantee shall be in an amount equal to one and one-quarter (1 ¼) times the estimated cost of removal of the wireless facility at the time of approval. Such performance guarantee shall be maintained by successor owners.

(4) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. A Wireless Communications Facility owner may at any time:

(a) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(b) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

h. **Co-Location Feasibility**. The applicant shall demonstrate that no existing wireless facility or alternative technology not requiring the use of a wireless support structure can accommodate the applicant's proposed antenna. An applicant shall submit the information requested by the Planning Commission related to the availability of suitable existing wireless support structures or alternative technology. Evidence submitted to demonstrate that no existing wireless support structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing wireless support structures are located within the geographic area which meet the applicant's engineering requirements.

(2) Existing wireless support structures are not of sufficient height to meet the applicant's engineering requirements.

(3) Existing wireless support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing wireless support structure, or the antenna on the existing wireless support structure would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing wireless support structure or to adapt an existing wireless support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing wireless support structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of wireless support structures is unsuitable. Costs of alternative technology that exceed new wireless support structure or antenna development shall not be presumed to render the technology unsuitable.

2. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

3. If, before the expiration of the fourteen (14) day period under subsection D.2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection D.3 is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.6**.

5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 5.6**, Special Use standards in **Section 6.4**, and the standards contained in

subsection E below, and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved, and the Planning Commission shall be considered to have made any determination required for approval.

E. **Standards**.

In considering authorization of such Wireless Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations), the Planning Commission shall apply the following specific standards:

1. **Height**. The tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended function. If the height required for the wireless support structure to serve its intended function decreases from such height as installed due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the wireless support structure be lowered to such decreased minimum height.

2. **Setbacks**. The following setback requirements shall apply. The Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served.

   a. **Wireless Support Structures**. Wireless support structures shall be set back a distance at least equal to at least one hundred (100) percent of the height of the wireless support structure from any non-participating lot line. Structures shall be set back from the existing or proposed right-of-way line an additional fifty (50) feet beyond the height of the support structure.

   b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities**. Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring lots.

   c. **Setback from Buildings**. The wireless support structure and any supporting or appurtenant structures shall be no closer to any dwelling or other building used for the congregation of persons than the distance at least equal to one and one-half times (1 ½) the height of the wireless support structure measured from its base at grade to its highest point.

3. **Wireless on Roofs**. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory

building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including setbacks.

4. **Access**. There shall be unobstructed access to the support structure for operation, maintenance, or repair, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities' need to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment that will need to access the site.

5. **Security Fencing**. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.

6. **State or Federal Requirements**. The applicant shall provide documentation of conformance with any **Michigan Aeronautics Commission (MAC)**, **Federal Communications Commission (FCC)**, and **Federal Aviation Administration (FAA)** regulations.

7. **Aesthetics**. Wireless facilities shall meet the following requirements:

   a. Towers shall be painted white to be as unobtrusive as possible. Towers are to be maintained with
   b. a galvanized steel finish, neutral color, or per **FAA** regulations.

   c. At a wireless facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

   d. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

   e. No advertising shall be allowed on a wireless communication facility.

8. **Lighting**. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. Radar-activated obstruction lighting is required if permitted by the **FAA** or other applicable authority.

9. **Ancillary Buildings**. Any ancillary building or buildings housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

10. **Building Codes & Soils.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the State of Michigan. The soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the **Federal Aviation Administration**, **Federal Communications Commission**, and **Michigan Aeronautics Commission** shall be noted.

11. **Maintenance Plan**. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long-term continuous maintenance to a reasonably prudent standard.

12. **Interference with Residential Reception**. Wireless facilities shall be located so that they do not interfere with television and radio reception in neighboring residential areas.

13. **Signs**. No signs shall be allowed on an antenna or wireless support structures, except for any sign related to emergency service, controlling agency, or owner which are required by this Ordinance.

F. Abandonment and Removal.

1. If a wireless communications facility owner or operator intends to abandon and, in fact, does abandon a wireless communications facility by not operating it for a continuous period of twelve (12) months, said wireless communications facility shall be considered abandoned, and the owner of such wireless communications facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned wireless communications facility within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the wireless communications facility, the owner shall restore the site to its original condition prior to the location of the wireless communications facility, subject to reasonable wear and tear. Any foundation associated with a wireless communications facility shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored.

Section 7.16 Small Cell Wireless Facilities

A. Exempt Small Cell Wireless Facilities.

The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval, and a

small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

B. **Approval for Non-Exempt Small Cell Wireless Facilities**.

The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended, shall be subject to review and approval in accordance with the following procedures and standards:

1. The processing of an application is subject to all of the following requirements:

    a. Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. A notice that the application is incomplete tolls the running of the thirty (30) day period.

    b. The running of the time period tolled under subsection B.1.a resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.

    c. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.

2. The Planning Commission shall base its review of the request on the standards contained in **Section 5.6** and **Section 6.4,** provided, however, that a denial shall comply with all of the following:

    a. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

    b. There is a reasonable basis for the denial.

    c. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

3. In addition to the provisions set forth in subsection B.2, in the Planning Commission's review:

    a. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

b. An applicant shall not be required to submit information about its business decisions with respect to any of the following:

(1) The need for a wireless support structure or small cell wireless facilities.

(2) The applicant's service, customer demand for the service, or the quality of service.

c. The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials, screening, or landscaping.

d. The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

4. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence substantial construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.17 Accessory Solar Panels

A. **Scope**.

1. This Section applies to Accessory Solar Panels with the primary purpose of providing power on-site. Accessory solar panel owners may sell power back to the utility company and still be considered accessory solar panels as long as the primary use of the accessory solar panels is to provide power on the property.

2. Accessory solar panels falling under this Section shall be allowed as shown in **Table 4.11**, subject to the requirements below. A Zoning Permit shall be required. A building permit may be required.

3. Accessory solar panels which provide power on-site but which cover more than one-quarter (1/4) acre of land shall fall under **Section 7.19: Solar Energy Facilities, Utility-Scale**.

B. **Submittal Requirements**.

Applicants shall submit drawings that show the location of the system on the lot, height, tilt features (if applicable), the principal structure, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the Ordinance requirements shall be granted administrative approval by the Zoning Administrator.

C. **Height**.

1. Ground-mounted accessory solar energy panels shall not exceed the allowable height of accessory structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.

2. Building-mounted accessory solar energy panels shall not exceed five (5) feet above the finished roof.

D. **Setbacks/Location**.

1. Ground-mounted accessory solar energy panels.

   a. Ground-mounted accessory solar energy panels shall not be located in the front yard unless there is no other location with access to the sun that is feasible.

   b. Ground-mounted accessory solar energy panels shall be set back the required distance for accessory buildings in the district.

   c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.

2. Building-mounted accessory solar energy panels shall adhere to district setbacks for buildings but may encroach into designated building setbacks by twelve (12) inches.

E. **Glare**.

Panels shall not result in glare onto adjoining properties or public rights of way.

F. **Nonconformities**.

1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

G. **Building-Integrated Solar Energy Panels**.

Building-integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 7.18 Accessory Wind Turbines

A. **Purpose**.

The purpose of this Section is to provide standards for accessory wind turbines which are intended to primarily serve the needs of the lot upon which it is located in order to allow property owners to harvest their own power and to protect the safety and health of nearby property owners. Such systems shall be considered an accessory structure. Accessory wind turbine owners may sell power back to the utility company and still be considered accessory wind turbines as long as the primary use of the accessory wind turbines is to provide power on the property.

B. **Application Requirements**.

The following is required to be submitted:

1. The project area boundaries including required setbacks.
2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. Existing topography.
4. Water bodies and wetlands.
5. All new above-ground infrastructure related to the project.

C. **Standards**.

1. **Design and Installation**. All wind turbines (ground-mounted and roof-mounted) shall be installed by a licensed contractor, and applications shall be accompanied by engineering drawings of the wind turbine structure, including the tower, base, and footings. The installation of the wind turbine shall meet the manufacturer's specifications.
2. **Number**. One (1) stand-alone accessory wind turbine is permitted on a single zoning lot.
3. **Height**.
    a. **Building-Mounted Turbines**. Building-Mounted Turbines shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances, to the highest point of the wind turbine, regardless of whether that point is on a fixed or mobile part of the wind turbine.
    b. **Turbines, Stand-Alone.** Stand-alone accessory wind turbines shall not exceed one hundred (100)

feet in height.

4. **Setbacks**. Each accessory wind turbine shall be set back from an abutting lot line or a public or private road right-of-way a distance at least equal to the total height of the wind turbine. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors, such as topography specific to the site. No part of the wind turbine, including guy wire anchors, may extend closer to the lot line than the required setback for the district in which the unit is located.

5. **Blade Clearance**. There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.

6. **Guy Wires.** If the accessory wind turbine is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.

7. **Noise**. Accessory wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) (Leq (1 hour)) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest lot line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

8. **Visual Impact**. Wind turbines, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines shall be maintained throughout the life of the system.

9. **Potential Ice Throw**. The potential ice throw or ice shedding for accessory wind turbines shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.

10. **Vibration**. Wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the lot on which it is located.

11. **Safety**.

    a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

    b. Wind turbines shall not be climbable on the exterior.

    c. All access doors to wind turbines and electrical equipment shall be lockable.

    d. Appropriate warning signs shall be placed on wind turbines, electrical equipment, and facility entrances.

    e. All wind turbines shall be equipped with controls to control the rotational speed of the blades within

design limits for the specific wind turbine. All wind turbines shall have an automatic braking system to prevent uncontrolled rotation.

12. **Shadow Flicker**.

    a. The wind turbine shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when the wind turbine shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

    b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall 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 analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

13. **Signal Interference**. No wind turbine shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

14. **Advertising**. There shall be no advertising on accessory wind turbines or any structure attached thereto.

15. **Other Regulations**. Accessory wind turbines shall comply with all applicable state construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, the **Michigan Tall Structures Act (PA 259 of 1959**, as amended), and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

Section 7.19 Solar Energy Facilities, Utility-Scale

Solar energy facilities shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6** of this Ordinance.

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of solar energy facilities subject to reasonable conditions that will protect the character of the Township and the nearby lot

owners and ensure the health, safety, and welfare of Township residents. In developing these standards, the Township recognizes the following:

1. The Township desires to maintain and provide for the preservation of farmland and woodlands, where feasible.

2. The Township wishes to discourage the conversion of farmland into other more intensive uses and recognizes farmland as contributing to the scenic and rural character of the Township.

3. The Township wishes to maximize the most beneficial agricultural use of agricultural lands in the Township, without unnecessarily limiting the economic rights of agricultural landowners.

4. The Township encourages a land use pattern that is oriented to the natural features and water resources of the area.

B. **Scope**.

This Section applies to all solar energy facilities whose primary purpose is to supply power to off-site customers.

C. **Standards**.

Solar energy facilities shall meet the following standards:

1. **Maximum Acreage**. In the Township, there shall be no greater than twelve hundred (1,200) acres of land which contain solar panels that are a part of a Utility-Scale Solar Energy Facility.

2. **Setbacks**. The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred fifty (150) feet from all lot lines of non-participating lots and shall be three hundred (300) feet from all residences and occupied community buildings on non-participating lots. After the Solar Energy project receives site plan approval, the property owners of non-participating lots may erect buildings within this required setback on the non-participating lot, which shall not be considered a violation of the setback.

3. **Placement of Panels.**

   a. A Solar Energy Facility shall be designed and located so that no non-participating lot is substantially surrounded by the Solar Energy Facility. For purposes of this Section, a non-participating lot shall be considered substantially surrounded when Solar Energy Facility components occupy or are proposed to occupy lands on all sides of the property, regardless of whether a public or private road, railroad, utility corridor, or similar right-of-way intervenes between the Solar Energy Facility and the non-participating lot.

   b. The applicant shall demonstrate, to the satisfaction of the Township, that each non-participating lot

retains at least one direction in which the property is not bordered by Solar Energy Facility components for a distance of not less than one-quarter (¼) mile from the property boundary, unless the owner of the non-participating lot has executed a written participating agreement.

c. The Planning Commission may require revisions to the site plan, including the relocation or elimination of solar arrays, to ensure compliance with this Section.

4. **Height**. The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.

5. **Reflection/Glare**. Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.

6. **Groundcover and Impervious Surface/Stormwater**.

   a. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of cleaner, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

   b. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover.

7. **Screening**. The Planning Commission may require that solar devices be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility, including replacing dead vegetation within six (6) months or at the earliest feasible time of year, dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

8. **Wiring**. Wiring (including communication lines) shall be buried underground unless not feasible. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.

9. **Lighting**. Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall use dark sky-friendly lighting technology and light dimming solutions technology and shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties and adjacent roadways. Flashing or intermittent lights are prohibited.

10. **Sound**. The sound pressure level of a Solar Energy Facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. Inverters shall be as centrally located on the participating lots as possible. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

11. **Land Clearing**. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the lot shall be retained on site.

12. **Access Drives**. New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed once the Solar Energy Facility is in operation.

13. **Fencing**. Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks. The Planning Commission shall require wildlife-friendly fencing.

14. **Lot Coverage**. Solar collection devices shall not count toward any maximum lot coverage standards in the ordinance.

15. **Agricultural Protection.** For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations, including:

    a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.

    b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.

    c. Maintaining all drainage infrastructure on-site, including drain tile and ditches, during the operation of the Solar Energy Facility.

d. Siting the Solar Energy Facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.

e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres if the Township has adopted a purchase of development rights ordinance.

16. The Solar Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

D. **Repowering**.

1. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

2. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the Ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

E. **Application for a Solar Energy Facility**.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission. An applicant shall submit a site plan (the site plan shall meet all of the requirements of the Township Zoning Ordinance and those of the **Michigan Public Service Commission**) showing the design of all elements to be erected or constructed as a part of the Solar Energy Facility. Solar energy facilities shall comply with this Section and **Article 5** and **Article 6** of this Ordinance. The site plan shall include the following:

1. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.

2. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.

3. Vicinity map showing the location of all surrounding land uses.

4. The location of all solar arrays, including setbacks.

5. The width of arrays.

6. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
7. Ancillary structures and electrical equipment.
8. Utility connections.
9. Dwellings on the lot and within five hundred (500) feet of the lot lines (participating and non-participating lots).
10. Existing and proposed structures as part of the Solar Energy Facility.
11. Buried or above-ground wiring.
12. Temporary and permanent access drives.
13. Fencing detail.
14. Screening/landscape detail and berm detail.
15. Signs.
16. The location of any Battery Energy Storage Systems on-site.
17. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
18. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
19. The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.
20. Drainage plan including a plan to control runoff during construction.
21. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and given to the system owner, the local fire department, and local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:

a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

d. Procedures for inspection and testing of associated alarms and controls.

e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

22. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

23. **Road Analysis and Agreement/Bond**. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Solar Energy Facility.

24. **Additional Studies**. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

a. **Visual Impact Assessment**. A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

b. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

c. **Stormwater Study**. An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affect stormwater infiltration, including calculations for a one hundred (100) year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

d. **Glare Study**. An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the

facility.

e. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Solar Energy Facility and the impacts on local water resources.

25. **Decommissioning Plan**. A decommissioning plan is required at the time of application.

a. The decommissioning plan shall include:

(1) The anticipated life of the project.

(2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

(3) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

(4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit). The Planning Commission shall require the owner of the solar energy facililty (maintained by any successive owners) to deposit a performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the Solar Energy Facility and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.

The amount of the performance guarantee shall be reviewed every three (3) years for the life of the project. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

b. A Solar Energy Facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

F. **Requirement Prior to Installation**.

No Solar Energy Facility shall be installed until written evidence has been submitted to the Township that the electric utility company has been informed of the applicant's intent to install a Solar Energy Facility which will generate electric power for distribution by interconnection to the electric power grid of the electric utility company serving the area in which the Solar Energy Facility is located.

G. **Abandoned Solar Energy Facilities**.

1. If a Solar Energy Facility owner or operator intends to abandon and, in fact, does abandon a Solar Energy Facility by not operating it for a continuous period of twelve (12) months, said Solar Energy Facility shall be considered abandoned, and the owner of such Solar Energy Facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned Solar Energy Facility within the one hundred eighty (180) day period provided in this subsection shall be a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the Solar Energy Facility, the owner shall restore the site of the Solar Energy Facility to its original condition prior to location of the Solar Energy Facility, subject to reasonable wear and tear. Any foundation associated with a Solar Energy Facility shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed to provide access to the agricultural site.

H. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for any Utility-Scale Solar Energy Facility shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Solar Energy Facility owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.20 Battery Energy Storage Systems, Off-Site

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of Off-Site Battery Energy Storage Systems subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents.

B. **Scope**.

1. This Section applies to Off-Site Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use, such as Solar Energy Facilities or Wind Energy Facilities. Off-site Battery Energy Storage Systems shall be located in the district(s) indicated in **Section 4.11** unless they are proposed in conjunction with a Solar Energy Facility or Wind Energy Facility. Battery Energy Storage Systems shall comply with this Section and **Article 5** and **Article 6** of this Ordinance.

2. On-Site Battery Energy Storage Systems are regulated as Accessory Structures.

C. **Setbacks and Height**.

1. **Setbacks**. The setbacks of all buildings and components of Battery Energy Storage Systems, including battery pads, shall be at least three hundred (300) feet from the road right-of-way and all lot lines of non-participating lots and at least six hundred (600) feet from residences and occupied community buildings on non-participating lots. After the Battery Energy Storage System project receives site plan approval, the property owners of non-participating lots may erect buildings within this required setback on the non-participating lot which shall not be considered a violation of the setback.

2. **Height**. The maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed twenty (20) feet. Batteries shall not be stacked on each other.

D. **Screening**.

1. The Planning Commission may require that Battery Energy Storage Systems be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility, including replacing dead vegetation within six (6) months or at the earliest feasible time of year, depending on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

2. Areas within one hundred (100) feet on each side of each battery within a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth (including stumps of trees).

E. **Lighting**.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Light fixtures use dark sky-friendly lighting technology and light dimming solutions technology and shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties and adjacent roadways. Flashing or intermittent lights are prohibited.

F. **Sound**.

The sound pressure level of a Battery Energy Storage System and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

G. **Land Clearing**.

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the lot shall be retained on site.

H. **Access Drives**.

New access drives within the Battery Energy Storage Systems shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the lot owner requests that the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

I. **Fencing**.

Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks. The Planning Commission may require wildlife-friendly fencing.

J. **Safety and Compliance**.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

2. **System Certification**. All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

3. **Site Access**. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

5. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

K. **Increased Storage Capacity**.

1. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.

2. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the Ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in compliance with established escrow policy.

L. **Application Requirements and Performance Guarantee**.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

1. **Site Plan**. A site plan pursuant to **Article 5** shall be required. The site plan shall include the following:

   a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy

Storage System.

b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.

c. Vicinity map showing the location of all surrounding land uses.

d. Location of all proposed battery structures, buildings that house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.

e. Horizontal and vertical (elevation) to-scale drawings with dimensions.

f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.

g. Dwellings on the lot and within one thousand (1,000) feet of the lot lines (participating and non-participating lots).

h. Temporary and permanent access drives.

i. Screening/landscape detail and berm detail.

j. Signs.

k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.

l. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.

m. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.

n. Planned lightning protection measures.

o. A preliminary equipment specification sheet that documents the proposed Battery Energy Storage System components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a Zoning Permit.

p. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Such information of the final system installer shall be submitted prior to the issuance of the Zoning Permit.

2. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. The Emergency Response Plan shall include the following information:

a. A description of all on-site equipment and systems to be provided to prevent or handle emergencies.

b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

c. Procedures for inspection and testing of associated alarms, interlocks, and controls.

d. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

g. Procedures for dealing with Battery Energy Storage System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

i. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

j. A description of all contingency plans to be implemented in response to the occurrence of an emergency, including evacuation control measures and community notification measures.

k. The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.

l. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.

m. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

n. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

o. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies. The Township may require that the applicant provide funding for training and/or any specific equipment which is necessary to handle emergency situations at the facility.

p. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

q. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

3. **Land Clearing and/or Grading Plan**. A plan showing proposed clearing and/or grading as required for the installation and operation of the system.

4. **Stormwater Management Plan.** Computations and design of a stormwater management system. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted.

5. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the lot boundary.

6. **Preliminary Equipment Specification Sheet**. Such sheet documents the proposed Battery Energy Storage System components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.

7. **System Maintenance Plan**. A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

8. **Contact Information**. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Information on the final system installer shall be submitted as part of Post-Construction Reporting.

9. **NFPA 855 Compliance**. Confirmation that the facility complies with the latest edition of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."

10. **Road Analysis and Agreement/Bond**. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Solar Energy Facility.

11. **Decommissioning Plan**. A decommissioning plan is required at the time of application. The decommissioning plan shall include:

    a. The anticipated life of the project.

    b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

    c. The projected decommissioning costs for the removal of the Battery Energy Storage Systems and soil stabilization. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

    d. The method of ensuring that funds will be available for site decommissioning and stabilization. The Township shall require the owner or operator (maintained by any successive owners/operators) to deposit a performance guarantee equal to 1.25 times the estimated decommissioning cost.

       A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by

the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. A Battery Energy Storage System owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

12. **Additional Studies**. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

a. **Visual Impact Assessment**. A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

b. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

c. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Battery Energy Storage System and the impacts on local water resources.

M. **Abandonment**.

1. If a Battery Energy Storage System owner or operator intends to abandon and, in fact, does abandon a Battery Energy Storage System by not operating it for a continuous period of twelve (12) months, said Battery Energy Storage System shall be considered abandoned, and the owner of such Battery Energy Storage System shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned Battery Energy Storage System within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the Battery Energy Storage System, the owner shall restore the site to its original

condition prior to the location of the Battery Energy Storage System, subject to reasonable wear and tear. Any foundation associated with a Battery Energy Storage System shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

N. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

1. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

    a. **Final Equipment Specification Sheet.** Documenting the final Battery Energy Storage System components, inverters, and associated electrical equipment.

    b. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the Battery Energy Storage System.

    c. **Amended Emergency Response Plan (ERP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval shall be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local emergency services is required for amended plans.

    d. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.

    e. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.

2. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

    a. **Amendments or updates to any Pre-Construction Documents**.

    b. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.

    c. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.

3. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.21 Wind Energy Facilities, Utility-Scale

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of Wind Energy Facilities subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents.

B. **Scope**.

Wind energy facilities consisting of one (1) or more wind turbines whose principal purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6** of this Ordinance.

C. **Principal or Accessory Use**.

A Wind Energy Facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

D. **State or Federal Requirements**.

Any proposed wind turbine or anemometer shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)**, **Michigan Aeronautics Commission (MAC)**, the **Michigan Public Service Commission**, National Electric Safety Code, **Federal Energy Regulatory Commission**, **Michigan Tall Structure Act (1959 PA 259)** and any other agency of the state or federal government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use approval is approved.

E. **Standards**.

Wind turbines shall meet the following standards:

1. **Height**. Regarding wind turbine height, the applicant shall demonstrate compliance with the **Michigan Tall Structures Act (1959 PA 259**, as amended), **FAA** guidelines, and **Michigan Aeronautics Commission**

guidelines as part of the approval process.

2. **Maximum Vibrations**. Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible at the lot line of non-participating lots.

3. **Minimum Ground Clearance**. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than twenty (20) feet.

4. **Minimum Site Area**. The minimum site area for a wind turbine or an anemometer tower shall be as necessary to meet required wind energy setbacks and other standards of this Section.

5. **Noise**. The Wind Energy Facility shall not generate a maximum sound in excess of fifty-five (55) dBA (Leq (1 hour)) at the lot line of adjacent nonparticipating lots. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

6. **Potential Ice Throw**. Wind turbines shall be installed with ice detection, de-icing technology, or a similar application to demonstrate that ice throw can be mitigated.

7. **Setbacks**. Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:

    a. **Setback from Non-Participating Lot Line**. Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.

    b. **Setback from Public Road**. Each wind turbine shall be set back from the nearest public road a minimum distance of 1.1 times its total height determined at the nearest boundary of the underlying right-of-way for such public road.

    c. **Setback from Occupied Structures on Non-Participating Lots**. Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.

    d. **Dwellings and Other Structures on Participating Lots**. Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.

    e. **Setback from Overhead Communication and Power Lines**. Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.1 times its total height as measured

from the base of the wind turbine.

f. **Building Setbacks**. Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

After the Wind Energy Facility receives site plan approval, the property owners of non-participating lots may erect buildings within this required setback on the non-participating lot which shall not be considered a violation of the setback.

8. **Shadow Flicker**.

a. The wind turbine shall be designed in such a manner as to prevent shadow flicker on any existing structures on non-participating lots. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when the wind turbine shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure. The Planning Commission may allow up to thirty (30) hours of shadow flicker on an occupied structure per year.

b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall 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 analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

9. **Signal Interference**. No wind turbine shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

10. **Tower Separation**. Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendations, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location.

11. **Visual Impact, Lighting, and Power Lines**.

a. Wind turbines shall be mounted on tubular towers. All turbines shall maintain a galvanized steel finish on the exterior or be painted a neutral white, gray, or pale blue, unless otherwise regulated by the FAA. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the Wind Energy Facility pursuant to industry standards (i.e., condition of exterior paint, signs,

landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.

b. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.

c. Wind turbines shall not be artificially lighted, except to the extent required by the **FAA**, or the **MAC** or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:

(1) Shall be dark sky friendly lighting technology.

(2) Shall be the intensity required under state or federal regulations.

(3) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.

(4) May be a red top light that does not pulsate or blink.

(5) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.

(6) Shall utilize an aircraft detection lighting system on wind turbines, if available and if permitted by the **FAA**. If an aircraft detection lighting system is not permitted, then a light mitigating technology system shall be utilized. The remainder of the site shall utilize a light intensity dimming solution technology.

d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the Wind Energy Facility.

e. The electrical collection system shall be placed underground within the interior of each lot at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.

12. **Safety**.

a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

b. Wind turbines shall not be climbable on the exterior.

c. All access doors to wind turbines and electrical equipment shall be lockable.

d. Appropriate warning signs shall be placed on wind turbines, electrical equipment, and facility entrances.

e. All wind turbine shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine. All wind turbines shall have an automatic braking system to prevent uncontrolled rotation.

f. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

F. **Application Requirements**.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission. A Special Use application for a Utility-Scale Wind Energy Facility shall include a site plan pursuant to **Article 5**. The following items are required unless waived by the Planning Commission:

1. **Site Plan Drawing**. All applications for a Utility-Scale Wind Energy Facility shall be accompanied by a detailed site plan, drawn to scale and dimensioned, displaying the following information:

   a. Existing property features to include the following: lot lines, physical dimensions of the lot, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, laydown yards, and all buildings. The site plan shall also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines, including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).

   b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility-Scale Wind Energy Facility.

   c. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

2. **Site Plan Documents**. The following shall be included with the site plan:

   a. The contact information for the Owner(s) and Operator(s) of the Utility-Scale Wind Energy Facility, as well as contact information for all property owners on which the Utility-Scale Wind Energy Facility

is located.

b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Utility-Scale Wind Energy Facility. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.

c. Identification and location of the properties on which the proposed Utility-Scale Wind Energy Facility will be located.

d. The proposed number, representative types, and height of each wind turbine to be constructed, including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.

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

f. Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance.

g. Engineering data concerning construction of the Utility-Scale Wind Energy Facility and its base or foundation, which may include, but is not limited to, soil boring data.

h. A certified registered engineer shall certify that the Utility-Scale Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.

i. Anticipated construction schedule.

j. The location of any Battery Energy Storage System on-site.

k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Utility-Scale Wind Energy Facility to conduct maintenance, if applicable.

l. Documented compliance with applicable local, state, and national regulations, including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Utility-Scale Wind Energy Facility shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations. All required approvals from other local, regional, state, or federal agencies shall be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

m. Proof of applicant's liability insurance.

n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved.

o. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.

p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.

q. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.

3. **Hazard Plan**. An application shall be accompanied by a hazard prevention plan. Such plan shall contain:

a. Certification that the electrical wiring between turbines and the utility right-of-way does not pose a fire hazard.

b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

c. A listing of any hazardous fluids that may be used on-site shall be provided, including a safety data sheet (SDS).

d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

f. The Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

4. **Grading, Erosion, and Stormwater Drainage Plan.** A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Use permit for a Utility-Scale Wind Energy Facility. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

5. **Road Analysis and Agreement/Bond**. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles,

equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy Facility.

6. **Environmental Impact Study**. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions. The study shall include impacts to migratory birds.

7. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:

   a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

   b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

   c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

   d. Procedures for inspection and testing of associated alarms and controls.

   e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

   f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

   g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

   h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

8. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

9. **Decommissioning Plan Required**. The applicant shall submit a decommissioning plan. The plan shall include:

a. The anticipated life of the project.

b. The anticipated manner in which the project will be decommissioned and the site restored, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

c. The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

d. **County Road Commission** approved traffic route for decommissioning and surety bond to ensure

no perceived road damage is done.

e. The method of ensuring that funds will be available for decommissioning and restoration. The Planning Commission shall require the owner of the wind turbine (maintained by any successive owners) to deposit a performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the wind turbine or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every three (3) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

A facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

G. **Equipment Replacement and Repowering**.

A Wind Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing Wind Energy Facility or to add a greater number of wind turbines than were approved as part of the Special Use or to increase the height of the existing turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Wind Energy Facility will be reimbursed to the Township by the Wind Energy Facility owner in compliance with established escrow policy.

H. **Abandonment and Removal**.

1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned wind turbine within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the wind turbine, the owner shall restore the site of the wind turbine to its original condition prior to the location of the wind turbine, subject to reasonable wear and tear. Any foundation associated with a wind shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored.

I. **Post-Approval Documentation - Utility-Scale Wind Energy Facilities.**

Any Zoning Permit or Special Use Permit for any Utility-Scale Wind Energy Facility shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Wind Energy Facility owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.

Section 7.22 Data Centers

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of data centers subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents.

B. **Scope**.

Data centers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6** of this Ordinance.

C. **Setbacks**.

All principal buildings, accessory structures, and data center electric utility substations shall be set back at least two hundred (200) feet from all adjacent lot lines and at least six hundred (600) feet from residences and occupied community buildings on adjacent lots. After the Data Center project receives site plan approval, the property owners of non-participating lots may erect buildings within this required setback on the non-participating lot, which shall not be considered a violation of the setback.

1. Year-round opaque landscaping or a screening fence or wall shall be required to minimize visual impact.

2. Electric utility substations on the same property as the data center they serve shall be located on the side or rear of a data center principal building so they are screened from public view. On-site substations do not require a buffer or screening between the data center principal building and the substation.

3. For substations, setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

D. **Noise/Vibration**.

The sound pressure level of a data center and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

E. **Negative Impacts**.

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the lot line.

F. **Lighting.**

Lighting, including lighting for security cameras, shall comply with **Section 3.22**.

G. **Cooling System**.

A closed-loop cooling system shall be utilized if feasible. If an alternate system is proposed, the applicant shall demonstrate the reason an alternate system is necessary and shall show that the surrounding area will not be negatively impacted by the system. Cooling systems shall not cause an adverse impact on the water supply in the Township.

H. **Battery Energy Storage Systems.**

An on-site Battery Energy Storage System (BESS) used to store electricity for use by the data center may be permitted as an accessory use to the data center. The BESS shall be designed, constructed, installed, operated, maintained, repaired, and decommissioned in accordance with all applicable local, state, and federal laws, codes, permits, and regulations, including applicable fire, electrical, building, and environmental requirements. The applicant shall identify the codes and industry standards applicable to the proposed system and provide documentation demonstrating compliance.

I. **Operations**.

Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

1. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

2. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding area and that such capacity is available in the community. Indicate on the application the amount of water necessary to operate the facility.

3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

4. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

J. **Emergency Contact Information**.

Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

K. **Environmental and Community Impact Analysis**.

Prior to the commencement of the public hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored, and the duration period of storage of materials.

2. A site plan of the property indicating the location of proposed improvements, floodplains, wetlands, waters, and cultural and historic resources on the property and within five hundred (500) feet of the boundaries of the property.

3. **Wastewater and Material Disposal**. The applicant shall provide documentation describing the anticipated type, quantity, composition, handling, storage, treatment, and method of disposal of all wastewater, cooling water, process water, chemicals, hazardous materials, solid waste, and other waste materials generated by the data center. Such documentation shall identify the proposed disposal or discharge location and method. All handling, storage, treatment, discharge, and disposal shall comply with applicable local, state, and federal laws, regulations, permits, and approvals. No wastewater, cooling

water, process water, chemicals, or other potentially harmful substances shall be discharged onto the ground, into groundwater or surface waters, or into a stormwater system except as specifically authorized by applicable permits and regulatory agencies. The Planning Commission may require documentation from the applicable regulatory agency or other qualified entity confirming the adequacy and acceptability of the proposed disposal method.

4. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

   a. Emergency services and fire protection,
   b. Water supply,
   c. Sewage disposal,
   d. Solid waste disposal,
   e. Electricity rates,
   f. School facilities, and
   g. Municipal revenues and expenses.

5. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

6. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site. The Planning Commission may require that additional studies be performed by a third-party qualified professional and shall be paid for by the applicant.

L. **Application Requirements**.

A site plan pursuant to **Article 5** shall be required. In addition, the following shall be required:

1. Cooling/climate control equipment specifications.

2. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

3. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders. The Emergency Response Plan shall include the following information:

   a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

d. Procedures for inspection and testing of associated alarms and controls.

e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any additional personnel and specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility

is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

4. **Decommissioning Plan**. A decommissioning plan is required at the time of application. The decommissioning plan shall include:

   a. The anticipated life of the project.

   b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the infrastructure is able to be retrofitted to an alternate use, then the decommissioning plan may include those plans.

   c. If applicable, approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.

   d. The projected decommissioning costs. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.

   e. The method of ensuring that funds will be available for site decommissioning. The Township shall require the owner or operator (maintained by any successive owners/operators) to deposit a performance guarantee equal to 1.25 times the estimated decommissioning cost.

      A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Planning Commission. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years' Consumer Price Index.

   f. Prior to beginning decommissioning, a data center owner/operator shall notify the Township of the date that decommissioning will begin.

5. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

6. **Additional Studies**. Additional studies, paid for by the applicant, may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

   a. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess

any potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

b. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use and the impacts on local water resources.

M. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for a data center shall be conditioned upon the submission of the following documents:

a. **Amended Emergency Response Plan (ERP) (if applicable)**. Additional consultation with local emergency services is required for amended plans.

b. **Post-Construction Sound Survey**. Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the data center owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

c. **Annual Compliance Reporting**. The Planning Commission may require the data center owner to provide annual documentation of compliance with specific standards in this Ordinance. Annual reports shall be required on water usage, sound monitoring, and generator testing/operating hours. Copies of any other reports required by the State of Michigan or any outside agency shall be provided to the Township.

N. **Abandonment**.

1. If a data center owner or operator intends to abandon and, in fact, does abandon a data center by not operating it for a continuous period of twelve (12) months, said data center shall be considered abandoned, and the owner of such data center shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned data center within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. Unless an alternate decommissioning plan is approved, in addition to removing the data center, the owner shall restore the site to its original condition prior to the location of the data center, including environmental remediation, subject to reasonable wear and tear. Any foundation associated with a data center shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

Section 7.23 Bulk Storage of Petroleum Products, Metal Reduction & Rolling Mills

Bulk storage of petroleum products, metal reduction and rolling mills shall be at least four hundred (400) feet from any residential district or residential use.

Article 8
Zoning Board of Appeals

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Section 8.1 Establishment of the Zoning Board of Appeals

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in **Section 603 of 2006 PA 110**, as amended (MCLA 125.3603).

Section 8.2 Membership

A. **Membership**.

The Township Board shall appoint three (3) members of the Zoning Board of Appeals.

1. The first member shall be a member of the Township Planning Commission for the term of his or her office.

2. The remaining members shall be selected from the electors of the township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township.

3. One (1) member of the Zoning Board of Appeals may be a member of the Township Board for the term of his or her office.

4. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.

B. **Terms of Office**.

Except for members serving on the Zoning Board of Appeals because of their membership on the Township Planning Commission or Township Board, each member of the Zoning Board of Appeals shall serve for a term of three (3) years, except that first appointments may be for less than three (3) year terms to provide for staggered terms.

C. **Alternates**.

1. The Township Board shall appoint two (2) alternate members of the Zoning Board of Appeals for three (3) year terms, except that for the first appointments one (1) alternate member shall serve for a two (2) year term. The alternate members shall be called on a rotating basis by the chairperson of the Zoning Board of Appeals to sit as regular members if a regular member will be unable to attend one (1) or more meetings and when a regular member has abstained for reason of conflict of interest. An alternate member called to sit as a regular member shall serve in the case until a final decision has been made and shall have the same voting rights as regular members of the Zoning Board of Appeals.

2. A regular member shall disqualify himself or herself from a vote, and an alternate member shall sit as a regular member in which the regular member has a conflict of interest. Failure of a regular or alternate member to disqualify himself or herself from participating in a case in which the member has a conflict of interest constitutes malfeasance in office.

D. **Removal of a Member**.

The Township Board may remove a regular or alternate member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office following written charges and a public hearing before the Township Board.

E. **Officers**.

The Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as Chairperson.

F. **ZBA Member who is also a Planning Commission Member**.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

G. **Compensation**.

The members of the Board of Appeals shall be entitled to per diem compensation as set by the Township Board, but the total per diem and expenses of the Zoning Board of Appeals shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board.

Section 8.3 Meetings, Minutes & Voting Requirements

A. **Meeting Scheduling and Notice**.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of an Application for Appeal, and at such other times as such Board may determine.

2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.6**.

B. **Quorum**.

The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

C. **Open Meetings.**

Meetings of the Zoning Board of Appeals shall be open to the public and shall be held at the call of the chairperson and as the Board may determine necessary.

D. **Majority Vote.**

The concurring vote of a majority of the members of the entire Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or other administrative official; to decide in favor of an applicant on any matter upon which the Board is required to pass under this Ordinance; or to grant a dimensional variance under this Ordinance.

E. **Rules of Procedure and Records.**

1. The Zoning Board of Appeals shall adopt its own rules of procedure for its meetings.

2. Minutes shall be kept of all proceedings. The minutes shall contain evidence and data relevant to every case considered, together with the votes of the members and the final disposition of each case. The basis and reasoning of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals'

permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk.

3. The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

Section 8.4 Jurisdiction of the Zoning Board of Appeals

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, any order, requirement, interpretation, decision or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. Provided, however, the Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

A. **Jurisdiction**.

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

1. **Review of Administrative Actions**. The Zoning Board of Appeals shall, when called upon, review, hear, and decide appeals from any order, requirements, decisions, or determination made by any administrative official and/or Planning Commission charged with administration and enforcement of this Ordinance.

2. **Interpretation**. The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:

   a. To determine the meaning of Zoning Ordinance provisions when ambiguity exists in those provisions.

   b. To determine the precise location of the boundary lines between zoning districts.

3. **Variances**. The Zoning Board of Appeals shall have the power to authorize specific dimensional variances from the requirements of this Ordinance if it finds, based upon competent, material, and substantial evidence following a public hearing, that all of the applicable standards provided in **Section 8.6** have been met.

4. **Special Uses and Planned Unit Developments.** The Zoning Board of Appeals shall have jurisdiction to hear appeals from Planning Commission decisions concerning Special Uses and Planned Unit Developments.

B. **Powers Not Granted**.

1. **Enforcement Action**. The Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

2. **Use Variances**. The Zoning Board of Appeals shall not have jurisdiction to grant use variances.

3. **Amendments**. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.

Section 8.5 Procedures

An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township.

A. **Application for Appeal**.

1. **Application Form**. The person making the appeal shall file with the Zoning Administrator a completed notice of appeal form furnished by the Township specifying the grounds for the appeal. Provided, however, if the appeal concerns a decision by the Zoning Administrator, then the appeal shall be filed with the Township Clerk and the Township Clerk shall transmit the appeal and the record to the Zoning Board of Appeals.

   a. **Requests for Interpretation.** The person making the request for interpretation shall file with the Zoning Administrator a completed application form specifying the Zoning Ordinance provision for which the interpretation is being requested and the alleged ambiguity in that provision or specifying the unlisted property use to be classified.

   b. **Requests for Variance.** A request for a variance may be made by the owner of the property on which the variance would apply or by a person authorized in writing by the owner to request the variance.

2. **Timing and Number of Copies**. Any such appeal shall be filed within thirty (30) days of the decision being appealed. The applicant shall submit five (5) copies of a completed application, with associated

fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.

3. **Fees**. Fees shall be paid at the time of application pursuant to **Section 9.4**.

4. **Transmission of Documents**. After an application is received, the Zoning Administrator shall transmit, to the Zoning Board of Appeals, all the papers constituting the record concerning the decision being appealed.

5. **Scheduling of Public Hearing.** Following receipt of a completed notice of appeal, a request for an interpretation of the Zoning Ordinance, or a request for a variance, the Zoning Board of Appeals shall schedule a reasonable time, date, and place for a public hearing, after giving the following applicable notice pursuant to **Section 9.6**.

B. **Hearing & Public Notice.**

1. **Public Hearing**. The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board.

2. **Appearance**. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

C. **Decision**.

1. **Final Decision**. In exercising the powers described in this Article, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Planning Commission, Zoning Administrator, or other official or body from whom the appeal is taken. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.

2. **Timing of Decision**. The Zoning Board of Appeals shall return a decision within forty-five (45) days after the public hearing, unless additional time is agreed upon by all parties concerned.

3. **Decision in Writing**. Decisions made by the Zoning Board of Appeals shall be forwarded, in writing, to the party filing the appeal or requesting the interpretation or variance and to the Zoning Administrator.

4. **Conditions**. The Zoning Board of Appeals may attach reasonable conditions with the approval of a variance pursuant to **Section 9.8**.

5. **Expiration**. Any variance granted by the Zoning Board of Appeals shall expire unless substantial construction of an improvement authorized by the variance has begun within one (1) year of the approval. Thirty (30) days prior to the expiration of an approved variance, an applicant may make application to the Zoning Board of Appeals for a one (1) year extension of the variance. The Zoning Board of Appeals shall grant the requested extension if it finds good cause for the extension and that the zoning regulations necessitating the variance and the standards for granting variances have not changed since the approval.

6. **Resubmittal**. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except when a rehearing is granted pursuant to **Section 9.10**.

7. **Violations**. Violations of any conditions imposed shall constitute a violation of the Zoning Ordinance and shall be subject to enforcement proceedings under this Ordinance.

8. **Rehearings**. The Zoning Board of Appeals may grant a rehearing pursuant to **Section 9.10**.

Section 8.6 Dimensional Variance Standards

To obtain a variance from the dimensional requirements of this Ordinance (area, setback, frontage, height, bulk, density, or other dimensional requirements), the applicant must demonstrate that a practical difficulty exists by showing all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography, and not due to the applicant's personal or economic hardship.

2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 8.7 Appeals to Circuit Court

The decision of the Zoning Board of Appeals is final. However, a person having an interest affected by this Ordinance may appeal that decision to the Circuit Court. Any such appeal shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

Section 8.8 Stay of Proceedings

An appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court. Provided, however, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Article 9
Administration & Enforcement

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Section 9.1 Administration of Zoning Ordinance

A. **Zoning Administrator**.

1. A Zoning Administrator shall be employed by the Township Board under the terms and conditions determined by the Board to administer the provisions of this Ordinance. The Board may also employ a Deputy Zoning Administrator under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance. The Deputy Zoning Administrator shall have the same authority as the Zoning Administrator. Relative to the issuance of a permit, any decision rendered by the Board of Appeals, Planning Commission, or Township Board on a matter required to be reviewed by that body shall be binding on the Zoning Administrator.

2. **Duties and Powers of the Zoning Administrator**. The Zoning Administrator shall enforce this Ordinance and shall:

   a. Approve and issue all Zoning Permits.

   b. Conduct inspections of premises subject to the provisions of this Ordinance to determine compliance.

c. Maintain permanent and correct records of this Ordinance including, but not limited to Zoning Permits, compliance certificates issued, and all maps, amendments, Special Use permits, exceptions, variances, and appeals.

d. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.

e. Review all applications for site plan review, Special Use review, variances, and zoning amendments addressed to the Township Planning Commission or Zoning Board of Appeals, and report findings to said Commission and Board.

f. Institute proceedings for enforcement of the provisions of this Zoning Ordinance.

B. **Duties and Powers of the Planning Commission**.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval**. The Planning Commission shall review site plans (pursuant to **Table 5.2**) and issue its approval, conditional approval, or denial.

2. **Special Use Permits**. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit, including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application.

3. **Rezoning or Text Amendment Review**. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

C. **Township Board**.

The Township Board shall be responsible for the following administrative activities under this Ordinance:

1. On the recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable law of the township government.

2. The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).

3. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance.

4. The Township Board may act to waive any fee.

Section 9.2 Zoning Permit Application Process

No building or structure subject to the provisions of this Ordinance shall be erected, substantially altered, reconstructed, used, or moved, nor shall any use of land (which requires approval pursuant to **Table 5.2**) commence until a Zoning Permit application has been filed with the Zoning Administrator or other official designated by the Township Board, and a Zoning Permit has been issued by the Zoning Administrator or other official designated by the Township Board. Except upon a variance being granted by the Zoning Board of Appeals, no Zoning Permit shall be issued for the use of any land or for any building or structure where the use, construction, addition, or alteration thereof would be in violation of any provisions of this Ordinance. No Zoning Permit shall be required for any lawful use of land, building, or structure in existence on the effective date of the Zoning Ordinance or any applicable amendment.

A. **Application for Permit**.

1. **Zoning Permit Required.** Before proceeding with the erection, alteration, enlargement, conversion, or moving of any building or structure subject to the provisions of this Ordinance, an application for a Zoning Permit shall be filed in writing with the Zoning Administrator and signed by the owner of the property or the owner's designated agent. A zoning permit is not required to demolish/raze a building. This requirement shall not apply to alterations inside a building or structure if no change is made in the foundations or outside perimeter.

   a. Application shall be made upon forms provided by the Township and shall be accompanied by the tax description of the premises and by a Level 1 Site Plan pursuant to **Section 5.3** or a Level 2 Site Plan pursuant to **Section 5.5**.

   b. The Township shall not issue a Zoning Permit until evidence of ownership has been submitted by the property owner or by his/her authorized agent.

   c. When an agent of the property owner is applying for the Zoning Permit, the Zoning Permit application shall be accompanied by a written letter from the property owner giving authorization to the agent to secure the Zoning Permit. The applicant for a Zoning Permit shall certify in writing that all provisions of this Ordinance and other applicable laws and requirements are to be complied with.

2. **Fee.** An application for a Zoning Permit shall be accompanied by the applicable fee established pursuant to **Section 9.4**. All fees as established by the Township Board shall be paid to the Zoning Administrator, who shall place the same in the Township General Fund.

3. **Survey.** On examination of any site, the Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan Registered Land Surveyor if the same may not be clearly in evidence.

4. **Final Site Plan Approval Required**. The Township shall not issue a Zoning Permit until a final site plan has been approved and is in effect pursuant to **Article 5**.

5. **Other Required Permits**. A Zoning Permit is required prior to a building permit. A Zoning Permit shall not be issued until any other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a Zoning Permit.

B. **Property Inspection**.

No Zoning Permit shall be issued by the Zoning Administrator, or other official designated by the Township Board, without that official first conducting a site inspection. Every building or structure for which a Zoning Permit has been issued shall be subject to two (2) inspections:

1. **When Property and Building Corners are Staked**. The applicant is responsible for staking the property corners and proposed building corners.

2. **On Completion of the Enclosed Exterior Construction**. The property owner shall notify the Zoning Administrator in writing when the exterior has been enclosed. The Zoning Administrator has the option to perform a final inspection to determine if the building or structure is in conformity with the Ordinance.

3. The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

C. **Signed Copies**.

After approval pursuant to **Article 5**, copies of the application and site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township and one (1) returned to the applicant with the Zoning Permit.

D. **Failure to Obtain a Zoning Permit**.

1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary Zoning Permit shall be subject to **Section 9.9** unless a Permit-After-the-Fact is obtained pursuant to **subsection 2** below.

2. **Permit After-the-Fact**. Any building erected, relocated, or altered which requires a Zoning Permit from the Township which begins without first obtaining the required permit may be issued that permit after-the-fact. An after-the-fact permit is the same as a standard Zoning Permit, but the Township Board may adopt a fee with a higher cost. The applications which can be filed after-the-fact include but are not limited to Zoning Permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

E. **Conformance with Approved Zoning Permit**.

1. Following the issuance of a Zoning Permit by the Zoning Administrator, or other official designated by the Township Board, the applicant shall construct the improvements authorized by the Zoning Permit in complete conformity with the Zoning Permit and the approved plans and conditions.

2. A case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentations made in the application, shall be considered a violation of this Ordinance.

F. **Stop Work Order**.

Zoning Administrator shall have the authority to issue a stop work order on work in progress when that work violates any provision of this Ordinance. Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or **2006 PA 110, the Michigan Zoning Enabling Act**, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm, or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 9.9**.

G. **Zoning Permit Expiration and Completion of Exterior**.

1. **Zoning Permit Expiration**. A Zoning Permit issued pursuant to this Section shall expire one (1) year following issuance unless substantial construction has begun pursuant to the permit, or prior to the expiration of the permit the property owner applies for and receives an extension of the Zoning Permit for no more than one (1) year, from the Zoning Administrator, upon a showing of good cause and that the zoning regulations applicable to the use authorized by the Zoning Permit have not substantially changed since the issuance of the original permit or the most recent extension of the permit. A

maximum of (1) extension may be granted. A separate fee for an extension may be included in the fee schedule that is adopted by the Township Board.

2. **Completion of Exterior**. Upon commencing substantial construction of a building pursuant to a Zoning Permit issued under this Ordinance, the exterior of the building shall be completed within one (1) year, unless prior to the expiration of this time period, the property owner applies for and receives an extension for completing the exterior construction of the building from the Zoning Administrator upon a showing of good cause. A maximum of (1) extension may be granted.

H. **Revocation**.

The Zoning Administrator shall have power to revoke any Zoning Permit in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or misrepresentation made in the application. The Zoning Administrator shall give the permittee notice of intent to revoke a permit at least ten (10) days prior to the revocation to provide time for corrective action. The Zoning Administrator may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

Section 9.3 Conflicting Regulations

A. **Conflicts when this Zoning Ordinance is More Restrictive**.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance.

B. **Conflicts when Another Ordinance is More Restrictive**.

Whenever the provisions of any other law, ordinance, or private deed restrictions impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law, ordinance, or private deed restrictions shall govern.

C. **Conflicts within this Ordinance**.

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

1. **Conflicting Graphics, Tables, and Text**. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

2. **Conflicting Use Tables**. If a conflict exists between **Section 4.11 (Full Table of Permitted and Special Uses)** and the individual Use Tables found in each district section in **Article 4**, then the **Full Table of Permitted and Special Uses** shall control.

Section 9.4 Zoning Fees

A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

1. Zoning Permits.
2. Special Use permits.
3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
4. Classification of unlisted property uses.
5. Requests for variances from the Zoning Board of Appeals.
6. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
7. Site plan reviews.
8. Requests for a Planned Unit Development (PUD).
9. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant. The Township Board may vote to refund a fee.

C. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Zoning Administrator such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.

Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 9.5 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use approval, or Zoning Board of Appeals approval, the Planning Commission or Zoning Board of Appeals may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, the completion of conditions imposed by the Planning Commission or Zoning Board of Appeals which are located within the development, and site restoration. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Zoning Administrator at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission or Zoning Board of Appeals. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;

B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and

C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission or Zoning Board of Appeals may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.6 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110** as amended, MCL 125.3101 et. seq., and the other provisions of this Section with regard to public notification.

A. **Published Notice**.

When the provisions of this Ordinance or the **Michigan Zoning Enabling Act** require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. **Content**.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request**. Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.

2. **Location**. Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

3. **Date, Time, and Meeting Location**. When and where the request will be considered: indicate the date, time, and place of the public hearing(s).

4. **Written Comments**. Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. **Disabled Access**. Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. **Notice**.

1. Except as noted in subsection C.2 and **subsection C.3** below, notices for all public hearings shall be published and/or given as follows:

   a. Notice of the hearing shall be published and/or given not less than fifteen (15) days before the date of the public hearing.

   b. Notice of the hearing shall be published in a newspaper of general circulation.

   c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.

   d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.

      (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

      (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

2. Newspaper publication as required in subsection C.1 above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more adjacent properties.

3. For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in **subsection C.1** above.

4. **Notice Deemed Given**. Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

5. **Registration to Receive Notice by Mail**.

   a. **General**. Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Zoning Administrator shall be responsible for providing this notification.

   b. **Requirements**. The requesting party must provide the Zoning Administrator with information to ensure notification can be made.

D. **Adjourning Public Hearing**.

After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn, from time to time, a duly called public hearing, by passing a motion specifying the time, date, and place of the continued public hearing.

Section 9.7 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township. The Township Board shall have the authority to approve the use of consultants. Additional fees may be required to be paid by the applicant to cover the cost of consultants per **Section 9.4**.

Section 9.8 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on zoning decisions under their jurisdiction. These conditions may include those necessary to 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, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following

requirements:

A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being 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.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. 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.

Section 9.9 Violations & Penalty

A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in **Public Act 12 of 1994, amending 1961 PA 236**, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

C. The Township Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9.10 Rehearing Process

A. **Rehearing Performed by Planning Commission or ZBA.**

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.

3. The Township attorney, by written opinion, states that the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. **Rehearing Procedure**.

A rehearing may be requested by the applicant or by the Zoning Administrator, or rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit**. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.

2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.11 Approval Process Reference Chart

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

Table 9.11: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal
Single- & two-family dwelling, accessory bldgs, fences, signs - §5.2	Applicant	ZA	No	-----	-----	ZBA
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.2	Applicant	PC	No (unless listed as Special Use)	-----	-----	ZBA
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	-----	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text amendment or Rezoning (text amendment does not require 300' notice)	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	-----
		County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	-----	-----	-----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.				

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

Article 10
Amendments & Adoption

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Section 10.1 Amendment to this Ordinance

A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

B. Proposals for amendments may be initiated by the Township Board, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.2 Amendment Procedures

The procedure to be followed for initiating and processing an amendment shall be as follows:

A. **Filing of Amendment Application**.

1. Each application, by one (1) or more persons, for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided. Except for amendments proposed by the Township Board or the Planning Commission, the request shall be accompanied by the fee required by this Ordinance. No part of such fee shall be returnable to a petitioner if the public hearing is held. Applications shall be submitted at least forty-five (45) days prior to the meeting date at which the public hearing will be held. All amendments shall be referred to the Township Planning Commission for study, recommendation, and public hearing.

2. Upon receiving the written request for a Zoning Ordinance amendment and the applicable fee, the Zoning Administrator shall transmit the request for a Zoning Ordinance amendment to the Planning Commission for its consideration.

3. The Planning Commission shall review the request for a Zoning Ordinance amendment and may make additions, deletions, or modifications to the original request as it deems appropriate for the orderly development of the Township.

4. The Planning Commission shall then prepare or cause to be prepared a formal Zoning Ordinance amendment in proper legal format which reflects the requested amendment as finally determined by the Planning Commission.

B. **Public Hearing**.

After the formal Zoning Ordinance amendment is prepared and before making a recommendation on an amendment, the Planning Commission shall conduct at least one (1) public hearing on the proposed amendment, notice of the time and place of which shall be given pursuant to **Section 9.6**.

C. **Planning Commission Action.**

1. **Review and Recommendation**. The Planning Commission shall review and make a recommendation on the proposed amendment. The Planning Commission may recommend any additions or modifications to the original proposal.

2. **Submission to County Planning Commission**. Following the public hearing, the Township Planning Commission shall submit the proposed amendment, including any zoning map changes and any comments received at the public hearing, to the County Planning Commission or to a coordinating zoning committee appointed by the County Board of Commissioners. If the recommendation of the County Planning Commission/committee has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review. A County may permanently waive its right to review; in that case, C.2 does not apply.

3. **Submission to Township Board**. The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing and from the County (if comments were received from the County).

D. **Township Board Action**.

1. **Optional Public Hearing**. The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be pursuant to **Section 9.6**. The Township shall grant a hearing

on a proposed Zoning Ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.

2. **Township Board Decision**. The Township Board may adopt or reject any proposed amendment, or refer it back to the Planning Commission for further review as prescribed in Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

3. **Notice of Adoption**. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8^{th}) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

   The notice of adoption for Zoning Ordinance amendments shall include the following:

   a. Either a summary of the regulatory effect of the Zoning Ordinance amendment, including the geographic area affected, or the text of the Zoning Ordinance amendment.

   b. The effective date of the Zoning Ordinance amendment.

   c. The place where and time when a copy of the Zoning Ordinance amendment may be purchased or inspected.

E. **Resubmittal**.

No request for a Zoning Ordinance amendment rezoning property which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except upon grounds of newly discovered evidence or proof of changed conditions found upon review by the Township Planning Commission to be valid.

Section 10.3 Rezoning Review

When considering a proposed Zoning Ordinance amendment, the Planning Commission shall consider the following applicable factors. In order to approve a rezoning, it is not necessary that each factor below supports the rezoning.

A. Is the proposed amendment reasonably consistent with surrounding uses?

B. Will the proposed amendment cause an unreasonably adverse physical impact on surrounding properties?

C. Will the proposed amendment cause an unreasonably adverse effect on property values in the adjacent area?

D. Have there been changes in land use or other conditions in the immediate area or in the Township in general which justify the proposed amendment?

E. Will the proposed amendment create an unreasonable deterrent to the improvement or development of adjacent property in accordance with existing regulations?

F. Will the proposed amendment grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

G. Is the current zoning in error or doesn't fit the type and/or use of the property?

H. Is the proposed amendment in conflict with the planned use for the property as reflected in the master plan?

I. Is the site served by adequate public facilities or is the petitioner able to provide them?

Section 10.4 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 rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use of land as part of the rezoning request.

B. **Application and Offer of Conditions**.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use 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 authorize uses not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use is ultimately granted in accordance with the provisions of this Ordinance.

6. 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 subsequent to 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 with appropriate notice and a new recommendation.

C. **Planning Commission Review**.

The Planning Commission, after public hearing as set forth in **Section 9.6** of this Ordinance and consideration of the factors set forth in **Section 10.3** (except **10.3.F**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. **County Planning Commission Review**.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the Oscoda County Planning Commission as specified in **Section 10.2.C.2** for a not more than thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. **Township Board Review**.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. **Approval**.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

   a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

   b. Contain the legal description and tax identification number 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.

   d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

   e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.

   f. Contain the notarized signatures of all 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.

3. 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 Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. **Compliance with Conditions**.

1. Any person who commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the 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 constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

H. **Time Period for Establishing Use**.

Unless another time period is specified in the Ordinance, the approved use of the land pursuant to building or other required permits must be commenced upon the land and substantial construction shall be shown within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion, and (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.

I. **Reversion of Zoning**.

If the approved use of the rezoned land does not occur within the timeframe specified under subsection H above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. **Subsequent Rezoning of Land**.

When land that is rezoned with a Statement of Conditions is thereafter 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 I above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the **County Register of Deeds** that the Statement of Conditions is no longer in effect.

K. **Amendment of Conditions**.

1. During the time period for commencement of an approved use specified pursuant to subsection H above

or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. **Township Right to Rezone**.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township 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, 2006 PA 110**, as amended.

M. **Failure to Offer Conditions**.

The Township shall not require any 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.

Section 10.5 Severability/Validity

This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. Should any section, subsection, clause, or provision of this Ordinance be declared by the courts to be invalid, such decisions shall not affect the validity of the Ordinance in its entirety or any part thereof other than the portion declared to be invalid.

Section 10.6 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 10.7 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 district or zoning classification, and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of the public's health, safety, and welfare.

Section 10.8 Repeal of Previous Ordinance

This Ordinance repeals and replaces any previous Comins Township Zoning Ordinance in its entirety.

Section 10.9 Saving Clause

The repeal of the prior Comins Township Zoning Ordinance as provided in this Ordinance shall not affect the approval under that prior Zoning Ordinance of any land use permit, site plan, Special Use permit, or variance, regardless of whether substantial construction has begun on the approved development. In addition, the repeal of the prior Comins Township Zoning Ordinance shall not affect the fines, penalties, forfeitures or liabilities incurred under that prior Zoning Ordinance or actions involving any of the provisions of that prior Zoning Ordinance. The prior Zoning Ordinance repealed by this Ordinance is hereby continued in full force and effect after the enactment and publication of this Ordinance for the sole purpose of recognizing such rights, fines, penalties, forfeitures, liabilities, and actions under the prior Zoning Ordinance.

Section 10.10 Adoption & Effective Dates

This Ordinance was adopted on _____, by the Comins Township Board of Trustees and will be effective _____. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on _____.

I hereby certify that the above Ordinance was adopted by the Comins Township Board at a regular meeting held on _____.

_____
Township Clerk

Published: _____ Effective Date: _____