

# GREENWOOD
## TOWNSHIP

OSCODA COUNTY, MICHIGAN

# ZONING ORDINANCE







# Greenwood Township
# ZONING ORDINANCE

Greenwood Township
Oscoda County, Michigan

Adopted:

Effective:

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

EAST OF EXPECTED Northeast Michigan COUNCIL OF GOVERNMENTS

Funding Assistance for Ordinance Development Provided By:
**Michigan State Housing Development Authority (MSHDA)**
**Housing Readiness Incentive Grant Program**

MSHDA

Article

## Table of Contents


### 1 Authority & Purpose

| Section | Name | Page |
|---|---|---|
| 1.01 | Short Title | 1-1 |
| 1.02 | Authority | 1-1 |
| 1.03 | Purpose | 1-1 |

### 2 Definitions

| Section | Name | Page |
|---|---|---|
| 2.01 | Construction of Language | 2-1 |
| 2.02 | Definitions | 2-2 |
| | A | 2-2 |
| | B | 2-6 |
| | C | 2-8 |
| | D | 2-12 |
| | E | 2-13 |
| | F | 2-14 |
| | G | 2-16 |
| | H | 2-17 |
| | I | 2-17 |
| | J | 2-19 |
| | K | 2-19 |
| | L | 2-19 |
| | M | 2-21 |
| | N | 2-24 |
| | O | 2-24 |
| | P | 2-25 |
| | R | 2-27 |
| | S | 2-28 |
| | T | 2-39 |
| | U | 2-40 |
| | V | 2-40 |
| | W | 2-40 |
| | Y | 2-43 |
| | Z | 2-43 |

Article

## 3 General Provisions


| Section | Name | Page |
|---|---|---|
| 3.01 | Intent & Purpose | 3-2 |
| 3.02 | Scope of Regulation | 3-2 |
| 3.03 | Demolition | 3-3 |
| 3.04 | Restoration of Unsafe Buildings | 3-3 |
| 3.05 | Barrier-Free Modification | 3-3 |
| 3.06 | Essential Services | 3-3 |
| 3.07 | Lot/Building Relationship | 3-4 |
| 3.08 | Allocation of Lot Area & Configuration of Lots | 3-4 |
| 3.09 | Stormwater Retention & Drainage | 3-4 |
| 3.10 | Access Control & Corner Visibility | 3-5 |
| 3.11 | Dwellings | 3-6 |
| 3.12 | Accessory Buildings & Structures | 3-6 |
| 3.13 | Swimming Pools | 3-10 |
| 3.14 | Temporary Buildings, Structures & Uses (other than Temporary Dwellings) | 3-10 |
| 3.15 | Temporary Housing Permits | 3-13 |
| 3.16 | Construction Debris | 3-14 |
| 3.17 | Permitted Setback Encroachments | 3-14 |
| 3.18 | Height Requirement Exceptions | 3-14 |
| 3.19 | Outdoor Storage, Sales & Merchandise Display | 3-15 |
| 3.20 | Fences | 3-15 |
| 3.21 | Screening | 3-18 |
| 3.22 | Lighting | 3-20 |
| 3.23 | Keeping of Poultry | 3-22 |
| 3.24 | Ponds | 3-23 |
| 3.25 | Limitation of Funnel Development | 3-24 |
| 3.26 | Voting Place | 3-24 |
| 3.27 | Hazardous Substances | 3-25 |
| 3.28 | Nonconformities | 3-25 |
| 3.29 | Private Roads | 3-29 |
| 3.30 | Parking & Loading | 3-34 |
| 3.31 | Signs | 3-36 |

Article

## 4 District Regulations


| Section | Name | Page |
|---|---|---|
| 4.01 | Establishment of Zoning Districts | 4-1 |
| 4.02 | Zoning Map | 4-2 |
| 4.03 | Application of Use Regulations | 4-4 |
| 4.04 | Application of Dimensional Regulations | 4-4 |
| 4.05 | Resource Conservation District (RC) | 4-6 |
| 4.06 | Low-Density Residential District (LDR) | 4-11 |
| 4.07 | Shoreline Residential District (SHR) | 4-16 |
| 4.08 | Medium-Density Residential District (MDR) | 4-20 |
| 4.09 | High-Density Residential District (HDR) | 4-24 |
| 4.10 | Resort Development District (RD) | 4-28 |
| 4.11 | Commercial District (C) | 4-33 |
| 4.12 | Full Table of Permitted and Special Uses | 4-40 |
| 4.13 | Schedule of Regulations | 4-54 |


## 5 Plan Review


| Section | Name | Page |
|---|---|---|
| 5.01 | Purpose | 5-1 |
| 5.02 | Approval Overview Table | 5-1 |
| 5.03 | Plot Plans | 5-3 |
| 5.04 | Plot Plan Review Procedure | 5-4 |
| 5.05 | Site Plan Data Required | 5-7 |
| 5.06 | Site Plan Approval Standards | 5-9 |
| 5.07 | Conformance with Approved Site Plan | 5-10 |
| 5.08 | Amendment to an Approved Site Plan | 5-11 |
| 5.09 | Site Plan Violations | 5-12 |
| 5.10 | Expiration of Site Plan Approval | 5-12 |


## 6 Special Use Review


| Section | Name | Page |
|---|---|---|
| 6.01 | Purpose | 6-1 |
| 6.02 | Special Use Application Procedure | 6-1 |
| 6.03 | Special Use Application Review | 6-3 |
| 6.04 | Special Use Review Standards | 6-5 |

| | | |
|---|---|---|
| 6.05 | Expiration, Abandonment, & Violation of a Special Use | 6-6 |
| 6.06 | Previously Existing Special Uses | 6-7 |

Article

## 7 Supplemental Regulations

| Section | Name | Page |
|---|---|---|
| 7.01 | Purpose | 7-1 |
| 7.02 | Accessory Dwelling Units | 7-2 |
| 7.03 | Home Occupations, Minor & Major | 7-2 |
| 7.04 | Automobile Salvage & Private Junkyards | 7-5 |
| 7.05 | Automobile Service & Repair Stations | 7-7 |
| 7.06 | Bed & Breakfasts | 7-8 |
| 7.07 | Convalescent Homes, Nursing Homes & Adult Foster Care (Congregate Facilities) | 7-9 |
| 7.08 | Drive-Through Establishments | 7-9 |
| 7.09 | Extraction of Natural Resources | 7-10 |
| 7.10 | Group Child Care Homes | 7-15 |
| 7.11 | Commercial Kennels | 7-16 |
| 7.12 | Manufactured Housing Communities | 7-17 |
| 7.13 | Mini Storage Facilities | 7-20 |
| 7.14 | Hotels/Motels | 7-21 |
| 7.15 | Multiple Family Development | 7-21 |
| 7.16 | Outdoor Sales & Rental Facilities | 7-22 |
| 7.17 | Outdoor Commercial Recreation | 7-23 |
| 7.18 | Planned Unit Developments | 7-25 |
| 7.19 | Sexually Oriented Businesses | 7-31 |
| 7.20 | Shooting Ranges | 7-34 |
| 7.21 | Underground Fuel Storage Facilities | 7-35 |
| 7.22 | Veterinarian Clinics | 7-35 |
| 7.23 | Earth Sheltered Homes | 7-36 |
| 7.24 | Roadside Stands | 7-36 |
| 7.25 | Platted Subdivisions & Site Condominium Developments | 7-37 |
| 7.26 | Food Trucks | 7-37 |
| 7.27 | Commercial Event Facilities | 7-38 |
| 7.28 | Marijuana Primary Caregivers | 7-41 |
| 7.29 | Accessory Solar Panels | 7-43 |

| | | |
|---|---|---|
| 7.30 | Accessory Wind Turbines | 7-45 |
| 7.31 | Solar Energy Facilities, Utility-Scale | 7-48 |
| 7.32 | Battery Energy Storage Systems, Off-Site | 7-57 |
| 7.33 | Wind Energy Facilities, Utility-Scale | 7-67 |
| 7.34 | Data Centers | 7-77 |
| 7.35 | Wireless Facilities/Towers (Except Small Cell Wireless) | 7-84 |
| 7.36 | Small Cell Wireless Facilities | 7-90 |

Article

## 8 Zoning Board of Appeals

| Section | Name | Page |
|---|---|---|
| 8.01 | Establishment of the Zoning Board of Appeals | 8-1 |
| 8.02 | Membership | 8-1 |
| 8.03 | Meetings, Minutes & Voting Requirements | 8-4 |
| 8.04 | Jurisdiction of the Zoning Board of Appeals | 8-5 |
| 8.05 | Procedures | 8-6 |
| 8.06 | Dimensional Variance Standards | 8-9 |
| 8.07 | Appeals to Circuit Court | 8-9 |
| 8.08 | Stay of Proceedings | 8-9 |

## 9 Administration & Enforcement

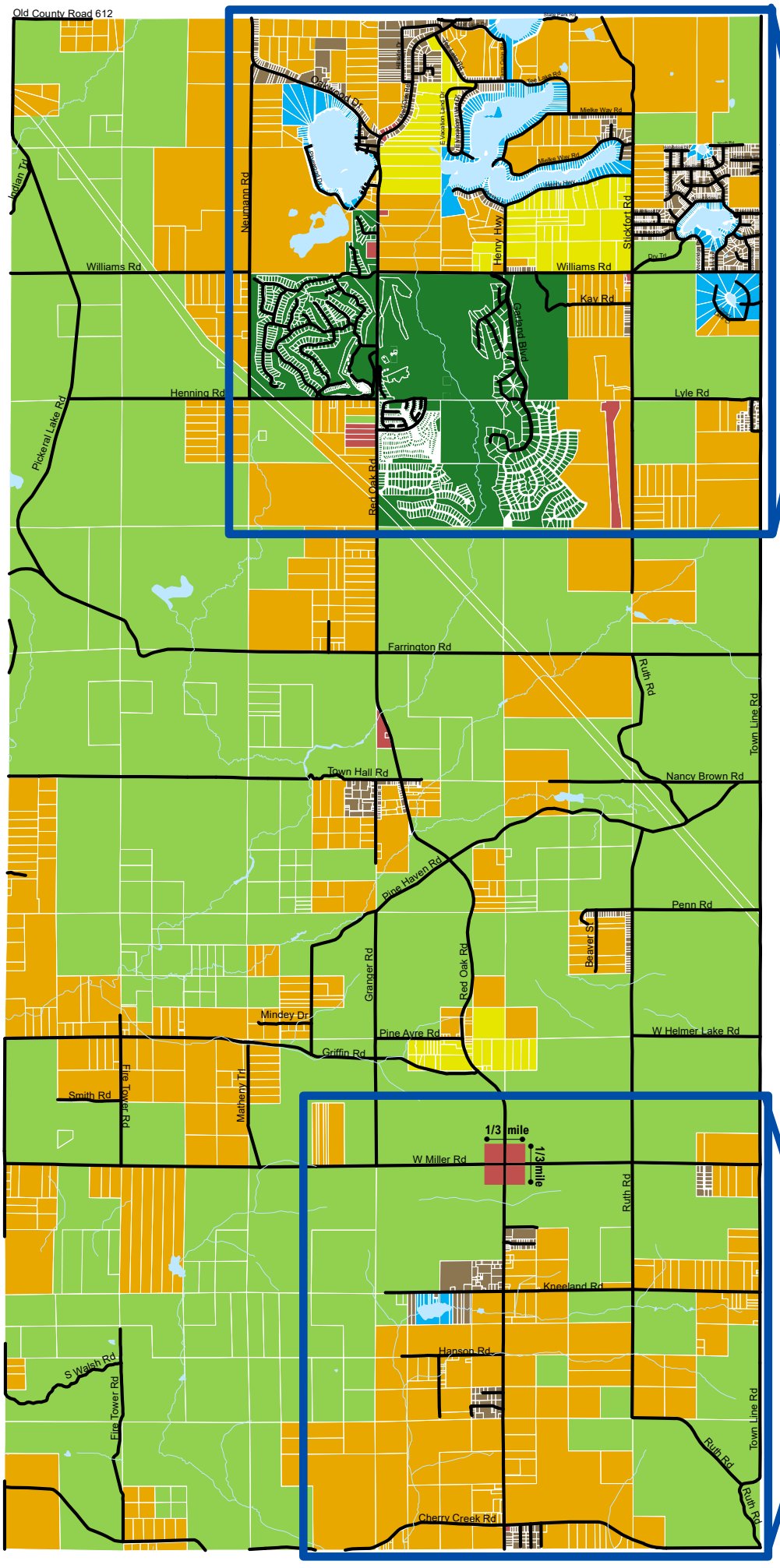
| Section | Name | Page |
|---|---|---|
| 9.01 | Administration of Zoning Ordinance | 9-1 |
| 9.02 | Zoning Permit Application Process | 9-3 |
| 9.03 | Interpretation/Conflicting Regulations | 9-7 |
| 9.04 | Zoning Fees | 9-8 |
| 9.05 | Performance Guarantee/Performance Bonding for Compliance | 9-9 |
| 9.06 | Public Notice Requirements | 9-10 |
| 9.07 | Use of Consultants | 9-12 |
| 9.08 | Conditions | 9-13 |
| 9.09 | Violations & Penalty | 9-13 |
| 9.10 | Rehearing Process | 9-14 |
| 9.11 | Approval Process Reference Chart | 9-16 |

## 10 Adoption & Amendments

| Section | Name | Page |
|---|---|---|
| 10.1 | Amendment to this Ordinance | 10-1 |

| | | |
|---|---|---|
| 10.2 | Amendment Procedures | 10-1 |
| 10.3 | Rezoning Review | 10-4 |
| 10.4 | Conditional Rezoning | 10-4 |
| 10.5 | Severability/Validity | 10-8 |
| 10.6 | Rights & Remedies | 10-8 |
| 10.7 | Vested Right | 10-8 |
| 10.8 | Repeal of Previous Ordinance | 10-9 |
| 10.9 | Savings Clause | 10-9 |
| 10.10 | Adoption & Effective Dates | 10-9 |

# Greenwood Township
# Zoning Map




- RC: Resource Conservation
- LDR: Low Density Residential
- SHR: Shoreline Residential
- MDR: Medium Density Residential
- HDR: High Density Residential
- RD: Resort
- C: Commercial

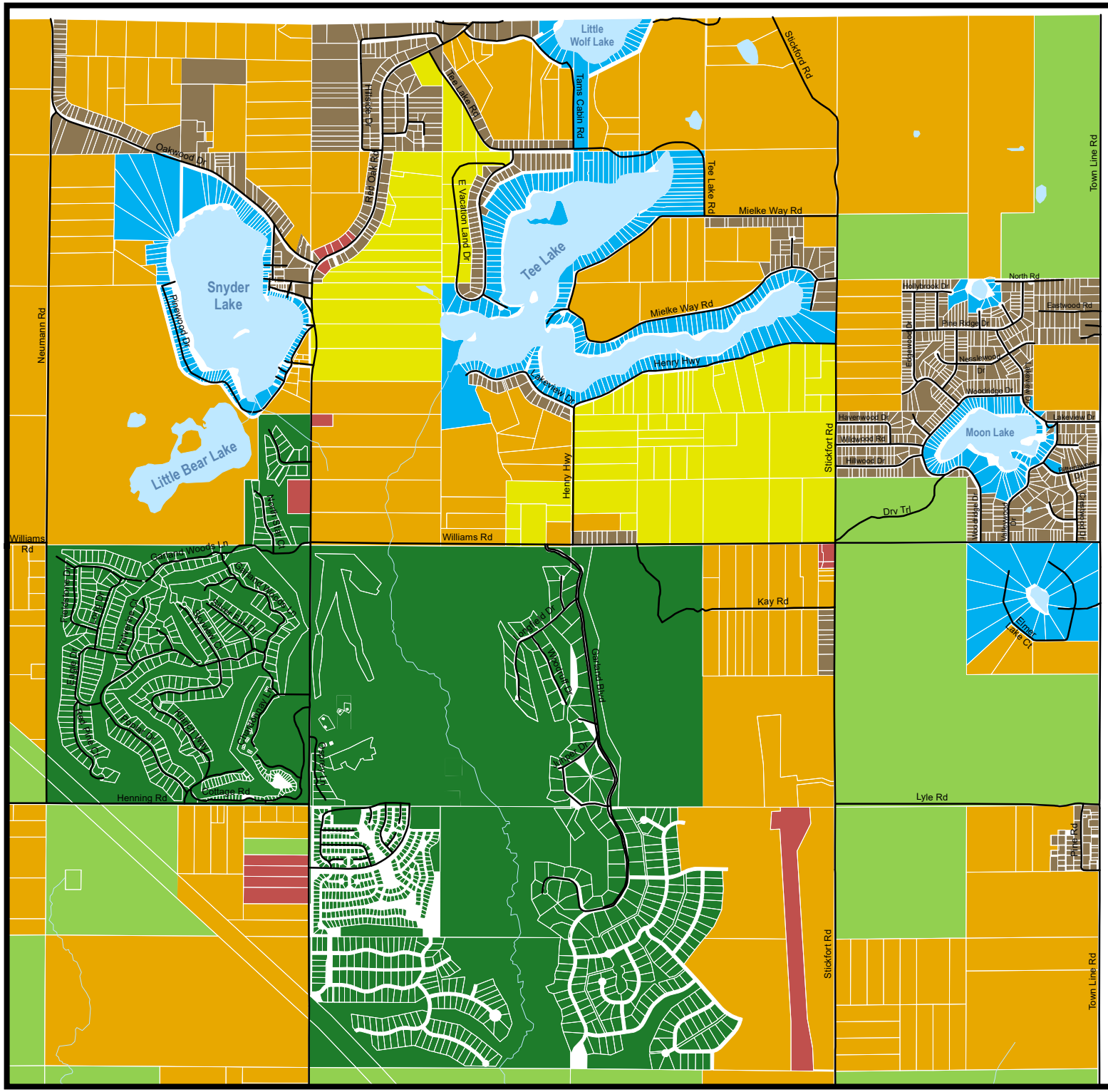
N

0 0.5 1 1.5 2 Miles

Map: Northeast Michigan Council of Governments 2026

# Greenwood Township Zoning Map

## Northern Inset



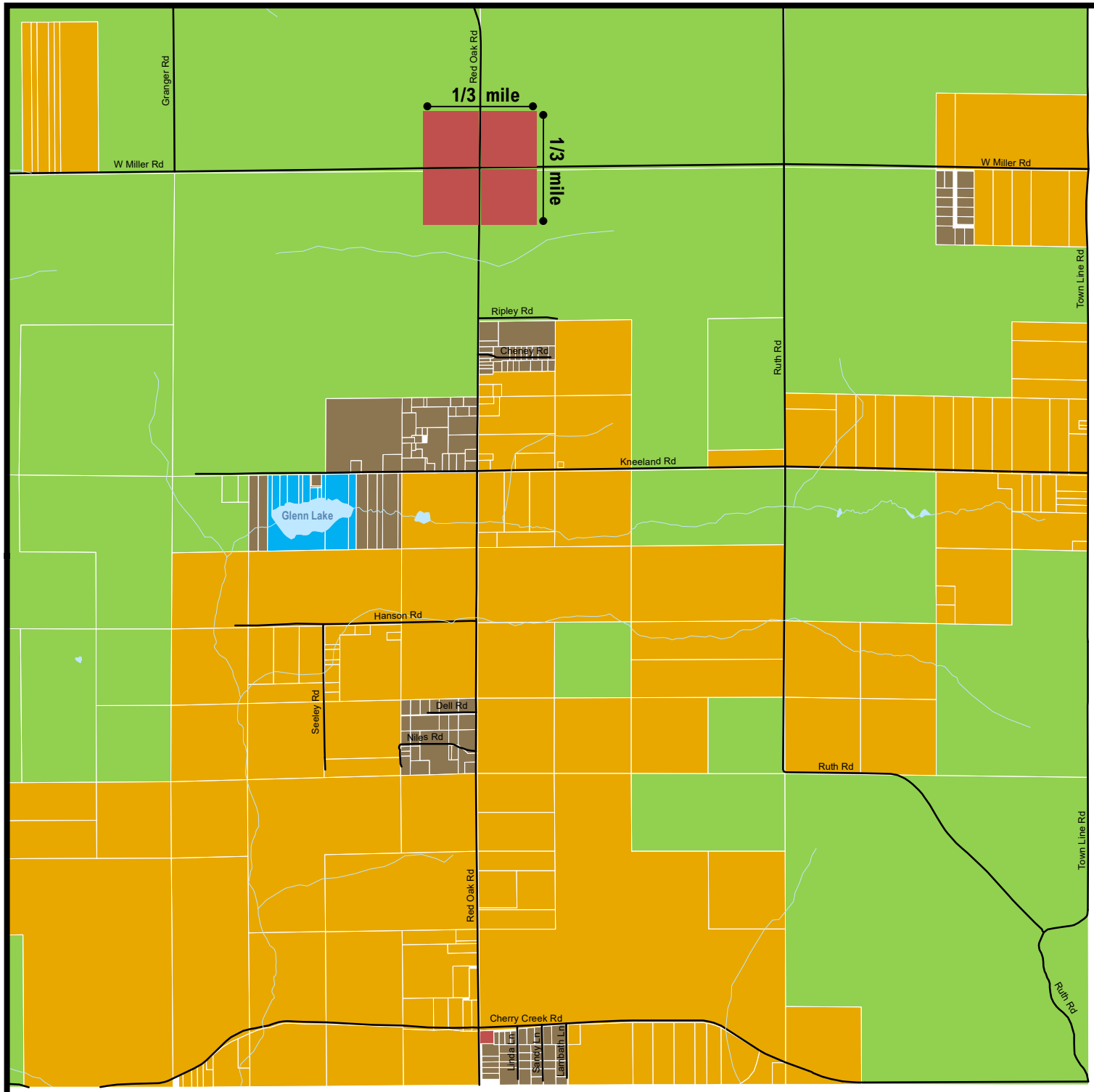

- RC: Resource Conservation
- LDR: Low Density Residential
- SHR: Shoreline Residential
- MDR: Medium Density Residential
- HDR: High Density Residential
- RD: Resort
- C: Commercial

N

0 0.25 0.5 Miles

Map: Northeast Michigan Council of Governments 2026

# Greenwood Township
# Zoning Map
## Southern Inset




- RC: Resource Conservation
- LDR: Low Density Residential
- SHR: Shoreline Residential
- HDR: High Density Residential
- C: Commercial

N

0 0.25 0.5 Miles

Map: Northeast Michigan Council of Governments 2026

**PREAMBLE**

An Ordinance enacted by the Township under Act 110, Public Acts of 2006, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

**GREENWOOD TOWNSHIP HEREBY ORDAINS:**

# Article 1
# Purpose & Authority


| Sec | Name | Pg |
|---|---|---|
| 1.01 | Title | |
| 1.02 | Authority | |
| 1.03 | Purpose | |


## Section 1.01 Title

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

## Section 1.02 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 1.03 Purpose

It is the purpose of this Zoning Ordinance:

A. To promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of the Township by encouraging the use of lands and natural resources in accordance with their character, adaptability, and suitability for particular purposes.

B. 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.

C. 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.

D. To enhance social and economic stability.

E. To prevent excessive concentration of population.

F. To reduce hazards due to flooding.

G. To conserve and stabilize the value of property.

H. To provide adequate open space for light and air and preserving community character.

I. To prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses.

J. To lessen congestion on the public streets and highways.

K. To facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities.

L. To ensure appropriate locations and relationships for uses of land.

M. To facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Master Plan for the Township.

N. To provide for the administration and enforcement of such standards.

# Article 2 Definitions


| Sec | Name | Pg | Sec | Name | Pg |
|---|---|---|---|---|---|
| 2.01 | Construction of Language | 2-1 | | L | 2-19 |
| 2.02 | Definitions | 2-2 | | M | 2-21 |
| | A | 2-2 | | N | 2-24 |
| | B | 2-6 | | O | 2-24 |
| | C | 2-8 | | P | 2-25 |
| | D | 2-12 | | R | 2-27 |
| | E | 2-13 | | S | 2-28 |
| | F | 2-14 | | T | 2-39 |
| | G | 2-16 | | U | 2-40 |
| | H | 2-17 | | V | 2-40 |
| | I | 2-17 | | W | 2-40 |
| | J | 2-19 | | Y | 2-43 |
| | K | 2-19 | | Z | 2-43 |


## Section 2.01 Construction of Language

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

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

B. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

C. The word "building" includes the word "structure" and includes any part thereof.

D. The word "lot" includes the word "plot", "tract", or "parcel".

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

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

G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for, or designed to be used or occupied.

H. The words "this Ordinance" mean the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

I. 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.

J. The "Township" is the Township of Greenwood in the County of Oscoda, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.

K. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

L. “Days” means calendar days unless otherwise stated. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

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

## Section 2.02 Definitions

### *A*

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

***Access***. A way of approaching or entering a property.

***Accessory Building***. A building customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. 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 single, complete, self-contained living unit created within an existing single-family dwelling, within an accessory building associated with a single-family dwelling, or on the same zoning lot as a single-family dwelling. It has its own kitchen, bath, living area, sleeping area, usually a separate entrance.

***Accessory Use***. A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

***Adjacent Property***. 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 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. The following additional definitions shall apply in the application of this Ordinance:

1. ***Adult Foster Care Home, Family***. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.

2. ***Adult Foster Care Home, Small Group***. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks.

3. ***Adult Foster Care Home, Large Group***. An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks.

4. ***Adult Foster Care Congregate Facility***. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

5. ***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.

C. 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.

***Agriculture***. Any land, buildings, and machinery used in the commercial production of farm products as defined in the **Michigan Right to Farm Act, 1981 PA 93**, MCLA 286.471 et seq; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

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

***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.

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

***Alteration***. Any change, addition, or modification to the type of occupancy, to a structure, or to a land use.

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

***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-family 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/replacement, upholstery work, and auto glass work.

***Automobile Salvage Establishment***. An establishment that salvages automobile parts and cuts up, compresses, or otherwise disposes of motor vehicles. Called a ***Junkyard*** for the purposes of this Ordinance.

***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 finished grade, but so located such that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story. A cellar is a basement. 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.

***Beacon***. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also any light with one (1) or more beams that rotate or move.

***Bed and Breakfast /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***. A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

***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/Canoe/Kayak/Paddle Board Rental***. Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing, 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 Zone/Strip***. A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting or adjacent properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting or adjacent properties even if not in a separately established buffer zone and may be so required by this Ordinance.

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

***Building, Principal***. A building which is used for the principal 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.

## C

***Campground/Recreational Vehicle (RV) Park***. An establishment operated for the temporary or seasonal accommodation of persons for recreational or vacation purposes, containing two (2) or more campsites or spaces intended for tents, recreational vehicles, park model recreational vehicles, or similar camping accommodations. Individual campsites may be occupied on a short-term or seasonal basis but shall not be used as a person's permanent residence or primary domicile. A campground/RV park may include customary accessory facilities and uses for the convenience of guests, including restrooms, showers, laundry facilities, recreational facilities, camp stores, offices, maintenance buildings, picnic areas, and similar amenities. The placement or occupancy of a recreational vehicle or park model recreational vehicle within a campground/RV park, regardless of the duration of occupancy or whether the campsite is leased on a seasonal basis, shall not constitute a permanent dwelling or residential use.

***Carport***. A partially open structure, intended to shelter one (1) or more vehicles. Such structures shall comply with all setback requirements applicable to garages.

***Category 4 Site***. A lot which is classified by the **Michigan Department of Agriculture and Rural Development** (MDARD) as "Category 4" according to the most current **Generally Accepted Agriculture Management Practices** (GAAMPS). Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one-eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250) feet of the livestock facility (enclosed fencing). The definition of Category 4 site currently used by MDARD supersedes this definition if a difference in definition exists.

***Cellar***. See definition for ***Basement***.

***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 private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of 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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. 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 private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of 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. Group day care home includes a home that gives care to more than six unrelated minor children 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 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, 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).

***Church***. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

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

***Commercial Event Facility***. A designated open area on a lot, tent, gazebo, barn, or 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)***. An Animal Feeding Operation that meets the definition of a

Concentrated Animal Feeding Operation under applicable State of Michigan or federal laws, rules, or regulations, including the National Pollutant Discharge Elimination System (NPDES) regulations administered by the State of Michigan. A CAFO includes the animal production and confinement areas, manure and process wastewater storage and handling facilities, and other associated areas or facilities included within the regulated CAFO operation. 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 Subdivision Plan***. The drawings attached to the master deed for a site condominium which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the site condominium, as well as the nature, location, and size of common elements.

D. ***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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

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

F. ***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.

G. ***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.

H. ***Site Condominium***. A condominium development established pursuant to the Michigan Condominium Act, **1978 PA 59**, as amended, in which each condominium unit consists of a separate building site, with or without a building or structure, and which may include general or limited common elements. A site

condominium may function in a manner similar to a conventional platted subdivision but is established and conveyed as condominium units rather than as separately platted lots.

***Country Club*.** A private or membership-based recreational and social facility providing recreational, athletic, dining, or social activities primarily for members and their guests. Such facility may include golf courses, swimming pools, tennis or other sports courts, clubhouses, restaurants, banquet or event facilities, fitness facilities, and other customary accessory uses and structures.

## *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.

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

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

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

***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 or approved alley across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot.

***Dwelling, Multiple-Family***. A building that contains 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, Single-Family***. A detached 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 contains 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.

***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 unless otherwise allowed by this Ordinance.

## *E*

***Easement***. A grant of one (1) or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the **County Register of Deeds**.

***Electric Vehicle Charging Facility.*** A lot, building, structure, or portion thereof where the primary use is the charging of electric vehicles through multiple electric vehicle charging stations or similar equipment. Such facility may include associated charging and parking spaces, canopies, electrical equipment, energy storage systems, and other equipment or improvements customarily associated with the charging of electric vehicles. Electric vehicle charging stations provided as an accessory or incidental use to another principal use shall not constitute an Electric Vehicle Charging Facility. Such an establishment may offer for sale at retail other convenience items and minor accessories and may also include a car wash and/or food service.

***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, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

***Essential Services***. The erection, construction, alteration, or maintenance by public utilities or municipal

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

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

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

## *F*

***Family***.

A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

***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 principal 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 structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

***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).

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

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

***Floor Area, Usable***. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

***Food Truck***. Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream truck).

***Food Truck Park***. A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink. Approval for food truck parks shall be issued to the property owner and not to individual food trucks.

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

***Footprint***. An area or a surface covered by a roof.

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

## G

***Garage***. An accessory building or an accessory portion of a principal building designed or used principally for the storage of noncommercial motor vehicles, boats, recreational vehicles, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

***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.

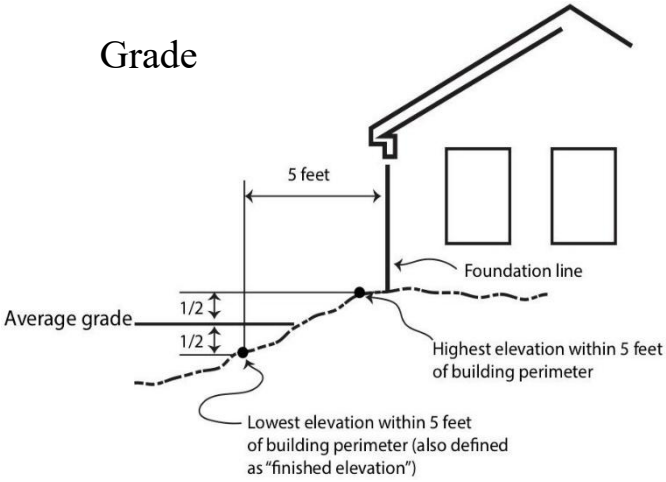
***Gazebo***. An open, small, roofed structure that may or may not be screened on all sides, used for outdoor entertaining and dining.

***Golf Course***. A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

***Grade, Average***. The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

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

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

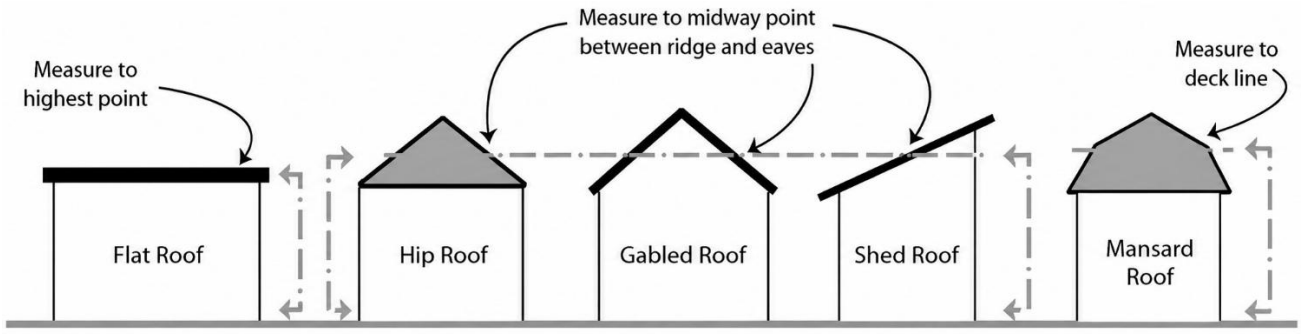



## H

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

***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.

***Height***. In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, gambrel and shed roofs. The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.




***Home Occupation, Minor***. An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand-crafted goods and/or professional services which is

clearly incidental and secondary to the residential use of the lot.

***Home Occupation, Major***. An accessory use of a dwelling unit, accessory building, or outdoor area for gainful employment by the resident(s) thereof, involving the provision of handcrafted goods and/or professional services and which is readily apparent to neighboring residents by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

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

***Horse***. Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

***Hospital***. An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the State of Michigan.

***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. The term "hotel" shall include buildings designated as motels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership.

## *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 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***. Any land or building used: A) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials or junk; or B) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles, or other vehicles not in normal running conditions, or parts thereof.

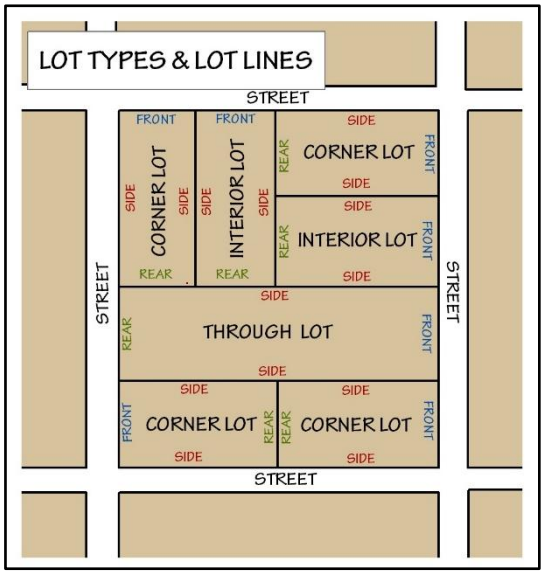
## K

***Kennel, Commercial***. A lot or premises on which four (4) or more dogs, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of commercially breeding, boarding, training, sale, or transfer.

## L

***Length***. The measurement or extent from end to end; the greater of two (2) dimensions of an object.

***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.



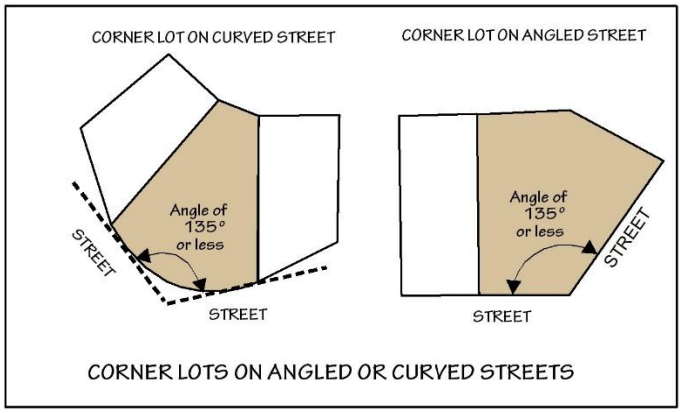

***Loading Space***. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

***Lot***. Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium, occupied or to be occupied by a building, structure, land use, or group of buildings.

***Lot of Record***. A lot defined by a legal description and recorded in the office of the **County Register of Deeds** on or before the effective

date of this Ordinance, or any amendments of this Ordinance.

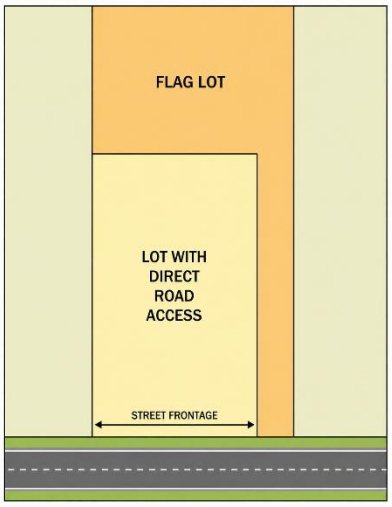
***Lot, Corner***. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.




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

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

***Lot, Flag***. A lot whose access to the public road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. On undeveloped flag lots, the Zoning Administrator shall designate the front lot line after consultation with the property owner. The Zoning Administrator shall base this decision on the accessibility of the lot, safety, and privacy of any adjacent buildings.




***Lot Area***. The total area of a horizontal plane within the lot lines of a lot, exclusive of any public or private street right-of-way abutting any side of the lot.

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

***Lot Depth***. The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

***Lot Frontage***. The length of the front lot line

***Lot Lines***. The lines bounding a lot or parcel.

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

1. The line(s) separating the lot from any street right-of-way, private road, or other access easement,

2. The front lot line of a lot abutting a lake shall be the line separating the lot from the ordinary high water mark.

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

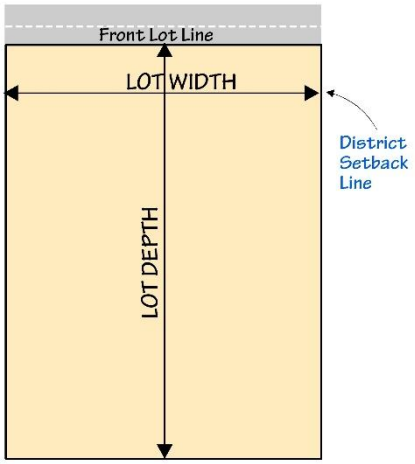
4. In the case of a corner lot or a through lot, the front lot line shall be the line separating said lot from the street on which an address is assigned.

B. ***Rear Lot Line***. The lot line opposite and most distant from the front lot line.

1. In the case of a lot abutting a lake, the rear lot line shall be the line(s) separating the lot from any street right-of-way, private road, or other access easement.

2. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line

LOT WIDTH & LOT DEPTH




C. ***Side Lot Line***. Any lot line other than a front or rear lot line.

***Lot Width***. The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

## *M*

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

***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 Home Park***. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

***Manufacturing, Heavy***. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing facilities are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, and vibration.

***Manufacturing, Light***. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing facilities are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, and vibration.

***Master Deed***. See ***Condominium, Master Deed***.

***Marijuana***. The following definitions are related to 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. ***Marihuana***. A controlled substance as defined in section 7106 of the Public Health Code, PA 368 of 1978, MCL 333.7106 and by the Michigan Regulations and Taxation of Marihuana Act, Initiated Law of 2018, MCL 333.27951 et seq., as amended.

C. ***Marihuana Retailer or Provisioning Center***. A commercial establishment licensed by the State of Michigan to sell, supply, or otherwise transfer marihuana or marihuana products at retail, including: (1) a marihuana retailer licensed under the **Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1**, MCL 333.27951 et seq., which may sell or otherwise transfer marihuana to individuals twenty-one (21) years of age or older; and (2) a provisioning center licensed under the **Medical Marihuana Facilities Licensing Act**, 2016 PA 281, MCL 333.27101 et seq., which may sell, supply, or provide marihuana to registered qualifying patients, directly or through their registered primary caregivers. This definition includes the building, premises, or commercial property from which such retail activities are conducted but does not include a registered primary caregiver operating solely in accordance with the **Michigan Medical Marihuana Act**.

D. ***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.

E. ***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 Patients' use of medical marijuana.

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

G. ***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.

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

***Mini Storage Facilities***. A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customers' goods or wares which are generally not used on a daily basis.

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

***Modular (Pre-Manufactured) Housing Unit***. A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

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

***Motor Home***. See ***Recreational Vehicle***.

## N

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

***Nonconforming Lot of Record***. A lot lawfully existing at the effective date of this Ordinance, or subsequent amendment thereto, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

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

***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***. An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

## O

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

***Open Space Development***. A type of residential development option permitted in this Ordinance, and administered as a Planned Unit Development, which is based upon a portion of a parcel set aside as permanent open space with the balance of the parcel used at higher densities than would otherwise be permitted without the open space. See **Section 7.18**.

***Open Space, Dedicated***. Common open space dedicated as a permanent recorded easement.

***Ordinary High Water Mark***. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

***Outdoor Sales/Rental Facility***. Includes uses operated for profit, substantially in the open air, including sales and rental 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.

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

## *P*

***Parcel***. See ***Lot***.

***Park***. A parcel of land, building, or structure open to the public and used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

***Parking Area, Off-Street***. A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

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

***Participating 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 uncovered outdoor platform, either attached to or detached from the principal building, 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***. The word "person" includes "corporation", "co-partnership", "association" “firm”, “limited liability company”, or any other legal entity, as well as an "individual."

***Place of Worship***. See ***Church***.

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

***Planning Commission***. The 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.

***Plat***. A map of a subdivision of land recorded with the Register of Deeds pursuant to the **Land Division Act, 1967 PA 288**, or a prior statute.

***Plot Plan***. A drawing to accompany a zoning permit request for the development of single-family homes or land uses with very minimal impacts. See **Section 5.02** for a full list of applications which require a plot plan.

***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.

***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.

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

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

***Private Road***. A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

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

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

***Public Place***. Any real property or an appurtenance to the real property which is owned by this state, any

municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

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

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

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

## *R*

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

***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 primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. Also known as a motor home, pickup campers, fifth-wheel, or travel trailer.

***Recreational Vehicle Park***. See ***Campground/RV Park***.

***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, recreational, farming, snowmobiling, bike trails, boating/paddling, fishing, and related 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***. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption either on site or for carry out.

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

***Roadside Stand***. A temporary or seasonal structure or area used for the sale of agricultural products, food products, or other goods grown, produced, or made on the property. The seasonal operation of a roadside stand shall not be considered a commercial use.

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

## *S*

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

***School***. An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

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

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

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

***Secondary Containment***. A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, groundwater, surface water, subsurface soils, or the impoundment area for the tanks.

***Setback***. The minimum 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. See ***Yard*** diagram.

***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: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center, or (10) similar establishments.

A. ***Adult Arcade***. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically 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 the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. ***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 thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or

more of the floor area or visible inventory within the establishment.

C. ***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.

D. ***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.

E. ***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.

F. ***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.

G. ***Escort***. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

H. ***Escort Agency***. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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

J. ***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.

K. ***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.

L. ***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.

M. ***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.

N. ***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.

***Shooting Range***. Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet, or trap, or where a fee is paid in order to hunt animals within a confined area.

***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***. Any surface or structure, including its base, foundation and erection supports, if any, upon which are situated any words, letters, figures, emblems, symbols, designs, trademarks, or any combination thereof, by which any commercial or non-commercial message or image is used as an outdoor display and made visible from any public street, road or highway.

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

1. The sign is located on a property on which the use has been abandoned.

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.

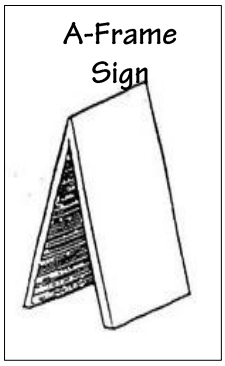
B. ***Accessory Sign***. A permanent sign which is subordinate to the primary sign and customarily incidental to,

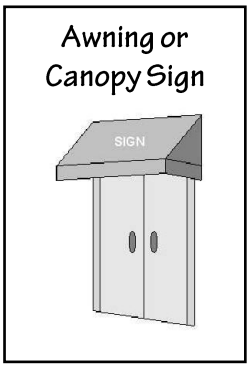
and on the same lot as, the primary sign.

C. ***Attention-Getting Device***. Any device that does not resemble another sign as defined in this Article, such as but not limited to searchlights, spotlights, pennants, and the following:

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.

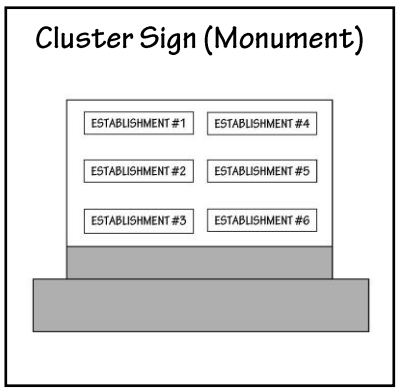
2. ***Air Dancers***. A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.

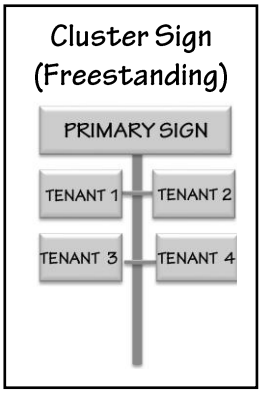



D. ***A-Frame Sign***. Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.

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).

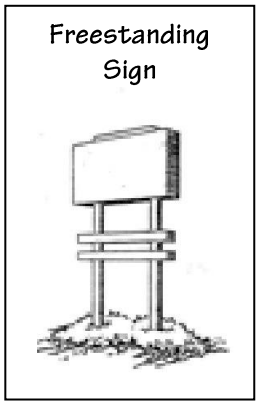


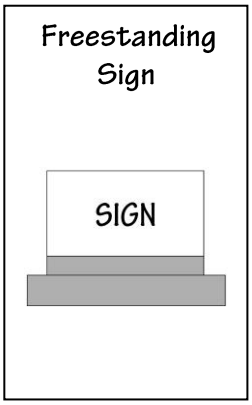




F. ***Banner***. A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.

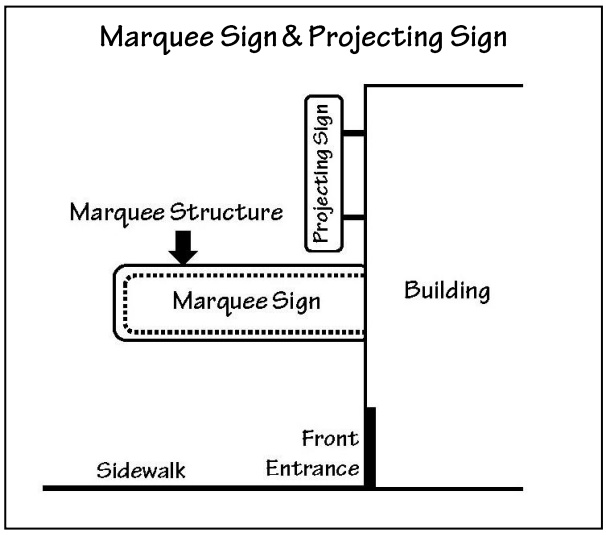
G. ***Cluster Sign***. An on-premise sign which is used for a complex of establishments on one (1) lot and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole. Cluster signs may be monument-style or pylon-style.

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.



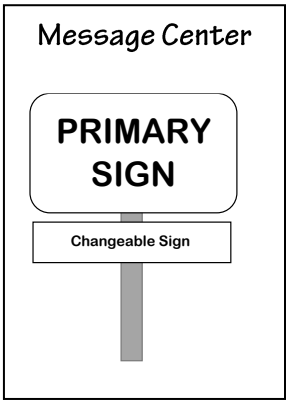
I. ***Governmental Sign***. A sign authorized by this municipality, governmental agency, the State of Michigan, or federal government, for street direction, destination, hazardous condition, or traffic control purposes.




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

K. ***Message Center, Digital***. An on-premise sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

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.

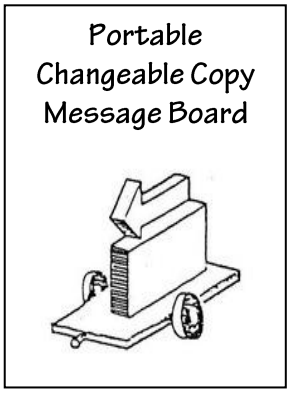



M. ***Mural***. Any sign, message, or image painted directly onto the wall of a building. A mural is not considered a wall sign.

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 thirty-two (32) square feet in area.

2. ***Large Off-Premise Sign (Billboard)***. An off-premise sign which is larger than thirty-two (32) square feet in area. Often called a "billboard."

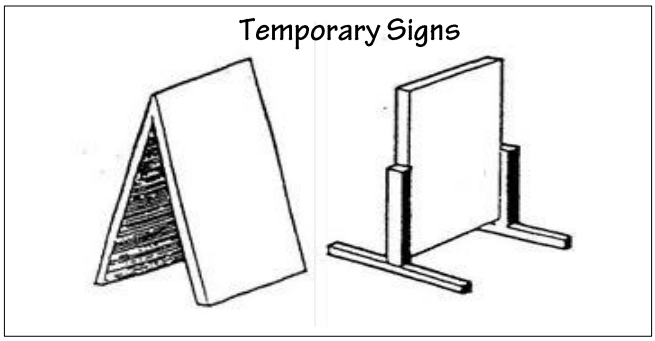



O. ***Owner***. A person owning a sign.

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.

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.

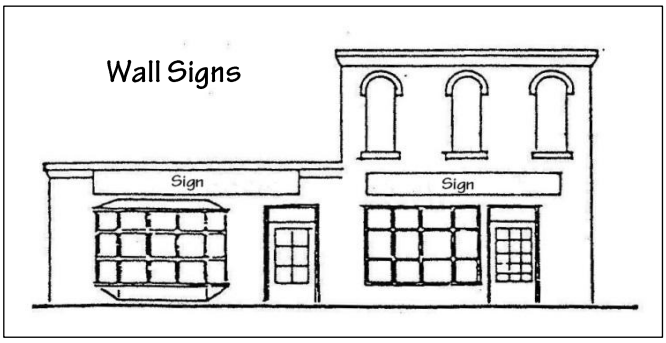



S. ***Rotating Sign***. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

T. ***Sexually Graphic Sign***. Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms are defined in the Township Zoning Ordinance

U. ***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.

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




W. ***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**

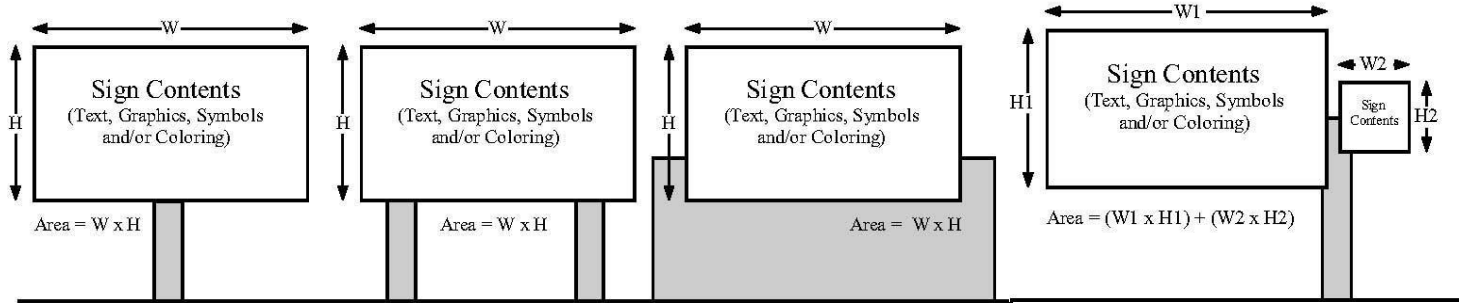
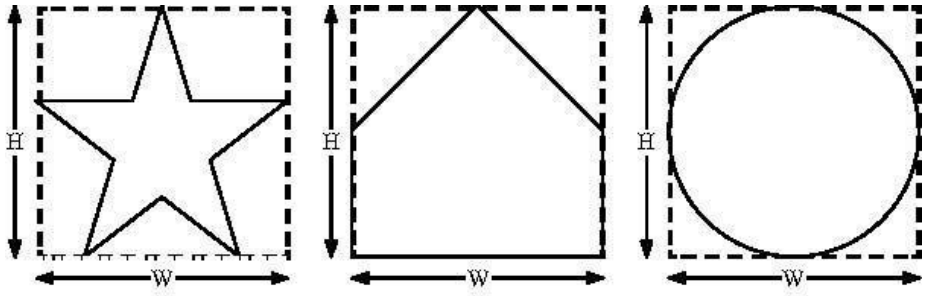



**Figure B**




***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***. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. See **Section 5.02** for a full list of applications which require a site plan.

***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 of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance. Approval for establishing a Special Use is indicated by issuance of a Zoning Permit specifically for the requested Special Use.

***Stable, Private***. An accessory structure and/or land use where horses are kept for private use by the occupants of the lot and are not for hire, remuneration, or sale.

***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:

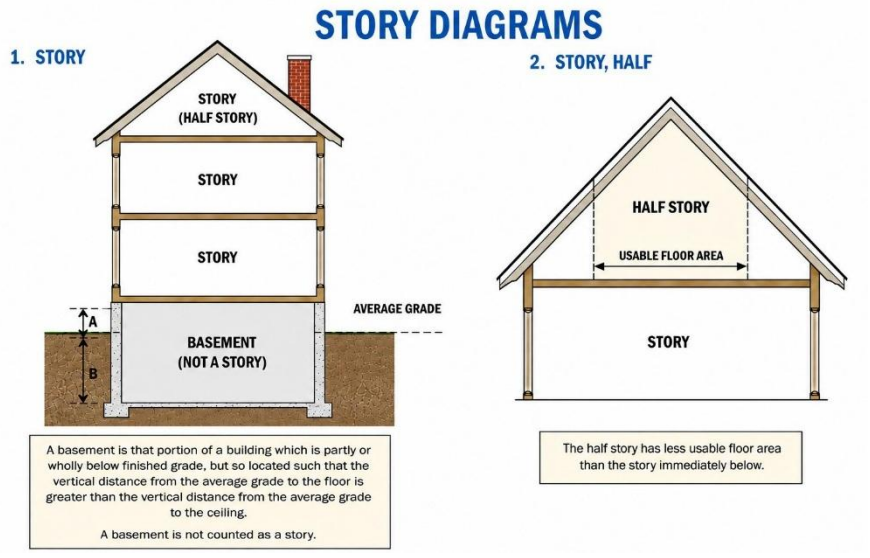
A. ***Storage - Accessory***. Storage which is accessory to the principal use of the premises.

B. ***Mini Storage Facilities***. A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customers' goods or wares which are generally not used on a daily basis.

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

***Story***. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall not be considered a story.

***Story, Half***. A story located immediately beneath a sloping roof in which the usable floor area is limited by the slope of the roof and which has less usable



floor area than the story immediately below it.

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

***Street***. A state highway, county road, dedicated public thoroughfare, or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. "Street" shall also include the term "road".

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

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

***Swimming Pool***. Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

## *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.

***Temporary Occupancy***. Occupancy that lasts for less than six (6) months.

***Temporary Storage Structure***. A framework of wood, plastic, or metal which is secured to the ground by anchor, rod, rod drill, buried weight, or unburied weight. Such structure is of a temporary nature by virtue of the construction materials and means of installation.

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

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

***Township Board***. Elected members of the governing Board of Trustees of Greenwood Township.

***Travel Trailer***. A recreational vehicle designed to be used for temporary residence purposes. See ***Recreational***

***Vehicle***.

## *U*

***Underground Storage Tank***. A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is ten (10) percent or more beneath the surface of the ground.

***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***.

## *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.

***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*

***Width***. Shortest side of a structure.

***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 main 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.

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

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

F. ***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.

G. ***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***. To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

E. ***Equipment compound***. An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

F. ***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.

G. ***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.

H. ***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.

I. ***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.

J. ***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.

K. ***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.

L. ***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.

M. ***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).

N. ***Wireless Communications Support Structure***. A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building

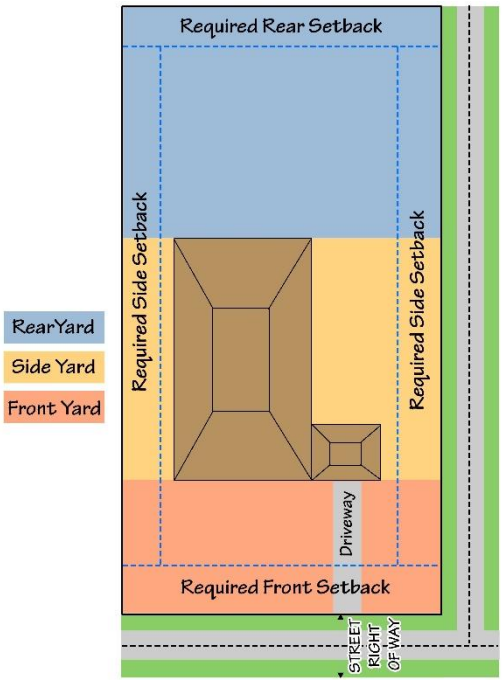
## Y

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

***Yard, Front***. The yard between the principal building and the front lot line extending across the entire width of the lot. 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 and the water's edge.

***Yard, Rear***. The yard between the principal building and the rear lot line extending across the entire width of the lot.

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




## Z

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

***Zoning Board of Appeals***. The 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***. A permit signifying compliance with the provisions of this Ordinance.

# Article 3
# General Provisions


| Sec | Name | Pg |
|---|---|---|
| 3.01 | Intent & Purpose | 3-2 |
| 3.02 | Scope of Regulation | 3-2 |
| 3.03 | Demolition | 3-3 |
| 3.04 | Restoration of Unsafe Buildings | 3-3 |
| 3.05 | Barrier-Free Modification | 3-3 |
| 3.06 | Essential Services | 3-3 |
| 3.07 | Lot/Building Relationship | 3-4 |
| 3.08 | Allocation of Lot Area & Configuration of Lots | 3-4 |
| 3.09 | Stormwater Retention & Drainage | 3-4 |
| 3.10 | Access Control & Corner Visibility | 3-5 |
| 3.11 | Dwellings | 3-6 |
| 3.12 | Accessory Buildings, Structures & Uses | 3-6 |
| 3.13 | Swimming Pools | 3-10 |
| 3.14 | Temporary Buildings, Structures & Uses | 3-10 |
| 3.15 | Temporary Housing Permits | 3-13 |
| 3.16 | Construction Debris | 3-14 |
| 3.17 | Permitted Setback Encroachments | 3-14 |
| 3.18 | Height Requirement Exceptions | 3-14 |
| 3.19 | Outdoor Storage, Sales & Merchandise Display | 3-15 |
| 3.20 | Fences | 3-15 |
| 3.21 | Screening | 3-18 |
| 3.22 | Lighting | 3-20 |
| 3.23 | Keeping of Poultry | 3-22 |
| 3.24 | Ponds | 3-23 |
| 3.25 | Limitation of Funnel Development | 3-24 |
| 3.26 | Voting Place | 3-24 |
| 3.27 | Hazardous Substances | 3-25 |
| 3.28 | Nonconformities | 3-25 |
| 3.29 | Private Roads | 3-29 |
| 3.30 | Parking & Loading | 3-34 |
| 3.31 | Signs | 3-36 |

## Section 3.01 Intent & Purpose

The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

## Section 3.02 Scope of Regulation

A. **General**.

1. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

2. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein.

3. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

4. No portion of one (1) lot, once established and/or improved with a building or structure, shall be ~~used~~ split to create another lot unless each lot resulting from each such reduction, division, or sale shall conform to all of the requirements established herein.

5. Accessory uses shall be permitted in conjunction with a permitted principal use, provided that such accessory uses are customarily associated with, subordinate to, and incidental to the principal use of the lot or premises.

6. Zoning affects every structure indicated in this Ordinance and use and extends vertically from the ground up.

B. **Continued Conformance With Regulations**.

The maintenance of setbacks, 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. **Uses, Activities, and Construction Already Begun**.

Any lawful use, activity, building, or structure which exists or any building or structure which 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 completion of construction.

D. **Moving of Buildings**.

The moving of a building to a different location shall be considered the same 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 3.03 Demolition

A no-fee Zoning Permit is required for demolition of any permanent structure.

## Section 3.04 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 3.05 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 3.06 Essential 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 are 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 3.21**. This Section shall not apply to storage yards and office buildings.

## Section 3.07 Lot/Building Relationship

No more than one (1) principal building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance, as in the case of a condominium subdivision, planned unit development, commercial or industrial development, commercial farm, or multiple family development.

## Section 3.08 Allocation of Lot Area & Configuration of Lots

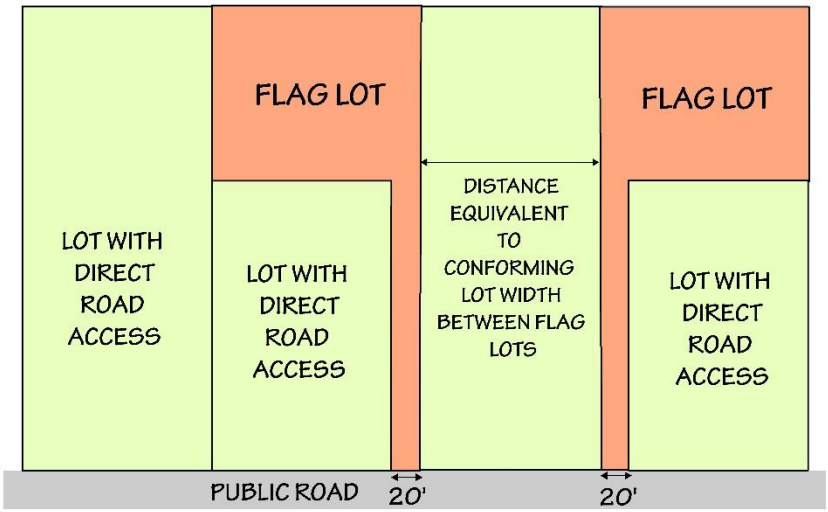
The following rules apply to lots:

A. **Length to Width Ratio.**

The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.

B. **Flag Lots**.

The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be created provided that the flag lot has at least twenty (20) feet of frontage on a public road, that this right-of-way serves only one (1) lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side, and rear setback requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way.




## Section 3.09 Stormwater Retention & Drainage

A. On nonresidential lots, 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.

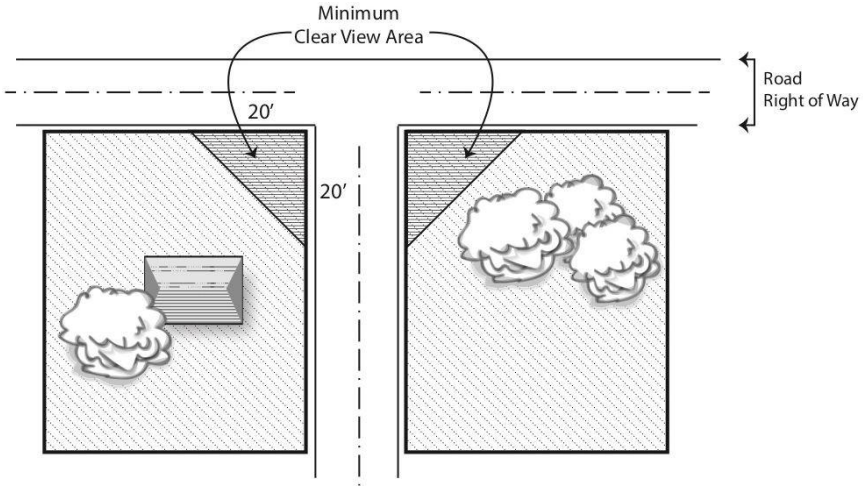
B. No lot shall be filled or graded so as to discharge surface runoff on adjacent lots in such a manner that will cause inconvenience or damage on adjacent lots in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When a lot is developed adjacent to existing lots which have been previously developed, existing grades shall have priority.

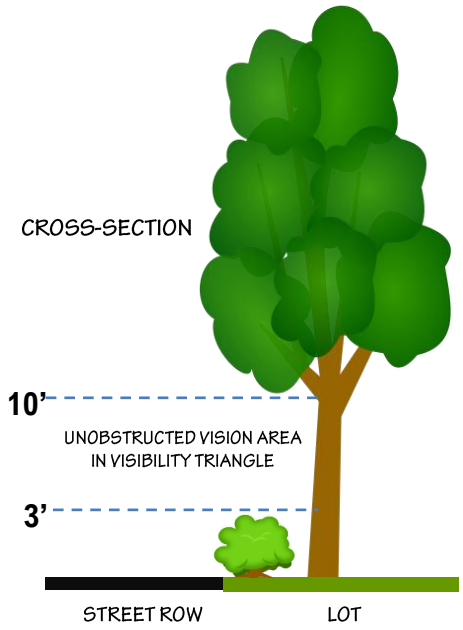
## Section 3.10 Access Control & Corner Visibility

A. All parcels or lots hereinafter created in the Township shall have frontage on a public road, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

B. No driveway shall serve more than one (1) lot. Driveways which access more than one (1) single-family dwelling or one (1) two-family dwelling shall be considered a private road (see **Section 3.29**).

C. To maintain traffic visibility, no building, structure, trees, bushes, fence, sign, or other obstructions exceeding three (3) 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 three (3) feet and ten (10) feet.



## Section 3.11 Dwellings

A. Unless specifically otherwise permitted in this Ordinance, a single-family dwelling unit shall contain a minimum of seven hundred twenty (720) square feet, and have a minimum width of twenty-four (24) feet, except that in the HDR district or for replacement of existing manufactured homes under twenty-four (24) feet in width in any zoning district, the replacement manufactured home may be under twenty-four (24) feet in width, if in compliance with the building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of manufactured homes) and where such standards or regulations for construction are different than those imposed by the building code, then and in that event such federal or state standard or regulation shall apply.

B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Manufactured Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "**Manufactured Home Construction and Safety Standards**."

C. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

D. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the **District Health Department**.

E. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county building code provisions and requirements.

## Section 3.12 Accessory Buildings & Structures

Accessory buildings (on residential and non-residential lots) and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

A. **Attached Accessory Buildings**.

An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment

between the garage or carport and the principal building, shall be considered a part of the principal building, but shall not be considered habitable floor area.

B. **Separation Distance**.

An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than five (5) feet to any other structure on the lot.

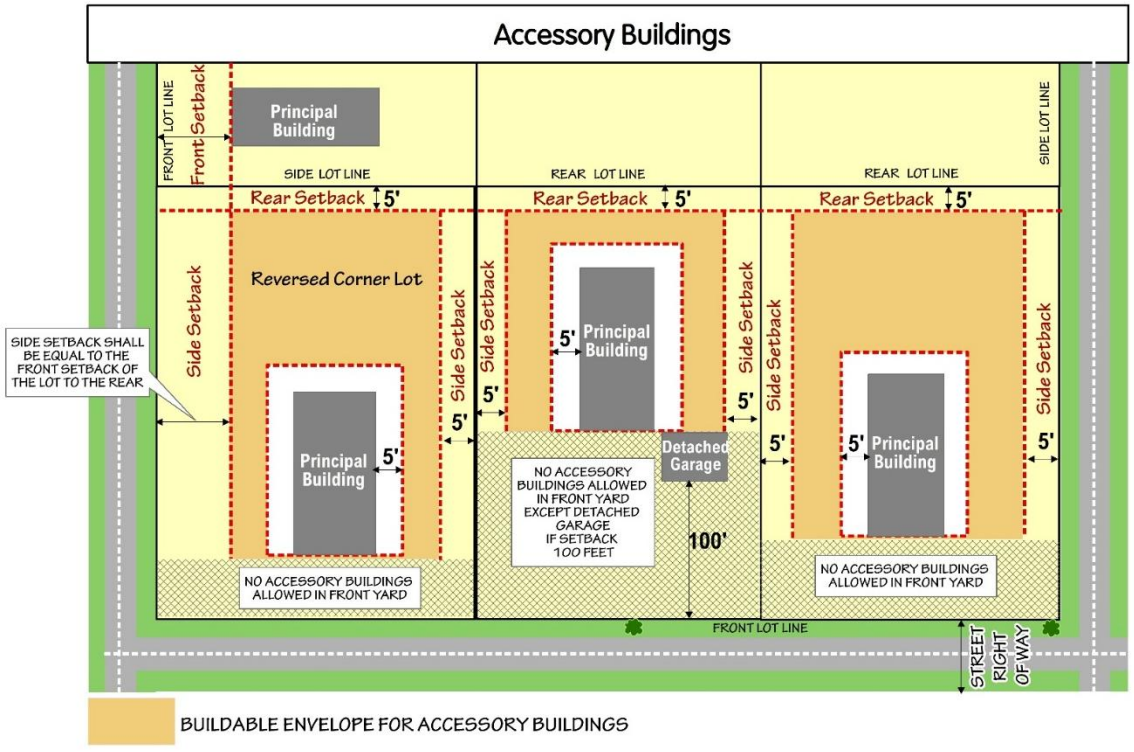
C. **Placement**.

Detached accessory buildings and structures are subject to the following setbacks:

1. No accessory building or structure shall be closer than five (5) feet to any interior side or rear lot line.

2. On reversed corner lots, where a rear lot line abuts a side lot line of the lot to the rear, the side setback shall be no less than the required front setback of the lot to the rear.

3. Accessory buildings and structures shall not be located within the front yard, except a garage shall be permitted in the front yard where such garage is a minimum of one hundred (100) feet from the road



right-of-way or easement, and provided such garage meets all other setbacks for principal buildings under **Article 4.**

4. On a lakefront lot, accessory buildings may be permitted within the front (waterside) yard, provided that such accessory buildings are no greater than one hundred twenty (120) square feet in gross floor area, and no greater than eight (8) feet in height. Such accessory buildings shall be located at least five (5) feet off of the high water mark and side setbacks applicable to principal buildings. Accessory buildings may be located in the rear yard (roadside yard) and shall be at least five (5) feet from the rear lot line.

D. **Height**.

Except where otherwise permitted in this Ordinance, no detached residential accessory building or structure shall exceed twenty-two (22) feet in height.

E. **Stand-Alone Storage Buildings Permitted Prior to a Principal Structure**.

A building that is constructed or placed on a lot prior to a principal dwelling being constructed or placed on the same lot, and to be used only for private and non-commercial use by the owner of the same property, shall be permitted by a Zoning Permit by the Zoning Administrator under the following conditions:

1. Stand-alone storage buildings are permitted on any buildable lot in zoning districts HDR, MDR, LDR & RC when they comply with items 3 through 12 of this list. Stand-alone storage buildings are only permitted in the SHR District on non-lakefront lots when the lot is located directly across the road from a lot under the same ownership on which a principal dwelling is located.

2. Agricultural buildings in compliance with the setback standards for principal buildings in **Article 4** may be erected without a principal structure.

3. The ground floor area of a stand-alone storage building constructed or placed on a buildable lot shall be no more than sixteen hundred (1,600) square feet on lots less than two (2) acres in area. On lots two (2) acres or greater in area, there shall be no size limit.

4. No living quarters are allowed in a stand-alone storage building.

5. Only one (1) stand-alone storage building per lot or parcel.

6. The height of the stand-alone storage building shall not exceed twenty-two (22) feet.

7. The required district setbacks for the principal building shall be required for a stand-alone storage building. The exception would be the front setback, which shall be not less than one hundred (100) feet.

8. A stand-alone storage building shall be constructed or placed on the lot so that the lot can be developed in the future with a principal dwelling that meets the minimum dwelling unit size and the setbacks of the zoning district.

9. A buildable lot for the stand-alone storage building shall consist of a lot that will accommodate a well, septic system, driveway, all minimum setbacks, and driveway for a future home.

10. Some nonconforming lots that are not large enough to accommodate a future home, but still request a stand-alone storage building and can meet the standard setbacks in the district location, shall be permitted to erect a stand-alone storage building.

11. Site address must be posted.

12. No stand-alone storage buildings may be permitted on a waterfront lot.

F. **Habitation of Accessory Buildings**.

No garage, barn, or accessory buildings, or basement, whether fixed or portable, shall be used or occupied as a dwelling except upon approval of an Accessory Dwelling Unit pursuant to **Article 7**.

G. **Non-Traditional Storage Buildings**.

Truck bodies, semi-trailers, school bus bodies, manufactured homes, shipping containers, or other items built and intended for other uses shall not be used as a permanent accessory building.

H. **Temporary Storage Structures**.

Temporary Storage Structures, as defined in this Ordinance, including shipping containers, may be allowed by permit issued by the Zoning Administrator, provided:

1. Each structure meets all dimensional standards of this Section.

2. That each structure is securely attached to the ground.

3. Each structure is limited to a footprint of three hundred (300) square feet.

4. No more than one (1) temporary structure is permitted per lot in the SHR and HDR districts, and no more than two (2) are permitted in the MDR and LDR districts.

5. On lots less than one (1) acre, shipping containers and other similar structures shall be limited to a maximum of thirty (30) days on the lot.

I. **Other Accessory Structures**.

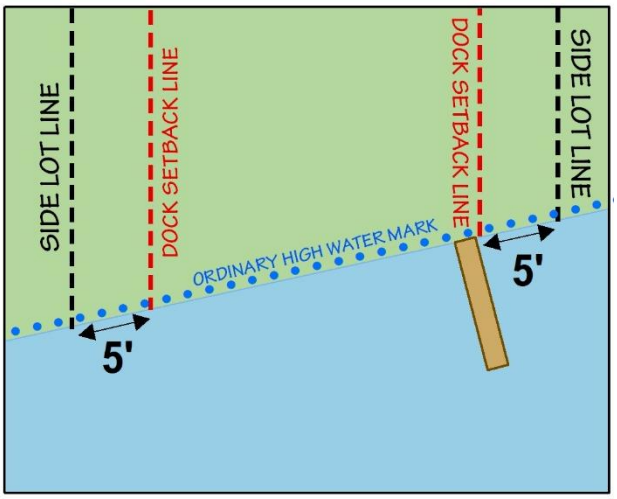
1. **Electric Vehicle Charging Stations**. Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be set back at least ten (10) feet from the front lot line. Electric vehicle charging stations shall adhere to the side and rear setbacks listed in **subsection C** above.

2. **Accessory Solar Panels**. See **Section 7.29**.

3. **Accessory Wind Turbines**. See **Section 7.30**.

4. **Battery Energy Storage Systems (on-site)**. On-site battery energy storage systems shall comply with accessory building setbacks.

5. **Docks**. Docks shall be set back at least five (5) feet from the point of intersection of the side lot line and the ordinary high water mark. No setback from the ordinary high water mark is required for docks. Docks which do not conform to the five (5) foot setback and which are removed at the end of the summer season shall be set back five (5) feet when they are reinstalled the next season.




## Section 3.13 Swimming Pools

The following rules apply to swimming pools as defined in **Article 2**:

A. Permits are required for any swimming pool.

B. Swimming pools may be located in any yard.

C. All swimming pools shall meet setbacks for the principal building and state and county health and safety regulations.

## Section 3.14 Temporary Buildings, Structures & Uses (other than Temporary Dwellings)

All temporary buildings, structures, and uses are permitted in all districts unless otherwise restricted below. Temporary buildings and structures shall not be greater than three hundred (300) square feet in area nor used

for dwelling purposes and may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a Zoning Permit issued by the Zoning Administrator as provided below:

A. **Recreational Vehicles**.

For recreational vehicles outside of an approved RV park or campground:

1. **Occupied RVs.** Recreational vehicles may be occupied for a period not to exceed fifteen (15) consecutive days at any time with or without a principal building, subject to all of the following. No Zoning Permit is required.

    a. The recreational vehicle shall not be located on land in the C zoning district.

    b. The recreational vehicle shall be attached to a septic system as approved by the **Health Department**, or alternatively, shall have an alternative means of disposing of waste that is approved by the **Health Department**.

    c. Such recreational vehicle shall be placed a minimum of fifteen (15) feet from any road right-of-way or access easement and a minimum of five (5) feet from any other lot line.

    d. The occupied recreational vehicle is not required to be owned by the property owner.

    e. The recreational vehicle shall not be rented out as a short term rental or long term rental.

    f. One (1) occupied RV may be located on a lot up to one (1) acre in size. Two (2) occupied RVs are allowed for a lot above one (1) acre up to five (5) acres. Lots above five (5) acres may have up to four (4) occupied RVs.

    g. The recreational vehicle shall not be on a lakefront lot.

2. **Long-Term Occupancy.** The Zoning Administrator may issue a permit for occupancy of one (1) recreational vehicle for a period of up to six (6) months, subject to all of the following:

    a. Only one (1) such permit may be issued in any single calendar year.

    b. The recreational vehicle shall be attached to a septic system as approved by the **Health Department**, or shall have an alternative means of disposing of waste that is approved by the **Health Department**.

    c. Such recreational vehicle shall be placed a minimum of fifteen (15) feet from any road right-of-way or access easement and a minimum of five (5) feet from any other lot line.

d. Such recreational vehicle shall be owned by the owner or occupant of the land and shall not be rented.

e. The recreational vehicle shall not be on a lakefront lot.

3. **Open Storage of RVs**.

a. Storage of Recreational Vehicles shall not require a Zoning Permit.

b. One (1) stored RV may be located on a lot up to one (1) acre in size. Two (2) stored RVs are allowed for a lot above one (1) acre up to five (5) acres. Lots above five (5) acres may have up to four (4) stored RVs.

c. Such stored recreational vehicle(s) shall be placed a minimum of fifteen (15) feet from any road right-of-way or access easement and a minimum of five (5) feet from any other lot line.

d. Recreational vehicles shall not be stored for others for a fee without approval as an outdoor storage facility.

B. **Additional Permitted Temporary Buildings, Structures, and Uses**.

The following additional permitted temporary buildings, structures, and uses are allowed as provided herein:

1. **Construction Trailers.** Construction trailers incidental to construction of a new building for a period of time up to twelve (12) months to be removed within fifteen (15) days of completion of construction.

2. **Firewood Sales**. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards in the HDR district.

3. **Seasonal Use Sales**. Similar short term, seasonal sales uses, such as garage sales, as determined by the Zoning Administrator. Seasonal use sales do not require a zoning permit.

C. **Application, Permit, and Conditions**.

1. **Application**. A Zoning Permit for a temporary use may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for action due to the complexity of the proposal.

2. **Conditions of Approval**. The Zoning Administrator shall issue a Zoning Permit for a temporary use when all of the following standards are met:

a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.

b. The use shall not be located within a permanent building or structure.

c. The lot shall be of sufficient size to adequately accommodate the temporary use or structure.

d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.

e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

f. Any lighting shall be directed and controlled so as to not to create a nuisance to neighboring property owners.

g. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this Section and a permit issued thereunder.

## Section 3.15 Temporary Housing Permits

A. The Zoning Administrator may issue temporary Zoning Permits for structures for dwelling purposes, including manufactured homes and recreational vehicles during construction or repair of a dwelling. The temporary Zoning Permit may be issued to allow a manufactured home or recreational vehicle less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months; any extension must be approved by the Zoning Administrator who may grant the same for a period of not more than one (1) year, during which time a permanent dwelling shall be erected on the property.

B. A Zoning Permit for a temporary dwelling shall not be granted, for any reason, unless the following standards are met:

1. The Zoning Administrator shall determine that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet of the lot intended to be the location of the temporary dwelling.

2. Proposed water supply and sanitary facilities have been approved by the **District Health Department**.

3. All applicable dimensional requirements within said district shall apply to temporary dwellings. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not physically possible or would cause practical difficulties.

4. A performance guarantee may be required by the Zoning Administrator to guarantee the removal of the temporary dwelling.

5. A copy of the building permit for the permanent dwelling shall be submitted to the Zoning Administrator at the time of application for the temporary dwelling.

## Section 3.16 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 3.17 Permitted Setback Encroachments

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

A. The following architectural elements of a building shall be permitted to encroach no more than five (5) feet into a required setback area: cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.

B. Attached or unattached terraces, patios, porches and decks shall be permitted to encroach upon the minimum setback area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line, except if the setback proposed to be encroached abuts a public road or approved private road, in which case the principal structure setback shall be observed and no encroachment is permitted.

C. Asphalt and concrete driveways shall be permitted to encroach upon the minimum setbacks to the extent that the encroachment is needed to connect to a roadway.

## Section 3.18 Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments, and do not exceed seventy-five (75) feet in height.

B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, antennas, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.

C. Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, may extend a maximum of five (5) feet above height limitations and shall have no window openings.

D. Public utility structures, wind turbines, and wireless communications support structures.

## Section 3.19 Outdoor Storage, Sales & Merchandise Display

A. Outdoor display and sales of merchandise is permitted within the Commercial district. The permitted outdoor display area shall be no greater than twenty-five (25) percent of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, manufactured homes, or live retail and wholesale landscape materials. The Planning Commission may allow deviations from this Section based on the following standards:

1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.

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

B. Excepting the display and sales listed in subsection A above, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts shall be conducted within a completely enclosed building or within an outdoor area which is completely screened by a wall, solid fence, or vegetative buffer pursuant to **Section 3.21**.

C. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be stored, parked, abandoned, or junked in any open area in any district that is visible from the street, public place, or adjoining property.

## Section 3.20 Fences

The following provisions shall apply to the construction of fences:

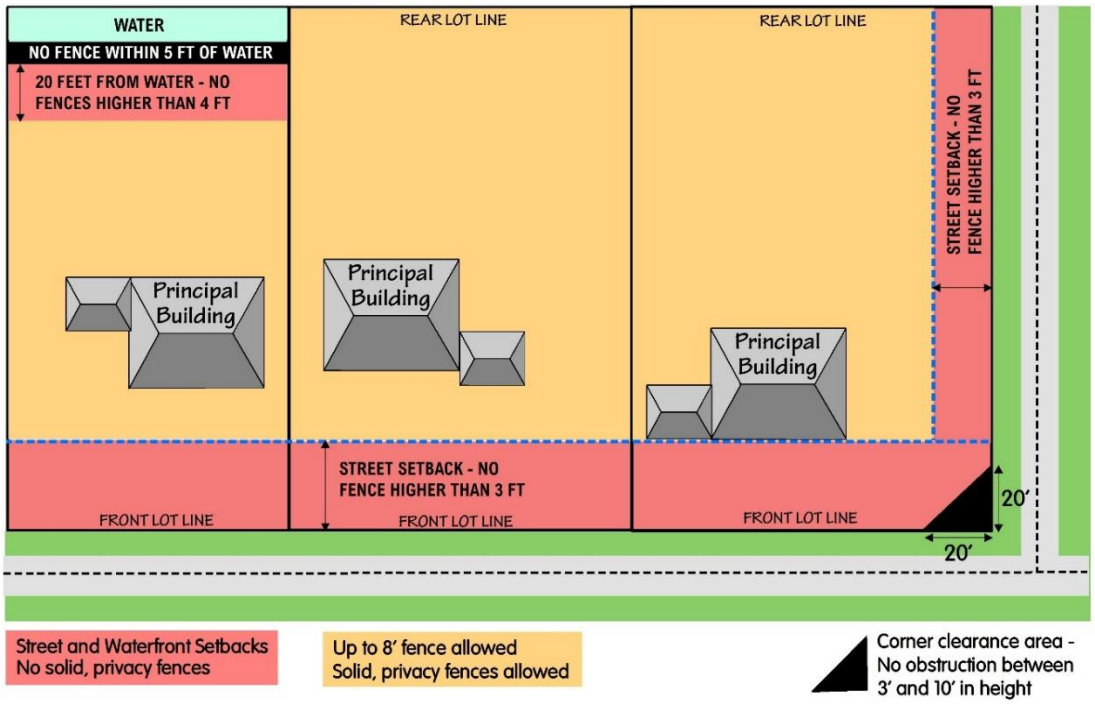
A. **Zoning Permit Required**.

A Zoning Permit is required to erect a fence on any property except for fences or walls four (4) feet and under in height on any non-waterfront lot, or any fencing for livestock in the RC district.

B. **Height & Setback**.

1. Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals as required for screening, fencing or walls shall be a maximum of eight (8) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height.

2. Fences may be located on a lot line. However, fences of a height greater than three (3) feet shall not be located within a required front setback or required side setback adjacent to a street.




C. **Barrier Fences**.

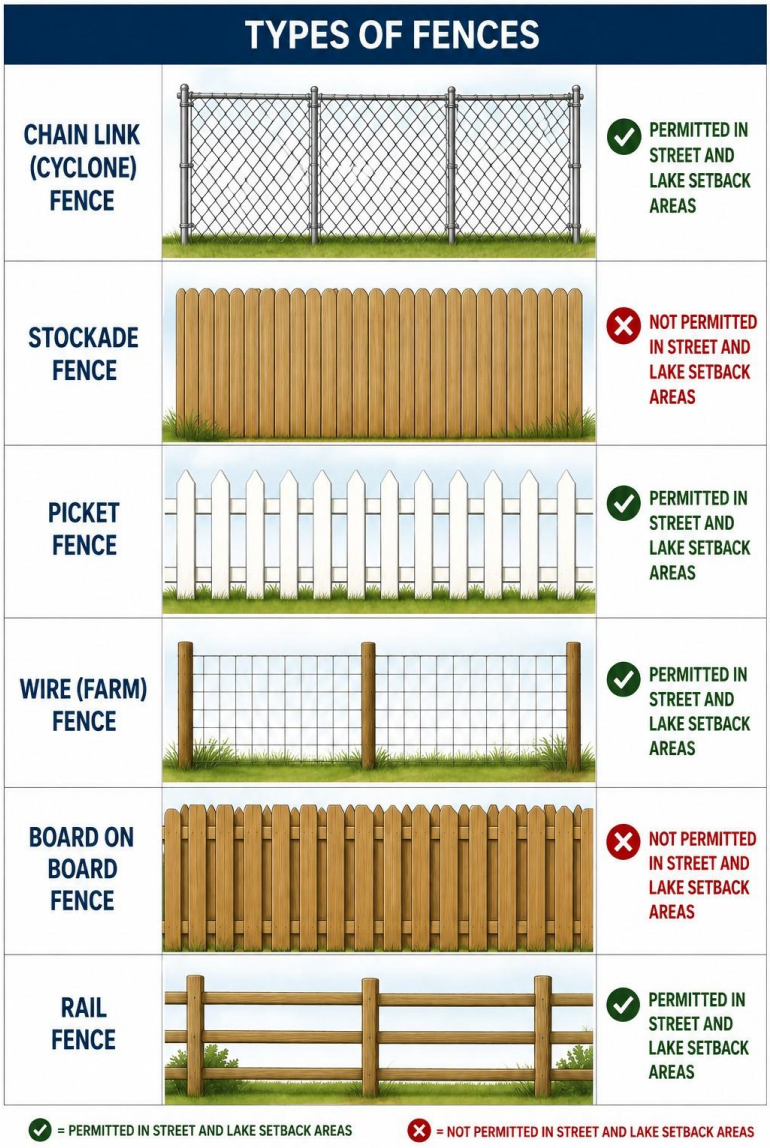
Barrier fences containing barbed wire, electric charges, or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect public safety and approved by the Planning Commission.

D. **Lakefront Fences**.

No fences shall be erected closer than five (5) feet to the shore of any lake or stream, nor higher than four (4) feet in height. No lakefront fence closer than twenty (20) feet to the shoreline shall be of a solid, obscuring variety.

E. **Fence Types**.

Fence types and where they are permitted are illustrated in the diagram "Types of Fences."




F. **Property Line Determination**.

In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey if necessary to determine accurate property lines. The Township may require a professional survey prior to issuing a Zoning Permit for a fence. The Township shall not be held responsible for any property line or fence disputes between abutting property owners.

G. **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.

H. **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.

## Section 3.21 Screening

A. **When Screening 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. **Buffer Zone/Strip**.

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.

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. **Installation and Maintenance**.

1. 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.

2. 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.

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

E. **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 3.22 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. Shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6

Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.

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.

   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 3.31**.

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

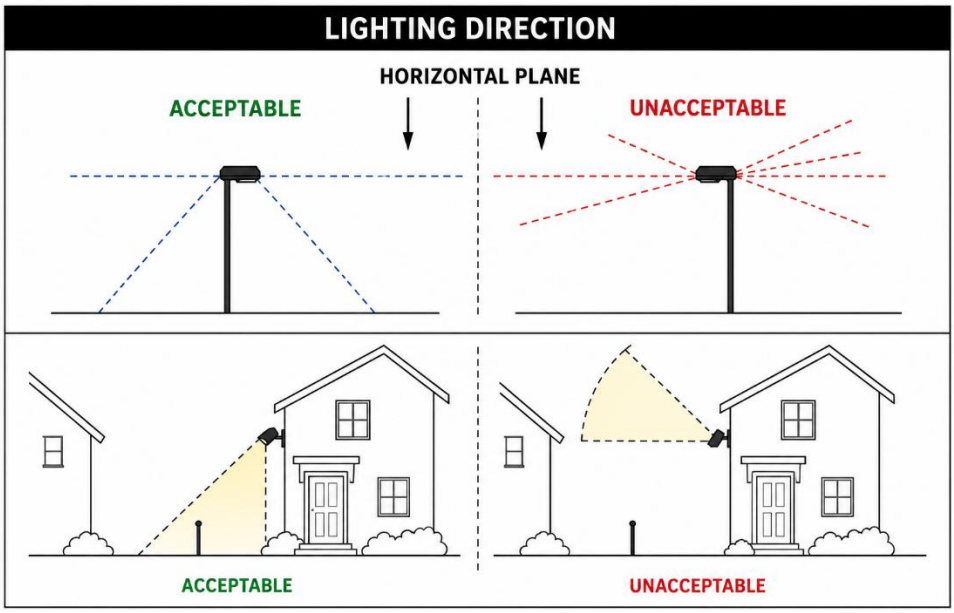
   a. **Design**. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.

   b. **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.

   c. **Lighting Directed Downward/Shielded**. Except for diffused globe-style walkway lights and the lighting addressed in **subsection d** 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.

   d. **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 ~~said~~ buildings and flags, shall be placed

and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.




e. **Location of Poles**. Lighting poles and structures shall be located within landscaped areas where possible.

f. **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.

g. **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.

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

## Section 3.23 Keeping of Poultry

The following restrictions shall not apply to Commercial Farms or agricultural uses as defined by this Ordinance. The following applies to Hobby Farms and livestock on Category 4 Sites:

A. **Poultry**.

Chickens, ducks, and geese may be kept in conjunction with a residence that does not qualify as a farm as defined herein, under the following conditions:

1. Mature poultry shall be limited to eight (8) on lots less than two (2) acres, and twenty-four (24) on lots two (2) acres or more.

2. No roosters shall be permitted.

3. No commercial activity shall be associated with the poultry.

4. Manure piles, enclosures, and storage of feed shall be located in the rear setback such as to avoid nuisance and a minimum of fifty (50) feet from any body of water and fifteen (15) feet from any lot line.

5. Rear and side yard setbacks required for principal structures shall apply to manure and coops.

6. Such poultry shall be enclosed within a pen or hen house, or otherwise kept confined on the property.

## Section 3.24 Ponds

Any artificially created containment of water due to such acts as excavation or intervention of natural water courses or surface drainage, either permanent or temporary, and which exceeds thirty-six (36) inches in depth and thirty (30) days in duration and twenty thousand (20,000) square feet in area, shall be permitted on lots of a minimum five (5) acre area in the RC, LDR, MDR, and HDR Districts, subject to the following conditions:

A. The boundaries of the pond excavation shall be wholly within one (1) owner's property.

B. Off-site drainage shall not be affected.

C. Ponds may be permitted in any front yard area, and the setback shall be at least fifteen (15) feet from all dwellings, lot lines, septic tanks, tile septic waste disposal fields, and telephone, electrical, or other utility line.

D. The bottom and sides of the pond and excavation area shall not exceed slopes of 5:1 (five feet horizontal to one foot vertical).

E. Ponds having a maximum depth greater than four (4) feet shall have two (2) sided warning signs set at right angles to the edge of the pond, composed of letters at least four (4) inches in height, indicating the number of feet of maximum depth. Such signs shall be placed along the edge of the shore at intervals of not more than one hundred (100) feet, and in no event shall any pond having a maximum depth greater than four (4) feet have less than two (2) such warning signs. Signs shall read: Warning! (No.) Feet Deep.

F. All applicable county, state, and federal permits shall be obtained and satisfactory evidence shall be provided to the Township that such permits have been obtained or are not necessary, including permits issued under **1994 PA 451, Natural Resources and Environmental Protection Act**.

## Section 3.25 Limitation of Funnel Development

In order to restrict the number of users of lake and river frontage for the purpose of preserving the quality of the lakes and rivers, avoiding congestion on the lakes and rivers, and preserving the quality of the recreational use of the lakes and rivers within the Township, the owner of a waterfront lot abutting a lake or river may provide legal access to the lake or river for dwelling units located on non-waterfront lots or for vacant non-waterfront lots only if all of the following requirements are met:

A. The waterfront lot shall have lake or river frontage of no less than two hundred (200) feet as measured along the ordinary high water mark.

B. The density or number of vacant lots, both waterfront and non-waterfront, and/or dwelling units located on both the waterfront lot and on non-waterfront lots that may have legal access to the lake or river either from or over a waterfront lot shall not exceed one (1) dwelling unit/vacant lot per fifty (50) feet of lake frontage on such waterfront lot as measured along the ordinary high water mark.

C. Any legal access to the lake or river over a waterfront lot shall have a minimum lake or river frontage of forty (40) feet and an additional ten (10) feet of lake or river frontage for each non-waterfront dwelling unit/vacant lot in excess of four (4) that is provided legal access to the lake or river over the same waterfront lot as measured along the ordinary high water mark.

D. Only one (1) area of legal access to the lake or river shall be permitted on a waterfront lot.

E. An instrument creating the legal access to the lake or river, whether granted by single fee ownership, joint fee ownership, an interest in a general or limited common element of a condominium development, an easement, or a lease, shall be recorded in the **Oscoda County Register of Deeds' Office** and a recorded copy filed with the Zoning Administrator.

F. This Section, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Greenwood Township, Oscoda County, the Oscoda County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the water.

## Section 3.26 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 3.27 Hazardous Substances

A. These provisions apply to uses that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month:

1. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.

2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

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

5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

B. Dumping of materials and/or nuclear wastes shall not be allowed within the Township, except as permitted by **1978 PA 113**, as amended.

## Section 3.28 Nonconformities

A. **Intent and Purpose**.

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

B. **General**.

1. **Change of Tenancy or Ownership**. There may be a change of tenancy, ownership, or management of any existing nonconforming uses, nonconforming building/structures, or nonconforming lots which does not alter its nonconforming status.

2. **Permits**. Permits for construction on, expansion of, or substitution of nonconforming lots, uses, or structures require a Zoning Permit pursuant to **Section 9.02**. Other permits and approvals may also be required.

3. **Elimination of Nonconformities**. The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community, and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.

C. **Nonconforming Lots**.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a variance is obtained through approval of the Zoning Board of Appeals.

D. **Nonconforming Buildings/Structures**.

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

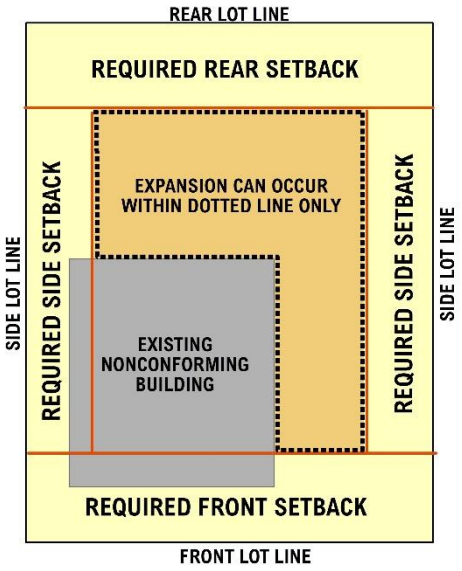
1. **Alterations**. A nonconforming building/structure may be enlarged or altered in a way that does not increase its nonconformity. A nonconforming building may be lifted up, and the foundation may be replaced in the same footprint without altering the nonconforming status. A nonconforming building may be increased in height as long as it does not exceed the maximum height required in the district.

2. **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.

3. **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.

4. **Re-Location of a Nonconforming Structure**. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**Alteration of Nonconforming Structure**




5. **Damage or Destruction**.

   a. **Accidental Damage or Destruction**. A nonconforming structure damaged or destroyed by fire, explosion, act of God, or the public enemy may be rebuilt in the original footprint existing prior to the damage or destruction.

   b. **Purposeful Damage or Destruction.** Should such nonconforming structure be destroyed by purposeful removal not related to subsection 5.a above to an extent of more than fifty (50) percent of the total structure footprint, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. **Nonconforming Uses**.

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

1. **Expansion or Enlargement of Nonconforming Use**.

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

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

(2) The expansion or enlargement will essentially retain the character and environment of adjacent premises.

(3) 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).

b. **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.

2. **Change in Nonconforming Uses.** Irrespective of other requirements of this Section, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted classification, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this Section. Where a nonconforming use is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

3. **Nonconforming Use Superseded**. Any nonconforming use which is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

4. **Damage or 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 in its original footprint prior to damage to the building and the nonconforming use may continue on the lot. If the existing structure that is destroyed is also a nonconforming structure due to not complying with dimensional regulations of this Ordinance, then **subsection D.5** shall apply.

5. **Illegal Nonconforming Uses**. Nonconforming uses existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

6. **Abandonment of A Nonconforming Use**. If a property owner has an intent to abandon a nonconforming use, building, or structure and in fact abandons this nonconforming use, building, or structure for a period of one (1) year or more, then any subsequent use of the building, structure, or property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, building, or structure, 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 operation 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, building, or structure.

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

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

## Section 3.29 Private Roads

A. **Private Road Authority; Permit Required**.

Private roads are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

B. **Construction and Design Standards**.

The creation of a road that serves a division of land, other than subdivisions as defined by the **Land Division Act of 1967**, resulting in two (2) or more lots being served by a private road, shall meet the following standards:

1. **Right-of-Way**. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current **Oscoda County Road Commission's** designated right-of-way width for local residential roads, whichever is greater.

2. **Cross-Section**. All private roads shall meet or exceed the **Oscoda County Road Commission's** cross-sectional construction standards.

3. **Connecting to a Paved Road**. Private roads connecting to a paved road must have a paved approach extending a minimum of twenty (20) feet beyond the paved road right-of- way.

4. **Connection to Public Roads**. Construction authorization from the **Oscoda County Road Commission** is required for connection to a public road. When applicable, a Soil Erosion and Sedimentation Control permit is also required from the County. Private roads shall meet perpendicular to a public road right-of-way or private road.

5. **Grades**. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).

6. **Width and Curves**. Private roads shall have a compacted gravel or paved width of at least twenty-two (22) feet. Centerline radius of a private road shall not be less than fifty (50) feet.

7. **Limit on Length**. Newly constructed private roads with only one (1) connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than two thousand (2,000) feet.

8. **Cul-De-Sacs**. A cul-de-sac shall be constructed whenever a private road terminates without intersecting with another public road or private road.

    a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.

    b. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines.

    c. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

C. **Maximum Number of Lots Served**.

1. No more than twenty-five (25) lots may gain access to a single private road if only one (1) point of intersection is provided between a private road and a public road.

2. No more than seventy-five (75) lots may gain access to a private road where two (2) or more points of intersection are provided between a private road or roads and public roads.

3. Where more than seventy-five (75) lots are served, the road shall be a paved public road built to full County Road Commission standards.

D. **Road Construction Approval Procedure**.

No private road shall be constructed, extended, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. **Private Road Application**. The applicant shall submit a private road application for new road construction consisting of the following:

   a. Eight (8) sets of road plans prepared and sealed by a professional engineer licensed in the state of Michigan showing:

      (1) The private road easement including a legal description.

      (2) A cross section of each proposed road showing the types of materials that will be used to construct the road base and surface.

      (3) Grades of proposed roads.

   b. A road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Oscoda County Register of Deeds providing for:

      (1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.

      (2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.

      (3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established **Oscoda County Road Commission** standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.

      (4) A notice that no public funds of the Township of Greenwood are to be used to build, repair, or maintain the private road.

2. **Application Review and Approval or Rejection**.

   a. The Zoning Administrator shall review and send the plans of the private road to the **County Road Commission** for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.

   b. County Road Commission and Township Attorney recommendations shall be forwarded to the Planning Commission.

   c. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road. When approval is granted, construction authorization will be issued by the Zoning Administrator.

      (1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

      (2) At the discretion of the Planning Commission, a proposed private road may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access.

   d. The Zoning Administrator will arrange for inspections during construction of, and upon completion of the private road.

E. **Failure to Perform**.

Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Oscoda County Road Commission or the Township in its standards and specifications for road construction and development.

F. **Private Road Inspections**.

All private roads will be inspected by the applicant's design engineer for compliance with the approved private road plans. The design engineer shall certify in writing that the road was constructed in compliance with the approved private road plans before the Township Board will grant final approval of the completed road.

G. **Issuance of Zoning Permit for Structures on Private Roads**.

No zoning permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

H. **Posting of Private Roads**.

All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the County to avoid a duplicate of names and give approval of same.

I. **Private Roads Serving More Than One Residential Unit**.

When a private road serves only one (1) residential unit, compliance with the established standards of the **Oscoda County Road Commission** for public roads is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, any road serving the lots shall comply with all other provisions of this Section.

J. **Notice of Easements**.

All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

1. "This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed."

2. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.

K. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access."

L. **Fees**.

The application fee is to be established by the Township Board. Before final approval, the cost of review of plans and inspection of the private road and drainage shall be paid for by the applicant/developer.

M. **Final Approval**.

The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

N. **Nonconforming Private Roads**.

In the case of private roads built prior to this Ordinance, such roads may be used, but no Zoning Permit shall

be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this Section. In cases where the nonconforming road cannot comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this Section, where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.

2. The spirit and intent of the private road provisions will still be achieved.

3. No nuisance will be created.

## Section 3.30 Parking & Loading

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

### A. **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 by at least twenty-five (25) percent.

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 <u>not</u> 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.

B. **Parking Space Requirements**.

1. **Fractional Space**. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) additional parking space.

2. **Requirements for a Use Not Mentioned**. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Zoning Administrator shall make this determination and a record of the rationale applied and documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.

3. **Joint Use of Parking Areas**. The joint use of parking facilities by two (2) or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

4. **Location of Parking Areas**. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.

5. **Handicap Parking**. Handicap parking shall be provided as required by state and federal regulations.

6. **Number of Parking Spaces Required**.

   a. **Residential Uses**.

      (1) **One and Two Family Dwellings**. Two (2) spaces for each single-family dwelling unit.

      (2) **Multiple-Family Dwellings**. Two (2) spaces for each dwelling unit plus one (1) space per five (5) units for guest parking.

      (3) **Manufactured Housing Community**. Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.

   b. **Commercial and Industrial Uses**.

      (1) **Retail Uses, Professional Offices Serving Customers, Restaurants and Similar Uses**: One space per two hundred and fifty (250) square feet of usable floor area.

      (2) **Office and Industrial Uses not Serving Customers**: One space per four hundred (400) square feet of usable floor area.

(3) **Places of Assembly**: One space per three (3) seats of capacity.

7. **Reduction, Modification, Waiver**. The Planning Commission may alter the required parking for any use based on the particular activity proposed and information provided by the applicant.

C. **Parking Lot Standards**.

1. **Marking and Designation**. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

2. **Site Maneuverability**. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern.

3. **Parking Space Size.** All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.

4. **Surface**. Paved parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage.

D. **Loading Spaces**.

1. Where required for the proposed use, adequate loading and unloading spaces shall be provided adjacent to the building of not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, open or enclosed.

2. Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

## Section 3.31 Signs

A. **Purpose and Intent**.

The intent and purpose of this Section is to preserve the desirable character of Greenwood Township by reasonably regulating signs which occupy space and may obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. In enacting this Ordinance, Greenwood Township recognizes both the need for commercial advertising so that people unfamiliar with the area, including tourists and transients, may avail themselves of the goods and services afforded by local businesses and the

constitutional right of its resident citizens to engage in various forms of non-commercial speech. As a result, these regulations permit signs and other displays subject to the following objectives:

1. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.

2. Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to: (1) regulate oversized signs that are out-of-scale with the surrounding buildings and structures, and (2) prevent an excessive accumulation of signs which cause visual clutter and distraction.

B. **General Sign Standards for All Signs**.

1. **Sign Lighting**.

   a. Signs may be illuminated, but all bare light sources and immediately adjacent reflecting surfaces shall be shielded from view. No flashing lights or animated advertising devices shall be permitted.

   b. Signs may not use an incandescent exposed lighting source unless a screen or shield is installed so that NO light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane or to an adjacent street or properties.

   c. Revolving beacon lights are not permitted.

   d. Metal halide lighting, fluorescent lighting, and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.

   e. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.

   f. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure whenever practical or mounted so that light rays result in a minimum reflection of light off the sign face.

   g. The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premises are open for business.

2. **Sign Maintenance**. A property owner may maintain or improve an existing conforming sign without a sign permit, provided the type, size, shape, height, and use remain the same.

3. **Nonconforming Signs**. Any sign lawfully in existence prior to the enactment of this Section which does not meet the requirements of this Section may continue in use as a nonconforming sign. The copy

or message on the sign may be changed, and the sign may also have normal maintenance performed. However, the following shall govern nonconforming signs:

a. No person shall increase the extent of nonconformity of a nonconforming sign, nor may illumination be added to any nonconforming sign.

b. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.

c. If a nonconforming sign is destroyed by any method, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

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

4. **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 the sign. Upon the expiration of the ninety (90) days, the abandoned sign shall be deemed to be in violation of this Ordinance and shall be subject to the provisions of **Section 9.09**.

5. **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.

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

C. **Prohibited Signs**.

The following signs are prohibited and shall not be allowed in any district:

1. Abandoned signs.

2. Signs which are illegal under state laws or regulations or applicable local ordinance or regulations.

3. Signs that are not maintained.

4. Signs that are not securely affixed to a substantial structure.

5. Signs which attempt, or appear to attempt, to regulate, warn or direct the movement of traffic which interfere with or resemble an official traffic sign, signal or device.

6. Signs which are not consistent with the standards of this Ordinance, unless they are recognized as legal nonconforming.

7. Signs and attention-getting devices, except those established and maintained by municipal, county, state or federal governments, located in, projecting into or overhead with a public right-of-way or dedicated public easement, unless such sign has been issued a permit by the agency having jurisdiction over that right-of-way.

8. Signs that project above the maximum height limitations of the use district in which it is located, unless they are recognized as legal nonconforming.

9. Revolving, moving, and all types of banners, pennants, and airborne devices attached to the ground or buildings, excepting temporary signs that are confined to commercial locations and do not create a traffic hazard and are approved by the Zoning Administrator.

10. Roof signs without a Special Use permit by the Planning Commission.

11. Flag poles greater than seventy-five (75) feet in height and a maximum of sixty (60) square feet per flag.

12. Existing or new signs which are in need of repair, unclean, not affixed to a substantial structure, obsolete, or affixed to trees, utility poles, rocks, or other natural features, resemble official traffic signs, or obstruct official signs, are prohibited.

13. Sexually Graphic Signs.

D. **Signs Not Requiring a Sign Permit**.

The following signs may be erected without a permit:

| Table 3.31 (A) Signs Allowed Without Permits | | |
|---|---|---|
| **TYPE OF SIGN** | **DESCRIPTION** | **SUBJECT TO SUBSECTION E** |
| 1. **Accessory Signs in LDR, MDR, HDR, and SHR** | Signs which do not exceed 9 square feet in area and are non-illuminated. | NO |
| 2. **Accessory Signs in C and RC Districts** | Signs which do not exceed 16 square feet and are non-illuminated. | NO |
| 3. **Governmental Signs** | Signs erected by an agency of the local, state, or federal government. | NO |
| 4. **Required Signs** | a. Signs required by federal or state agencies in connection with federal or state grant programs.<br>b. Signs required by this or any other Township ordinance, or required by federal or state law.<br>c. Signs required by law. | NO |
| 5. **Flags** | Flags shall only be displayed on a flagpole. | NO |
| 6. **Warning Signs** | Signs erected by any organization, person, firm or corporation that needs to warn the public of dangerous conditions and unusual hazards, including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc. | NO |
| 7. **Historical Site Signs** | Signs located on property upon which is located in a historically significant place, building or area sanctioned by a national, state or local historic organization or as recognized by the Planning Commission. | NO |
| 8. **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 |
| 9. **Canopy, Awning or Marquee Signs** | Signs when located on or below a canopy, awning, or marquee. | NO |
| 10. **Window Signs** | Signs in windows. | NO |
| 11. **Temporary Signs & Attention Getting Devices** | Temporary signs such as yard signs and sandwich board signs. Devices such as air dancers, pinwheels, streamers, and sail/feather signs. | YES |
| 12. **Signs Not Visible** | Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots. | NO |
| 13. **911 Signs** | Signs required for 911 emergency services. | NO |
| 14. **Murals** | Murals are not considered a sign. | NO |

E. **Permitted Signs.**

Permitted signs shall be limited to those listed in the following **Table 3.31 (B and C)**, subject to all regulations listed and other requirements of this Section.

1. 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).

2. Sign number limits, sizes, and heights are listed as the maximum allowed unless specified otherwise.

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

4. Signs in **Table 3.31** require a permit unless they are listed in **subsection D**.

| Table 3.31 (B): RC, RD, LDR, SHR, MDR, & HDR Districts | | | | |
|---|---|---|---|---|
| **Sign Type** | **Single-Family & Two-Family Dwellings** | **Signs on Residential Lots with Home Occupation, Roadside Stand, B&B, Child Care Home, or Residential Care Facililty** | **Residential Developments** (including Multiple-Family Dwellings, Subdivisions, Attached Housing Developments, PUDs) | **Non-Dwelling Uses** (Farms & Other Commercial Uses |
| **Primary Sign, Freestanding** *(permanent)* | **Size**: 16 sq ft *(max.)*<br>**Number Allowed**: 1<br>**Height**: 10 ft | **Size**: 16 sq ft *(max.)*<br>**Number Allowed**: 1 per dwelling unit<br>**Height**: 10 ft<br>**Setback**: 5 ft | **Size**: 32 sq ft *(max.)*<br>**Number Allowed**: 1<br>**Height**: 10 ft above finished grade<br>**Setback**: 5 ft | |
| **Wall Signs (Primary)** *(permanent)* | Wall sign(s) may occupy a maximum of 25% of each building wall. | | | |
| **Temporary Signs** *(no permit req)* | No more than two (2) temporary signs are permitted per property at any given time. See **subsection F**. From sixty (60) days prior to until five (5) days after a national, state, or local election, the total square footage limit for temporary signage shall not apply. | | | |
| **Portable Changeable Copy Message Boards** | Not allowed | | **Size**: 32 sq ft *(max.)*<br>**Number**: 1 | |
| **Digital or Static Message Center** *(permanent)* | Not allowed | | **Size**: 20 sq ft<br>**Number Allowed**: 1<br>**Height**: 8 ft above uniform finished grade<br>See **subsection G** | |
| **Cluster Signs** *(permanent)* | Not allowed | | | |
| **Projecting Signs** *(permanent)* | Not allowed | | **Size**: 32 sq ft<br>**Number Allowed**: 1<br>**Height**: 8 ft from ground level *(minimum)* | |
| **Large Off-Premise Signs** | Not allowed | | | |
| **Small Off-Premise Signs** | See **subsection I** | | | |
| **Roof Signs** | Not allowed | | | |

| Table 3.31 (C): Commercial District | |
|---|---|
| **Sign Type** | **Commercial, Industrial or Institutional Uses** (residential uses shall be governed by Table 3.31 (B) |
| **Primary Sign, Freestanding** *(permanent)* | **Maximum Size**: 32 sq ft<br>**Number Allowed**: 1<br>**Height**: No limit<br>**Setback**: 5 feet<br>Sign shall be located at least 100 feet from any residence or residential district |
| **Wall Signs (Primary)** *(permanent)* | **Maximum Size**: Wall or window signs may be placed on buildings on the site provided that the signs do not exceed 25% of the area of such building wall and further provided that total signage on any one building elevation does not exceed 100 square feet. |
| **Temporary Signs** *(no permit req)* | No more than two temporary signs are permitted per property at any given time. See **subsection F**. From sixty (60) days prior to until five (5) days after a national, state, or local election, the total square footage limit for temporary signage shall not apply. |
| **Portable Changeable Copy Message Boards** | **Size**: 32 sq ft *(max.)*<br>**Number Allowed**: 1 |
| **Digital or Static Message Center** *(permanent)* | Allowed in addition to the primary sign:<br>**Size**: 32 sq ft **Number Allowed**: 1<br>**Height**: 10 ft above uniform finished grade<br>See **subsection G** |
| **Cluster Signs** *(permanent)* | Allowed on a case-by-case basis. Approval by the Planning Commission required. |
| **Projecting Signs** *(permanent)* | **Size**: 32 sq ft **Number Allowed**: 1<br>**Height**: 8 ft from ground level *(minimum)* |
| **Large Off-Premise Signs** (see **subsection H** below) | See **subsection H** |
| **Small Off-Premise Signs** | See **subsection I** |
| **Roof Signs** | Allowed by Special Use |
| **PUD or Resort District** | In planned unit developments or the Resort District, signs shall be designed as an integral part of the development and shall be approved as part of the overall approval, and signs shall be subject to issuance of a sign permit. |

F. **Attention-Getting Devices.**

1. In the case of a special event, which occurs no more than once every six (6) months and lasts for a period not to exceed twenty-one (21) consecutive days, attention-getting devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are permitted for a period not more than seven (7) days prior to the special event and not more than one day (1) after the completion of the special event.

2. In the case of a special event lasting no more than seven (7) consecutive days that occurs periodically throughout the year, at the same times, and for the same duration, attention-getting devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are permitted pursuant to an annual Zoning Permit for a period not more than seventy-two (72) hours prior to the special event and not more than twelve (12) hours after the completion of the special event.

G. **Digital Message Centers.**

1. Digital message centers shall display static images for a period of at least one twelve (12) second interval before transitioning to another static image.

2. All digital message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

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

4. 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.

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

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

H. **Large Off-Premise Signs.**

The following standards shall apply:

1. **Location and Size**.

a. Large off-premise signs shall be located only on County Road 489.

b. Large off-premise signs shall not exceed three hundred (300) square feet.

c. No large off-premise sign shall be located within one (1) mile of any other large off-premise sign.

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

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. **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 oncoming 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 4 below.

4. **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 and 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.

5. **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.

6. **Planning Commission Approval Required**. Billboards are subject to review and approval by the Planning Commission using the site plan review procedures in **Section 5.04** and the approval standards in **Section 5.06**.

l. **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 thirty-two (32) square feet.

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

5. The height of an off-premise sign shall not exceed ten (10) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.

J. **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.

# Article 4
# District Regulations


| Sec | Name | Pg |
|---|---|---|
| 4.01 | Establishment of Zoning Districts | 4-1 |
| 4.02 | Zoning Map | 4-2 |
| 4.03 | Application of Use Regulations | 4-4 |
| 4.04 | Application of Dimensional Regulations | 4-4 |
| 4.05 | Resource Conservation District (RC) | 4-6 |
| 4.06 | Low-Density Residential District (LDR) | 4-11 |
| 4.07 | Shoreline Residential District (SHR) | 4-16 |
| 4.08 | Medium-Density Residential District (MDR) | 4-20 |
| 4.09 | High-Density Residential District (HDR) | 4-24 |
| 4.10 | Resort Development District (RD) | 4-28 |
| 4.11 | Commercial District (C) | 4-33 |
| 4.12 | Full Table of Permitted and Special Uses | 4-40 |
| 4.13 | Schedule of Regulations | 4-54 |


## Section 4.01 Establishment of Zoning Districts

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

| Greenwood Township Zoning Districts | | | |
|---|---|---|---|
| RC | Resource Conservation District | HDR | High-Density Residential District |
| LDR | Low-Density Residential District | RD | Resort Development District |
| SHR | Shoreline Residential District | C | Commercial District |
| MDR | Medium-Density Residential District | | |

## Section 4.02 Zoning Map

A. **Establishment of Zoning District Map**.

1. The boundaries of the respective districts enumerated in Section 4.01 are defined and established as depicted on the Official Zoning Map entitled GREENWOOD TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

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

3. Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

B. **Replacement of Official Zoning Map**.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map and shall contain all notations as indicated in Section 4.02 (A) above.

C. **Interpretation of District Boundaries**.

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals, whose authority to interpret boundaries is established in **Section 8.04**. The Board, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed to be such boundaries.

2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.

4. Boundaries indicated as approximately parallel to center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.

5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.

6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.

## D. **Zoning of Vacated Areas**.

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

## E. **Zoning of Filled Lands; Use of Water**.

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

## F. **Zoning of Annexed Area**.

Whenever any area is annexed to Greenwood 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.

## Section 4.03 Application of Use Regulations

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

A. **Uses Permitted By Right**.

The primary uses and structures specified for which the zoning district has been established. Some uses permitted by right are subject to certain performance standards but not to the special use approval process.

B. **Special Use Approval**.

Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing following review by the Planning Commission.

C. **Unclassified Uses.**

Any use of land not specifically permitted is prohibited, except that the Planning Commission shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district. If the Planning Commission finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state, and the Planning Commission may initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.

## Section 4.04 Application of Dimensional Regulations

A. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.

B. Every new lot shall meet the minimum lot width requirements set forth in this Article.

C. **Measuring Lot Width**. Lot width shall be the straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

D. **Setbacks**.

1. **Measuring Setback**. The setback is measured from the nearest point of the building foundation to the lot line. In cases where the lot line is at the center of a road or easement, the setback is measured from the edge of the road right-of-way (nearest to the lot) to the foundation.

2. **Corner Lots and Through Lots**. In the case of a corner lot or a through lot, the front lot line shall be the line that separates the lot from the street on which an address is assigned.

3. **Water Frontage Lots**. The lot line abutting the water shall be considered the front lot line and is measured from the ordinary high water mark on the waterfront side. In the case of a lot abutting a lake, the rear lot line shall be the line(s) separating the lot from any street right-of-way, private road, or other access easement.

4. **Minimum Dwelling Unit Size**. Minimum dwelling unit size is calculated based on the definition of Gross Floor Area.

## Section 4.05 Resource Conservation District (RC)

RC DISTRICT

### A. Intent.

It is the intent of the Resource Conservation District (RC) to protect those lands in the Township which embody special and important natural resources and which the enjoyment and protection of these resources is of great public interest to Greenwood Township and the State of Michigan. The majority of the lands within this district are comprised of state land. Other lands within this district are characterized by extensive wetlands and woodlands and parcels lacking access to a public roadway. Together, these resources are critical in providing for wildlife habitats, water and air purification, flood control, recreation opportunities, and economically viable timber production opportunities, and play a strong role in defining and supporting the desired rural character of the Township. It is the intent of this district to limit the introduction of land uses which require greater access measures than currently available and/or will undermine the intent, quantity, quality, and value of the resources contained within. The Resource Conservation District is intended to implement the Conservation component of the Greenwood Township Master Plan.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Accommodation & Food/Event Services** | |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.27 | P |
| Food Trucks & Food Truck Parks §7.26 | P |
| Inns | S |
| Resorts | P |
| Short Term Rentals | S |
| Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations | 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 |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Agriculture, Animal Services & Forest Products (Continued)** | |
| Agricultural Products Processing & Storage (on a farm) | P |
| 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) | P |
| Farm Stays | S |
| Gift shops for agriculturally related products, crafts | P |
| Historical Agricultural Exhibits | P |
| Organized Meeting Space – Commercial Event Facilities §7.27 | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Agriculture, Animal Services & Forest Products (Continued)** | |
| Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms) | **P** |
| Picnic Areas (including restrooms) | **P** |
| Playgrounds, Wagon / Sleigh Rides, Nature Trails | **P** |
| Restaurants (related to the agricultural use of the site) | **P** |
| Seasonal Outdoor Mazes of Agricultural Origin | **P** |
| Small-Scale Entertainment (concert, car show, art fair) | **S** |
| 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) | **S** |
| Animal Shelters | **S** |
| Biofuel Production Facilities on Farms | **PS** |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale) | **P** |
| Composting Facilities (large-scale facilities – compost material brought in & deposited) | **P** |
| Farms (including agricultural buildings) | **P** |
| Farm Markets, including Roadside Stands - 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** |
| Game Preserves (where game is hunted) | **P** |
| Grain Elevators | **P** |
| Greenhouse, Nursery, Landscaping & Garden Supplies | **P** |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Agriculture, Animal Services & Forest Products (Continued)** | |
| Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.11 | **S** |
| Livestock Auction Yards | **S** |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | **P** |
| Slaughter Houses | **S** |
| Stables | **P** |
| Veterinary Clinics & Animal Hospitals §7.22 | **P** |
| Wildlife Management Practices | **P** |
| **Arts, Entertainment & Recreation** | |
| Archery Range (outdoor) | **P** |
| Art Studios | **P** |
| Boat/Canoe/Kayak/Paddle Board Rental | **P** |
| Campgrounds & RV Parks | **S** |
| Clubs, Lodges & Fraternal Organizations | **P** |
| Country Clubs | **S** |
| Equipment Rental, Motorized (ORV, Snowmobile) | **P** |
| Equipment Rental, Non-Motorized (Outfitter) | **P** |
| Museums & Galleries | **S** |
| Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf) §7.17 | **S** |
| Preserves, Hunting or Wildlife | **P** |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | **P** |
| Shooting Range, Indoor §7.20 | **S** |
| Shooting Range, Outdoor §7.20 | **S** |
| **Commercial** | |
| **RETAIL USES** | |
| Bait and Tackle Shops, Fly Shops | **S** |
| Gift Shops | **S** |
| **Educational Services and Religion** | |
| Churches & Customary Accessory Uses | **P** |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Educational Services and Religion (Continued)** | |
| Pre-Schools | P |
| Schools, Primary or Secondary | P |
| **Human Care and 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 Home, Small Group | P |
| Adult Foster Care Home, Large Group | P |
| Adult Foster Care Home, Congregate, including Convalescent/Nursing Home & Assisted Living Facilities §7.07 | S |
| Child Care Center & Nursery School/Pre-Schools | P |
| Child Care Home, Family | P |
| Child Care Home, Group §7.10 | S |
| Child Caring Institution | S |
| State-Licensed Residential Facilities (6 or fewer adults) | P |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | P |
| **Manufacturing; Industrial; Mining; Waste Management** | |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Cemeteries | S |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | S |

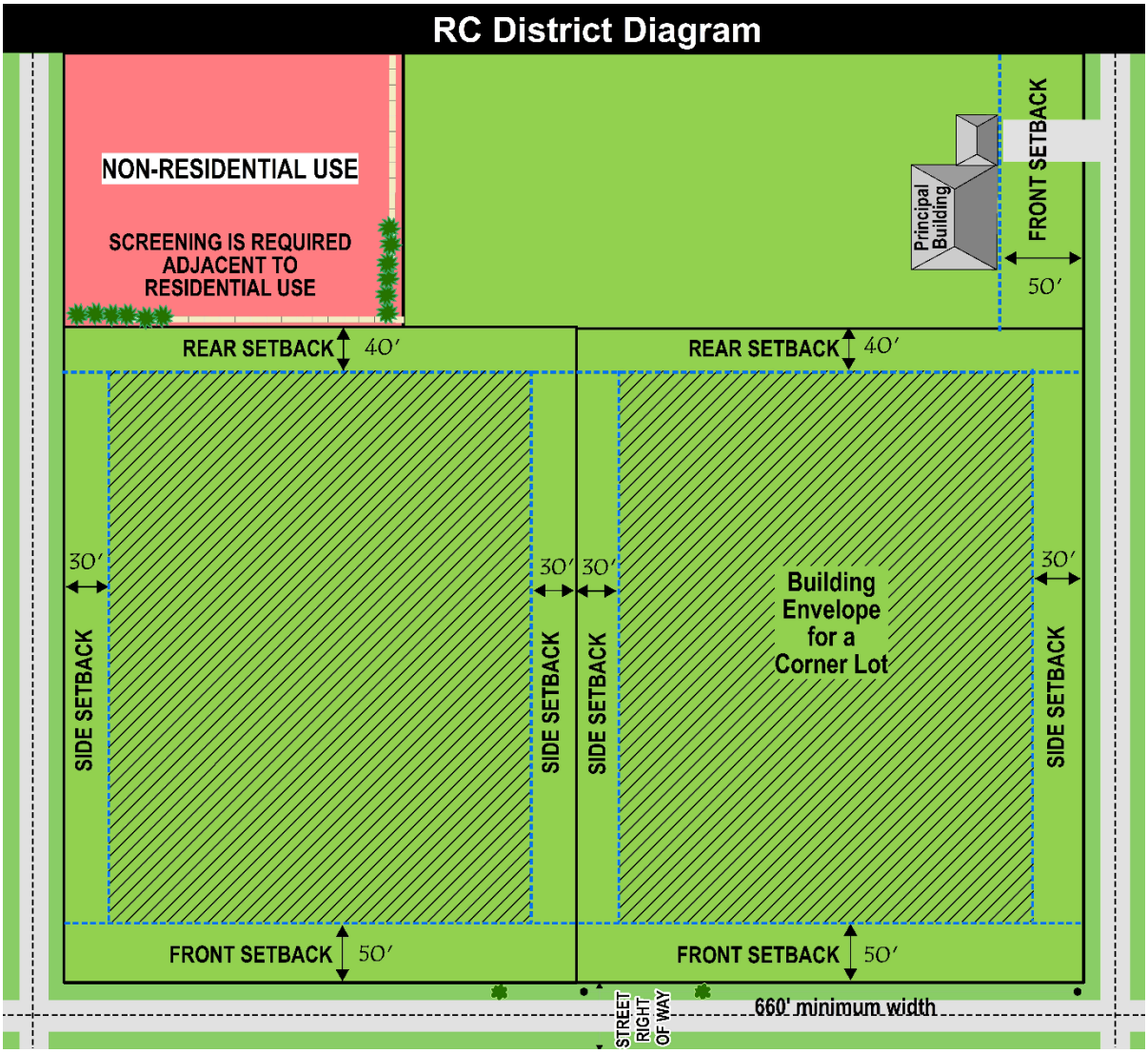
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **RC** |
| **Public Facilities** | |
| Community Centers (public) | P |
| Government Offices | P |
| Libraries | P |
| Police/Fire Stations | P |
| Post Office | P |
| Public Works Facilities with Outdoor Storage | S |
| Publicly Owned/Operated Office & Service Facilities | P |
| **Residential** | |
| Accessory Dwelling Units §7.02 | S |
| Home Occupations, Minor §7.03 | P |
| Home Occupations, Major §7.03 | S |
| Single-Family Dwelling | P |
| Single-Family Conversions | P |
| Two-Family Dwelling (duplex) | P |
| **Utilities, Energy & Communications** | |
| Essential Services §3.06 | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Wind Turbines (Accessory) §7.30 | P |
| Wireless Facilities (Co-Location) | P |
| Wireless Facilities (new - with or without support structures) §7.35 | S |
| Wireless Facilities (Small Cell) §7.36 | S |

## C. Development Standards for RC District.

RC DISTRICT

Principal buildings shall comply with the following standards:

| | | |
|---|---|---|
| **1. Lot & Structure Standards** | | |
| a. | **Lot Area (min.)** | 20 acres |
| b. | **Lot Width (min.)** | 660 feet |
| c. | **Building Height (max.)** | 2.5 stories (100 feet for farm buildings) |
| d. | **Dwelling Unit Size (min. per dwelling unit)** | Single-Family: 720 square feet in area and 24 feet in width.<br>For replacement of existing manufactured homes under 24 feet in width, the replacement manufactured home may be under 24 feet in width. |
| e. | **Lot Coverage (max.)** | 5% |
| **2. Setbacks** | | |
| a. | **Front (min.)** | 50 feet<br>Waterfront setback: 50 feet |
| b. | **Side (min.)** | 30 feet |
| c. | **Rear (min.)** | 40 feet |
| **3. Additional Development Standards** | | |
| a. | **Accessory Buildings** | §3.12 |
| b. | **Decks & Patios** | §3.17 |
| c. | **Fences** | §3.20 |
| d. | **Screening** | §3.21 |
| e. | **Parking** | §3.30 |
| f. | **Signs** | §3.31 |


RC District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
50'
REAR SETBACK
40'
REAR SETBACK
40'
30'
SIDE SETBACK
30'
SIDE SETBACK
30'
SIDE SETBACK
Building Envelope for a Corner Lot
30'
SIDE SETBACK
FRONT SETBACK
50'
FRONT SETBACK
50'
STREET RIGHT OF WAY
660' minimum width

## Section 4.06 Low-Density Residential District (LDR)

LDR DISTRICT

### A. Intent.

It is the intent of the Low Density Residential District (LDR) to provide for a variety of comparatively low-density residential lifestyles in a manner which preserves the important open spaces and natural resources of the Township and the Township's rural character. Because of the extensive areas in this District characterized by wetlands, poor access, and soils which present severe limitations to buildings, and the resulting increased threats to public health, safety, and welfare, this District is not intended to accommodate a significant amount of future Township growth in either quantity or density. Permitted land uses within this District are established based on the limited public services available and accompanying natural constraints. The Low Density Residential District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Master Plan.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Accommodation & Food/Event Services** | |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Short Term Rentals | 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 |
| Agricultural Products Processing & Storage (on a farm) | P |
| 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) | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Agriculture, Animal Services & Forest Products (Continued)** | |
| Farm Stays | S |
| Gift shops for agriculturally related products, crafts | P |
| Historical Agricultural Exhibits | P |
| Organized Meeting Space – Commercial Event Facilities §7.27 | P |
| Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms) | P |
| Picnic Areas (including restrooms) | P |
| Playgrounds, Wagon / Sleigh Rides, Nature Trails | P |
| Restaurants (related to the agricultural use of the site) | P |
| Seasonal Outdoor Mazes of Agricultural Origin | P |
| Small-Scale Entertainment (concert, car show, art fair) | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Agriculture, Animal Services & Forest Products (Continued)** | |
| Animal Attractions (such as zoos, animal tours and other animal visitation establishments) (may not be accessory use to hobby or commercial farms) | **S** |
| Biofuel Production Facilities on Farms | **PS** |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale) | **S** |
| Farms (including agricultural buildings) | **P** |
| Farm Markets, including Roadside Stands - on property controlled by the affiliated 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** |
| Game Preserves (where game is hunted) | **P** |
| Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.11 | **S** |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | **P** |
| Stables | **P** |
| Veterinary Clinics & Animal Hospitals §7.22 | **S** |
| Wildlife Management Practices | **P** |
| **Arts, Entertainment & Recreation** | |
| Archery Range (outdoor) | **P** |
| Art Studios | **P** |
| Campgrounds & RV Parks | **S** |
| Country Clubs | **S** |
| Equipment Rental, Motorized (ORV, Snowmobile) | **P** |
| Equipment Rental, Non-Motorized (Outfitter) | **P** |
| Golf Courses | **S** |
| Museums & Galleries | **S** |
| Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf) §7.17 | **S** |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Arts, Entertainment & Recreation (Continued)** | |
| Preserves, Hunting or Wildlife | **P** |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | **P** |
| Shooting Range, Indoor §7.20 | **S** |
| Shooting Range, Outdoor §7.20 | **S** |
| **Commercial** | |
| **RETAIL USES** | |
| Bait and Tackle Shops, Fly Shops | **S** |
| Gift Shops | **S** |
| **Educational Services and Religion** | |
| Churches & Customary Accessory Uses | **P** |
| Pre-Schools | **P** |
| Schools, Primary or Secondary | **P** |
| **Human Care and 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 Home, Small Group | **P** |
| Adult Foster Care Home, Large Group | **P** |
| Adult Foster Care Home, Congregate, including Convalescent/Nursing Home & Assisted Living Facilities §7.07 | **S** |
| Child Care Center & Nursery School/Pre-Schools | **P** |
| Child Care Home, Family | **P** |
| Child Care Home, Group §7.10 | **S** |
| State-Licensed Residential Facilities (6 or fewer adults) | **P** |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | **P** |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Manufacturing; Industrial; Mining; Waste Management** | |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | S |
| **Public Facilities** | |
| Community Centers (public) | P |
| Government Offices | P |
| Libraries | P |
| Police/Fire Stations | P |
| Post Office | P |
| Public Works Facilities with Outdoor Storage | S |
| Publicly Owned/Operated Office & Service Facilities | P |

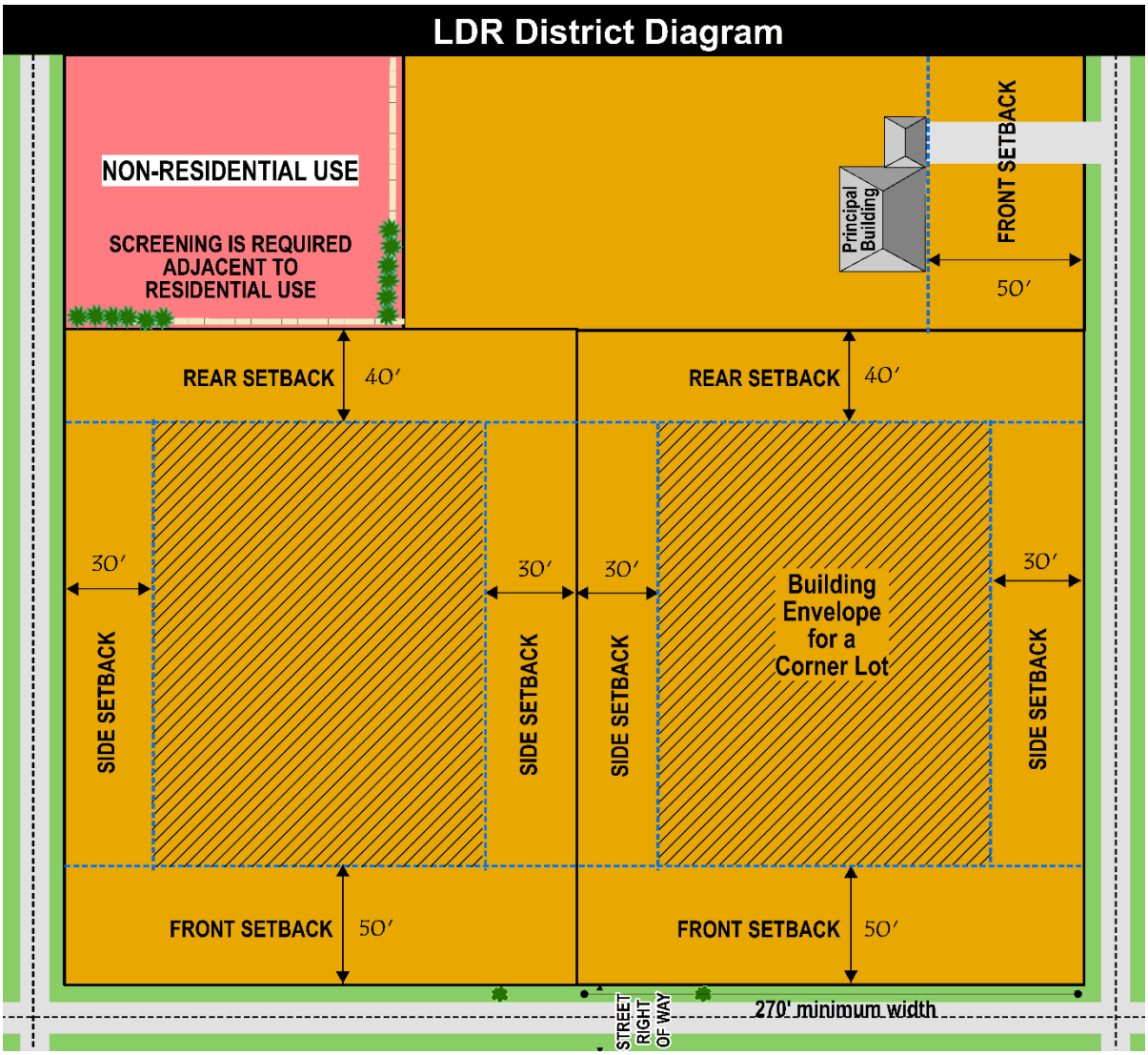
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **LDR** |
| **Residential** | |
| Accessory Dwelling Units §7.02 | S |
| Home Occupations, Minor §7.03 | P |
| Home Occupations, Major §7.03 | S |
| Single-Family Dwelling | P |
| Single-Family Conversions | P |
| Two-Family Dwelling (duplex) | P |
| **Utilities, Energy & Communications** | |
| Essential Services §3.06 | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Wind Turbines (Accessory) §7.30 | P |
| Wireless Facilities (Co-Location) | P |
| Wireless Facilities (new - with or without support structures) §7.35 | S |
| Wireless Facilities (Small Cell) §7.36 | S |

## C. Development Standards for LDR District.

LDR DISTRICT

Principal buildings shall comply with the following standards:

| | | | |
|---|---|---|---|
| **1. Lot & Structure Standards** | | | |
| a. | **Lot Area (min.)** | 5 acres | |
| b. | **Lot Width (min.)** | 270 feet | |
| c. | **Building Height (max.)** | 2.5 stories (100 feet for farm buildings) | |
| d. | **Dwelling Unit Size (min. per dwelling unit)** | Single-Family: 720 square feet in area and 24 feet in width.<br>For replacement of existing manufactured homes under 24 feet in width, the replacement manufactured home may be under 24 feet in width. | |
| e. | **Lot Coverage (max.)** | 10% | |
| **2. Setbacks** | | | |
| a. | **Front (min.)** | 50 feet<br>Waterfront setback: 50 feet<br>Any front setback in the LDR, MDR and HDR districts may be reduced below the minimum requirements when the average front setback of existing principal buildings within 200 feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. | |
| b. | **Side (min.)** | 30 feet | 50 feet for farm buildings adjacent to LDR, MDR, HDR, or RC District |
| c. | **Rear (min.)** | 40 feet | |
| **3. Additional Development Standards** | | | |
| a. | **Accessory Buildings** | §3.12 | |
| b. | **Decks & Patios** | §3.17 | |
| c. | **Fences** | §3.20 | |
| d. | **Screening** | §3.21 | |
| e. | **Parking** | §3.30 | |
| f. | **Signs** | §3.31 | |


LDR District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
50′
REAR SETBACK
40′
REAR SETBACK
40′
30′
30′
30′
30′
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
FRONT SETBACK
50′
FRONT SETBACK
50′
STREET RIGHT OF WAY
270' minimum width

## Section 4.07 Shoreline Residential District (SHR)

SHR DISTRICT

### A. Intent.

It is the intent of the Shoreline Residential District (SHR) to provide opportunities for predominantly residential development along the principal lakes of Greenwood Township. The surface water resources of the Township are a valuable asset to the citizens of Greenwood Township, Oscoda County, and the State of Michigan. The purpose of this district is to permit shoreline development along the Township's lakes while assuring the maintenance of safe and healthful conditions, preventing and controlling water pollution, reducing hazards to persons and damage to property as a result of flood conditions, protecting fish and other aquatic life, and controlling development so as to preserve the economic and natural environmental value of shore lands. This District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Master Plan.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | SHR |
| **Accommodation & Food/Event Services** | |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Short Term Rentals | S |
| **Agriculture, Animal Services & Forest Products** | |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P |
| **Arts, Entertainment & Recreation** | |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | S |
| **Educational Services and Religion** | |
| Churches & Customary Accessory Uses | S |
| Schools, Primary or Secondary | P |
| **Human Care and 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 |

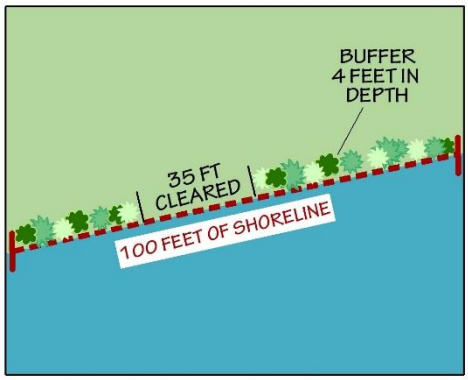
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | SHR |
| **Human Care and Social Assistance (Continued)** | |
| Adult Foster Care Family Homes | P |
| Adult Foster Care Home, Small Group | S |
| Adult Foster Care Home, Large Group | S |
| Child Care Home, Family | P |
| Child Care Home, Group §7.10 | S |
| State-Licensed Residential Facilities (6 or fewer adults) | P |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | P |
| **Manufacturing; Industrial; Mining; Waste Management** | |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | S |

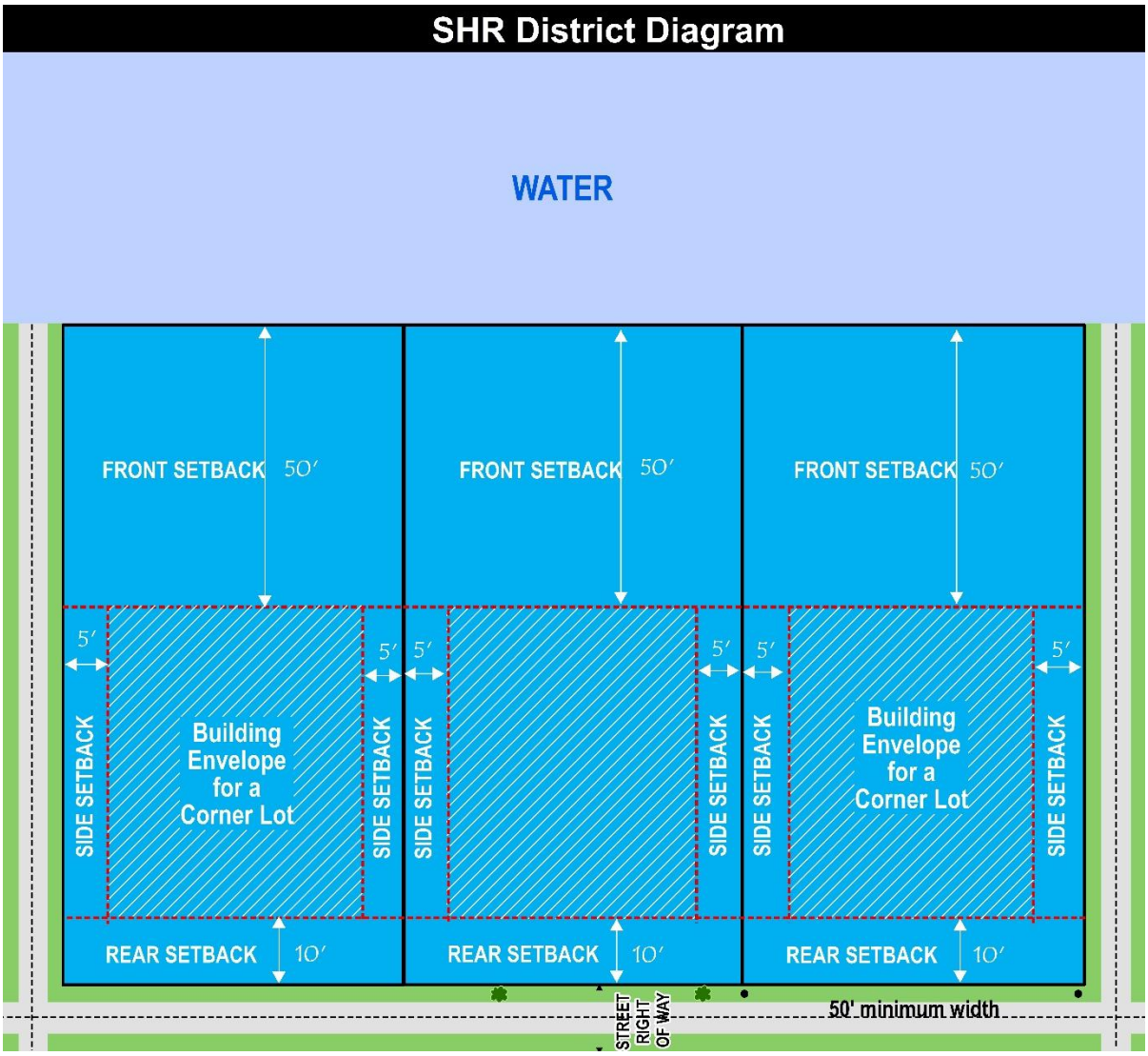
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | SHR |
| **Residential** | |
| Accessory Dwelling Units §7.02 | S |
| Home Occupations, Minor §7.03 | P |
| Single-Family Dwelling | P |
| Two-Family Dwelling (duplex) | P |
| **Utilities, Energy & Communications** | |
| Essential Services §3.06 | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Wind Turbines (Accessory) §7.30 | P |
| Wireless Facilities (Co-Location) | P |

## C. Development Standards for SHR District.

Principal buildings shall comply with the following standards:

| | | |
|---|---|---|
| **1. Lot & Structure Standards** | | |
| a. | **Lot Area (min.)** | 5,000 square feet |
| b. | **Lot Width (min.)** | 50 feet |
| c. | **Building Height (max.)** | 2.5 stories |
| d. | **Dwelling Unit Size (min. per dwelling unit)** | Single-Family: 720 square feet in area and 24 feet in width.<br>For replacement of existing manufactured homes under 24 feet in width, the replacement manufactured home may be under 24 feet in width. |
| e. | **Lot Coverage (max.)** | 30% |
| **2. Setbacks** | | |
| a. | **Front (min.)** | 50 feet<br>Waterfront setback: 50 feet |
| b. | **Side (min.)** | 5 feet |
| c. | **Rear (min.)** | 10 feet |
| **3. Additional Development Standards** | | |
| a. | **Accessory Buildings** | §3.12 |
| b. | **Decks & Patios** | §3.17 |
| c. | **Fences** | §3.20 |
| d. | **Screening** | §3.21 |
| e. | **Parking** | §3.30 |
| f. | **Signs** | §3.31 |
| g. | **Shoreline Buffer Strip** | A buffer strip to a depth of at least four (4) feet shall border and be adjacent to all water within the district, measured from the ordinary high water mark, maintained in grass, trees, and shrubs. Natural growth shall be preserved as far as practical, and when removed, it shall be replaced with other vegetation that is equally effective in controlling runoff. No more than 35 feet in any 100 feet of linear shoreline shall be denuded of vegetation, provided that no disturbance shall cause excessive erosion and sedimentation of an adjacent watercourse. |




SHR District Diagram
WATER
FRONT SETBACK 50′
FRONT SETBACK 50′
FRONT SETBACK 50′
5′
SIDE SETBACK
Building Envelope for a Corner Lot
SIDE SETBACK
5′
5′
SIDE SETBACK
SIDE SETBACK
5′
5′
SIDE SETBACK
Building Envelope for a Corner Lot
SIDE SETBACK
5′
REAR SETBACK 10′
REAR SETBACK 10′
REAR SETBACK 10′
STREET RIGHT OF WAY
50' minimum width

## Section 4.08 Medium-Density Residential District (MDR)

MDR DISTRICT

### A. Intent.

It is the intent of the Medium Density Residential District (MDR) to provide opportunities for higher density residential lifestyles than permitted elsewhere in the Township. This district includes lands adjacent to similar existing residential lifestyles and which are served by a higher level of public services as compared to most of the balance of the Township. The Medium Density Residential District is intended to permit both the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods. The Medium Density Residential District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Master Plan.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **MDR** |
| **Accommodation & Food/Event Services** | |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Short Term Rentals | S |
| **Agriculture, Animal Services & Forest Products** | |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P |
| **Arts, Entertainment & Recreation** | |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | S |
| **Educational Services and Religion** | |
| Churches & Customary Accessory Uses | S |
| Schools, Primary or Secondary | P |
| **Human Care and 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 |
| Adult Foster Care Home, Small Group | S |

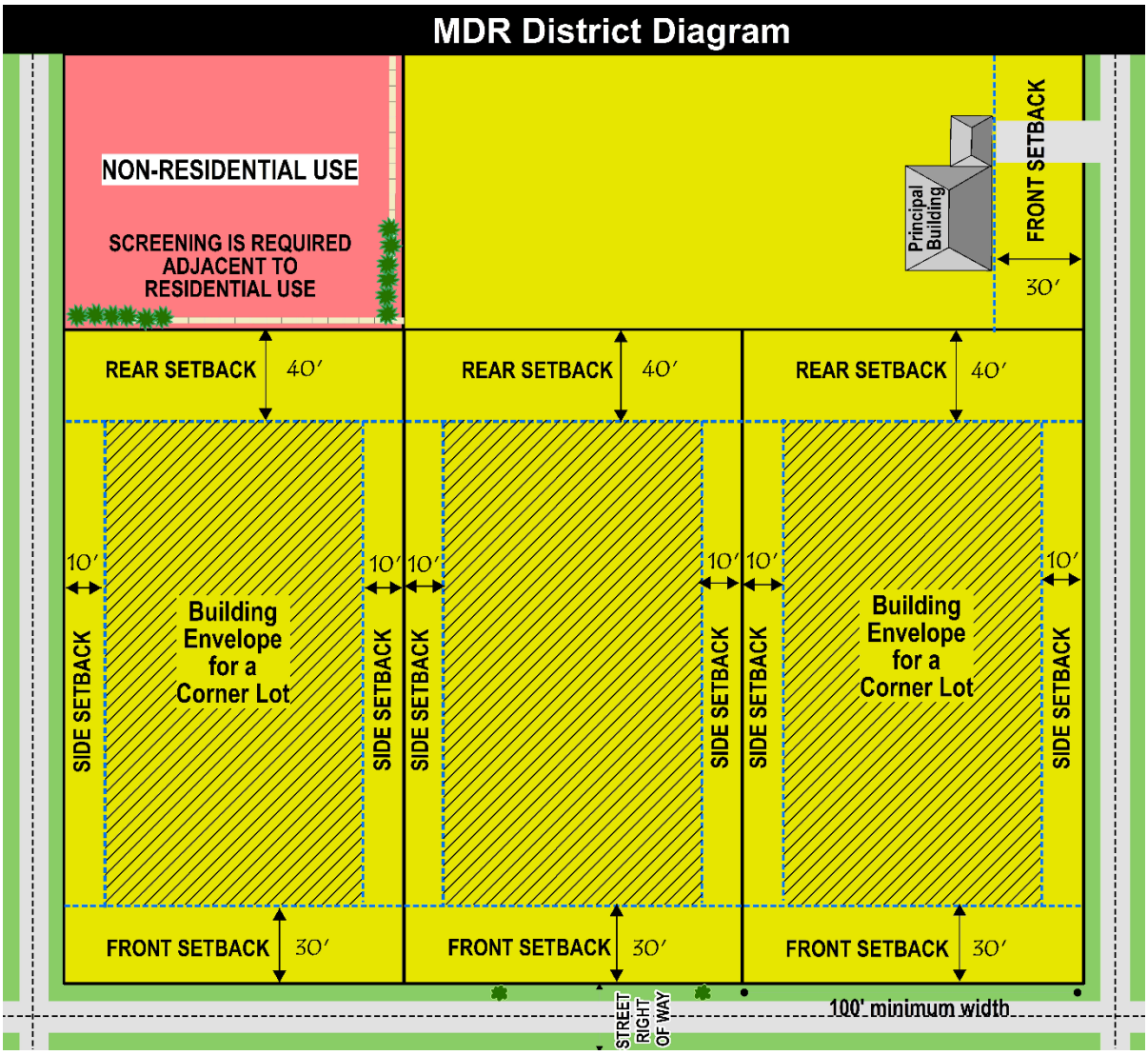
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **MDR** |
| **Human Care and Social Assistance (Continued)** | |
| Adult Foster Care Home, Large Group | S |
| Child Care Home, Family | P |
| Child Care Home, Group §7.10 | S |
| State-Licensed Residential Facilities (6 or fewer adults) | P |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | P |
| **Manufacturing; Industrial; Mining; Waste Management** | |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | S |
| **Residential** | |
| Accessory Dwelling Units §7.02 | S |
| Home Occupations, Minor §7.03 | P |
| Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.12 | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | **MDR** |
| **Residential (Continued)** | |
| Multiple-Family Dwelling §7.15 | **S** |
| Single-Family Dwelling | **P** |
| Two-Family Dwelling (duplex) | **P** |
| **Utilities, Energy & Communications** | |
| Essential Services §3.06 | **P** |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | **S** |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | **P** |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | **P** |
| Wind Turbines (Accessory) §7.30 | **P** |
| Wireless Facilities (Co-Location) | **P** |

## C. Development Standards for MDR District.

Principal buildings shall comply with the following standards:

| | | |
|---|---|---|
| **1. Lot & Structure Standards** | | |
| a. | **Lot Area (min.)** | 30,000 square feet |
| b. | **Lot Width (min.)** | 100 feet |
| c. | **Building Height (max.)** | 2.5 stories |
| d. | **Dwelling Unit Size (min. per dwelling unit)** | Single-Family: 720 square feet in area and 24 feet in width.<br>For replacement of existing manufactured homes under 24 feet in width, the replacement manufactured home may be under 24 feet in width. |
| e. | **Lot Coverage (max.)** | 30% |
| **2. Setbacks** | | |
| a. | **Front (min.)** | 30 feet<br>Waterfront setback: 50 feet<br>Any front setback in the LDR, MDR and HDR districts may be reduced below the minimum requirements when the average front setback of existing principal buildings within 200 feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. |
| b. | **Side (min.)** | 10 feet |
| c. | **Rear (min.)** | 40 feet |
| **3. Additional Development Standards** | | |
| a. | **Accessory Buildings** | §3.12 |
| b. | **Decks & Patios** | §3.17 |
| c. | **Fences** | §3.20 |
| d. | **Screening** | §3.21 |
| e. | **Parking** | §3.30 |
| f. | **Signs** | §3.31 |


MDR District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30'
REAR SETBACK
40'
REAR SETBACK
40'
REAR SETBACK
40'
10'
10'
10'
10'
10'
10'
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
Building Envelope for a Corner Lot
FRONT SETBACK
30'
FRONT SETBACK
30'
FRONT SETBACK
30'
STREET RIGHT OF WAY
100' minimum width

## Section 4.09 High-Density Residential District (HDR)

HDR DISTRICT

### A. Intent.

It is the intent of the High Density Residential District (HDR) to provide opportunities for high density residential development on existing smaller lots in the Township. This District is intended to accommodate housing types that efficiently utilize land while maintaining compatibility with adjacent residential neighborhoods through appropriate site design and development standards. The High Density Residential District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Master Plan.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES<br>**P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | HDR |
|---|---|
| **Accommodation & Food/Event Services** | |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Short Term Rentals | S |
| **Agriculture, Animal Services & Forest Products** | |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P |
| **Arts, Entertainment & Recreation** | |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | S |
| **Educational Services and Religion** | |
| Churches & Customary Accessory Uses | S |
| Schools, Primary or Secondary | P |
| **Human Care and 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 |
| Adult Foster Care Home, Small Group | S |
| Adult Foster Care Home, Large Group | S |
| Child Care Home, Family | P |

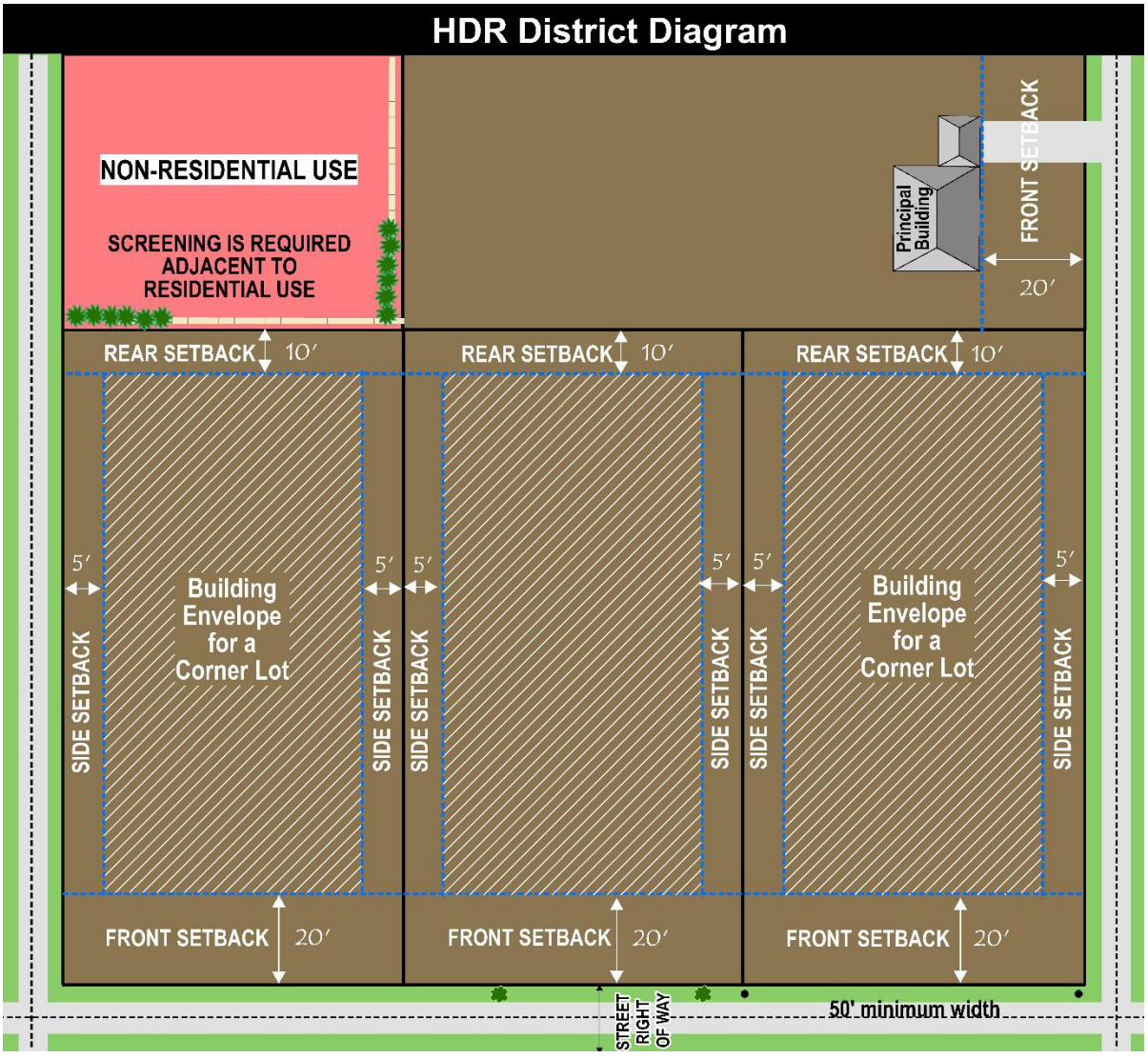
| TABLE OF PERMITTED USES & SPECIAL USES<br>**P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | HDR |
|---|---|
| **Human Care and Social Assistance (Continued)** | |
| Child Care Home, Group §7.10 | S |
| State-Licensed Residential Facilities (6 or fewer adults) | P |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | P |
| **Manufacturing; Industrial; Mining; Waste Management** | |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | S |
| **Residential** | |
| Accessory Dwelling Units §7.02 | S |
| Home Occupations, Minor §7.03 | P |
| Single-Family Dwelling | P |
| Two-Family Dwelling (duplex) | P |
| **Utilities, Energy & Communications** | |
| Essential Services §3.06 | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | HDR |
| **Utilities, Energy & Communications** | |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Wind Turbines (Accessory) §7.30 | P |
| Wireless Facilities (Co-Location) | P |

### C. Development Standards for HDR District.

Principal buildings shall comply with the following standards:

| | | |
|---|---|---|
| **1. Lot & Structure Standards** | | |
| a. | **Lot Area (min.)** | 5,000 square feet |
| b. | **Lot Width (min.)** | 50 feet |
| c. | **Building Height (max.)** | 2.5 stories |
| d. | **Dwelling Unit Size (min. per dwelling unit)** | 720 square feet; No minimum width required |
| e. | **Lot Coverage (max.)** | 35% |
| **2. Setbacks** | | |
| a. | **Front (min.)** | 20 feet<br>Waterfront setback: 50 feet<br>Any front setback in the LDR, MDR and HDR districts may be reduced below the minimum requirements when the average front setback of existing principal buildings within 200 feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. |
| b. | **Side (min.)** | 5 feet |
| c. | **Rear (min.)** | 10 feet |
| **3. Additional Development Standards** | | |
| a. | **Accessory Buildings** | §3.12 |
| b. | **Decks & Patios** | §3.17 |
| c. | **Fences** | §3.20 |
| d. | **Screening** | §3.21 |
| e. | **Parking** | §3.30 |
| f. | **Signs** | §3.31 |


HDR District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
20'
REAR SETBACK 10'
REAR SETBACK 10'
REAR SETBACK 10'
5'
SIDE SETBACK
Building Envelope for a Corner Lot
5'
SIDE SETBACK
5'
SIDE SETBACK
5'
SIDE SETBACK
5'
SIDE SETBACK
Building Envelope for a Corner Lot
5'
SIDE SETBACK
FRONT SETBACK 20'
FRONT SETBACK 20'
FRONT SETBACK 20'
STREET RIGHT OF WAY
50' minimum width

## Section 4.10 Resort Development District (RD)

RD DISTRICT

### A. Intent.

The intent of this district is to provide for recreational facilities requiring a large land area (such as golf courses), and associated residential development which may include both short-term overnight rental accommodations and year-round residential structures ranging from detached single-family dwellings to attached multiple-family structures. Retail and service businesses are allowed to the extent that they are a usual and necessary part of the recreational and residential development and that exist for and are of a scale appropriate to the primary purpose of serving the resort. The intent of this district is to also permit more flexibility and encourage a more creative use and design of structures than is allowable in other districts. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of amenities, open space, and the preservation of natural scenic qualities.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES<br>**P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | RD |
|---|---|
| **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 §7.06 | P |
| Boarding & Rooming Houses | P |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.27 | P |
| Food Trucks & Food Truck Parks §7.26 | P |
| Hotels & Motels §7.14 | P |
| Inns | P |
| Night Clubs | P |
| Resorts | P |
| Restaurants without Drive-Through | P |
| Short Term Rentals | P |

| TABLE OF PERMITTED USES & SPECIAL USES<br>**P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | RD |
|---|---|
| **Accommodation & Food/Event Services (Continued)** | |
| Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations | P |
| **Agriculture, Animal Services & Forest Products** | |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P |
| **Arts, Entertainment & Recreation** | |
| Art Studios | P |
| Campgrounds & RV Parks | P |
| 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 |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | RD |
| **Arts, Entertainment & Recreation (Continued)** | |
| 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) §7.17 | P |
| Theaters; Fine & Performing Arts Facilities, Indoor | P |
| Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters) | P |
| Shooting Range, Indoor §7.20 | P |
| Shooting Range, Outdoor §7.20 | P |
| **Commercial** | |
| **RETAIL USES** | |
| Retail, General | P |
| **SERVICE USES and GENERAL COMMERCIAL** | |
| Photofinishing/Photographers | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | RD |
| **Human Care and Social Assistance** | |
| Child Care Home, Family | P |
| Child Care Home, Group §7.10 | S |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| Site Condominiums §7.25 | P |
| **Residential** | |
| Accessory Dwelling Units §7.02 | P |
| Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) | P |
| Home Occupations, Minor §7.03 | P |
| Home Occupations, Major §7.03 | S |
| Multiple-Family Dwelling §7.15 | P |
| Single-Family Dwelling | P |
| Two-Family Dwelling (duplex) | P |
| **Utilities, Energy & Communications** | |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Wind Turbines (Accessory) §7.30 | P |

C. **Development Standards for RD District**.

1. **General Standards**.

a. **Mixed Uses**. Mixed uses on lots are permitted.

b. **Flexibility of Standards**. Minimum development standards in subsection 2 shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of this District, the Planning Commission may permit specific departures from the requirements of the Zoning Ordinance. If an applicant for a use which requires approval by the Zoning Administrator requests flexibility of standards, the Zoning Administrator shall forward the application to the Planning Commission. The Planning Commission may permit flexibility of standards upon finding the following:

(1) No good public purpose will be achieved by requiring conformance with the applicable standards.

(2) The spirit and intent of the Resort District will still be achieved.

(3) No nuisance will be created.

c. **Uses**. Proposed uses should be so designed and located to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the Resort and existing uses adjacent to the Resort.

d. **Natural Features**. To the maximum extent feasible, all development shall be designed so as to preserve natural resources and natural features.

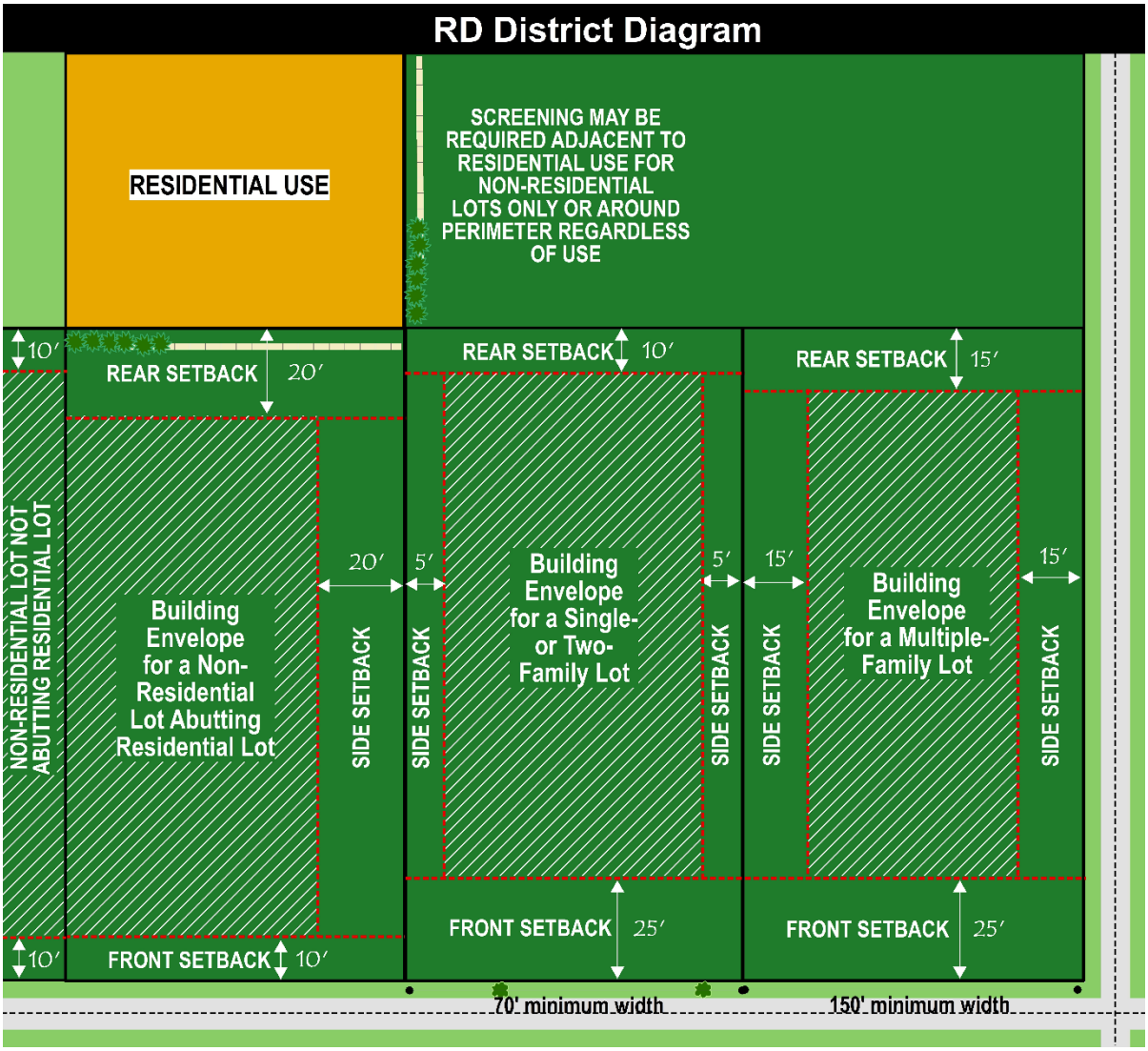
e. **Design of Features**. A Resort shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

f. **External Effects**. Uses within a Resort shall be designed so as not to create any significant negative impact on adjacent properties, residents, or public facilities.

g. **Sale of Lots or Condominium Units.** The sale of condominium units and individual lots or plots of land in a Resort is permitted pursuant to state law.

2. **Development Standards by Use**. Principal buildings shall comply with the following standards:

| a. Lot & Structure Standards | | | | |
|---|---|---|---|---|
| | **Single-Family & Two-Family Dwellings** | **Multiple-Family Dwellings** | **Non-Residential Uses** | |
| (1) **Lot Area (min.)** | Single-Family: 8,000 square feet<br>Two-Family: 15,000 square feet | 1 acre | None | |
| (2) **Lot Width (min.)** | 70 feet | 150 feet | None | |
| (3) **Building Height (max.)** | 2.5 stories | 2.5 stories | 3 stories | |
| (4) **Dwelling Unit Size (min. per dwelling unit)** | 720 square feet (minimum width of 24 feet for single-family dwellings) | 720 square feet | N/A | |
| **b. Setbacks** | | | | |
| (1) **Front (min.)** | 25 feet | 25 feet | 10 feet | |
| | Waterfront setback: 50 feet | | | |
| (2) **Side (min.)** | 5 feet | 15 feet | None | 20 feet if directly abutting a residential lot or use |
| (3) **Rear (min.)** | 10 feet | 15 feet | 10 feet | |
| **c. Additional Development Standards** | | | | |
| (1) **Accessory Buildings** | §3.12 | | | |
| (2) **Decks & Patios** | §3.17 | | | |
| (3) **Fences** | §3.20 | | | |
| (4) **Screening** | §3.21 | | | |
| (5) **Parking** | §3.30 | | | |
| (6) **Signs** | §3.31 | | | |
| **d. Approval Process** | | | | |
| (1) Single-family and two-family dwellings on established lots or site condominiums require review and approval by the Zoning Administrator using plot plan review per **Section 5.03**. | | | | |
| (2) New planned residential developments require review and approval by the Planning Commission using site plan review per **Article 5**. | | | | |
| (3) Multiple-family dwellings require review and approval by the Planning Commission using site plan review per **Article 5**. | | | | |
| (4) Non-residential development requires review and approval by the Planning Commission using site plan review per **Article 5**. | | | | |


RD District Diagram
RESIDENTIAL USE
SCREENING MAY BE REQUIRED ADJACENT TO RESIDENTIAL USE FOR NON-RESIDENTIAL LOTS ONLY OR AROUND PERIMETER REGARDLESS OF USE
10′
REAR SETBACK 20′
REAR SETBACK 10′
REAR SETBACK 15′
NON-RESIDENTIAL LOT NOT ABUTTING RESIDENTIAL LOT
Building Envelope for a Non-Residential Lot Abutting Residential Lot
20′
SIDE SETBACK
5′
SIDE SETBACK
Building Envelope for a Single- or Two-Family Lot
5′
SIDE SETBACK
15′
SIDE SETBACK
Building Envelope for a Multiple-Family Lot
15′
SIDE SETBACK
10′
FRONT SETBACK 10′
FRONT SETBACK 25′
FRONT SETBACK 25′
70' minimum width
150' minimum width

## Section 4.11 Commercial District (C)

C DISTRICT

### A. Intent.

The Commercial District is intended to accommodate commercial uses on individual lots or in small, dispersed locations throughout the Township where such uses are appropriate and compatible with surrounding development. The district is not intended to create large, continuous areas of commercial development, but rather to provide for appropriately located commercial uses that serve the needs of Township residents, the traveling public, and the surrounding area. It is also the intent of the Commercial District to provide for a variety of industrial uses that can be characterized by the absence of objectionable external effects such as noise, fumes, heavy truck traffic, and similar characteristics.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below and **Section 4.12: Full Table of Permitted and Special Uses**.

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *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 | S |
| Bed & Breakfasts/Tourist Homes §7.06 | S |
| Boarding & Rooming Houses | S |
| Caterers / Food Service Contractors | P |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.27 | P |
| Food Trucks & Food Truck Parks §7.26 | P |
| Hotels & Motels §7.14 | P |
| Inns | P |
| Night Clubs | S |
| Resorts | P |
| Restaurants without Drive-Through | P |
| Restaurants with Drive-Through or Drive-In §7.08 | S |
| Short Term Rentals | S |
| Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Agriculture, Animal Services & Forest Products** | |
| Agricultural Equipment Sales | P |
| Agricultural Research & Development Facilities (public or private) | P |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale) | P |
| Farm Product Sales (Fruit / Vegetable Market) – not affiliated with a specific farm | P |
| Greenhouse, Nursery, Landscaping & Garden Supplies | P |
| Pet Grooming | P |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P |
| Slaughter Houses | S |
| Veterinary Clinics & Animal Hospitals §7.22 | P |
| **Arts, Entertainment & Recreation** | |
| Archery Range (outdoor) | P |
| Art Studios | P |
| Boat/Canoe/Kayak/Paddle Board Rental | P |
| Clubs, Lodges & Fraternal Organizations | P |
| Equipment Rental, Motorized (ORV, Snowmobile) | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Arts, Entertainment & Recreation (Continued)** | |
| Equipment Rental, Non-Motorized (Outfitter) | P |
| 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, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades) | P |
| Theaters; Fine & Performing Arts Facilities, Indoor | P |
| Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters) | 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 §7.05 | S |
| Boat/RV/Recreational Equipment Repair & Storage | S |
| Truck and Heavy Equipment Sales/Service Establishments §7.05 | S |
| Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar | S |
| **RETAIL USES** | |
| Alcohol Sales | 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 |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Commercial (Continued)** | |
| Building Material & Garden Equipment and Supplies Dealers | S |
| 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 |
| Home Improvement Centers (lumber stored in an enclosed structure) | S |
| General Merchandise Stores | P |
| Gift Shops | P |
| Liquor Store (where liquor is the primary item) | P |
| Lumber Yards | S |
| Mall, Shopping Center | S |
| Manufactured Home Dealers | S |
| Marijuana Retailers/Provisioning Centers | S |
| Office Supply Stores | P |
| Outdoor Sales & Rental Facilities (may include service) §7.16 | S |
| Open-Air Businesses subordinate to a Principal Use | S |
| Pawn Shops | P |
| Pharmacies/Medical & Optical Supplies | P |
| Retail Uses with Outdoor Storage | S |
| Seasonal Use Sales | P |
| Small-Scale Craft Making | P |
| Sporting Goods, Hobby, Book, & Music Stores | P |
| **SERVICE USES and GENERAL COMMERCIAL** | |
| Business Incubators | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Commercial (Continued)** | |
| 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 |
| Data Centers §7.34 | S |
| Drive-Throughs for Permitted & Special Uses §7.08 | S |
| 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 |
| Financial Institutions/Banks | P |
| Flea Markets | S |
| Funeral Homes | P |
| Mortuaries and Crematorium | P |
| 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 |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **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 | P |
| Sexually Oriented Businesses §7.19 | S |
| Tattoo/Piercing/Body Art Facilities | P |
| Taxidermy Shops | S |
| Upholstery Shop | P |
| **Educational Services and Religion** | |
| Churches & 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 and 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) | P |
| Adult Foster Care Home, Congregate, including Convalescent/Nursing Home & Assisted Living Facilities §7.07 | S |
| Child Care Center & Nursery School/Pre-Schools | P |
| Community/Emergency & Other Relief Services | P |
| Hospitals | S |
| Individual & Family Services | P |
| Medical/Health Care Clinics & Surgical Centers | P |
| 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 |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Human Care and Social Assistance (Continued)** | |
| 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 |
| Extraction of Natural Resources (Mining on Property) §7.09 | S |
| Food Hub/Food Incubator Facility | P |
| Grain Elevators | S |
| Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services §7.04 | S |
| Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) | P |
| Machine Shops | P |
| Metal Plating/Buffing/Polishing | S |
| Oil & Gas Processing Facilities | S |
| Petroleum Products, Gas Products, Paint & Chemical, and Other Flammable Liquids Bulk Storage & Distribution (above or below ground) §7.21 | S |
| Pressurized Gas Filling & Distribution (principal use) | S |
| Research/Design/Experimental Product Development/Testing | P |
| Slaughter Houses | S |
| 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 |

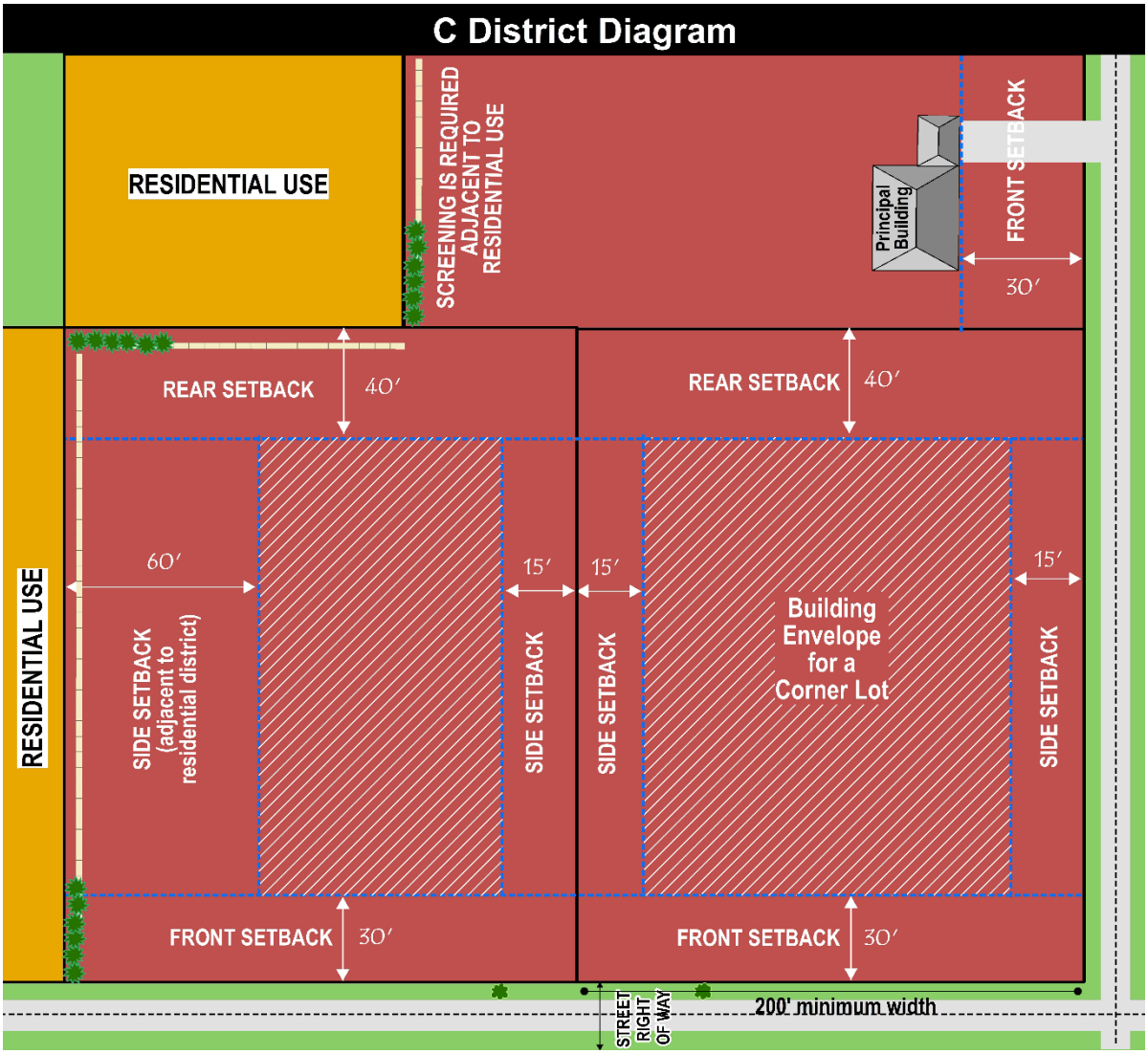
| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Miscellaneous** | |
| Accessory Buildings/Structures §3.12 | P |
| Planned Unit Developments (PUD) §7.18 | S |
| **Public Facilities** | |
| Community Centers (public) | P |
| Government Offices | P |
| Libraries | P |
| Police/Fire Stations | P |
| Post Office | P |
| Public Works Facilities with Outdoor Storage | S |
| Publicly Owned/Operated Office & Service Facilities | P |
| **Residential** | |
| Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) | S |
| Multiple-Family Dwelling §7.15 | S |
| **Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade** | |
| Airports, Landing Fields & Heliports | S |
| Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals | P |
| Drone (Unmanned Aerial) Centers | P |
| Mini-Storage §7.13 | S |
| Scenic & Sightseeing Transportation/Transportation Terminals | S |
| Storage Facility & Warehousing (indoor or outdoor) | P |
| Truck Washes | S |
| Wholesale | P |
| **Utilities, Energy & Communications** | |
| Battery Energy Storage Systems §7.32 | S |
| Essential Services §3.06 | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S |
| Public Utility Facilities – does not include Essential Service Buildings | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|---|
| **P** = Permitted by right<br>**S** = Permitted with a Special Use Permit<br>§ *indicates supplemental regulations apply* | C |
| **Utilities, Energy & Communications (Continued)** | |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P |
| Solar Energy Facilities – Utility-Scale §7.31 | S |
| Water & Wastewater Treatment Plants | S |
| Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.33 | S |
| Wind Turbines (Accessory) §7.30 | P |
| Wireless Facilities (Co-Location) | P |
| Wireless Facilities (new - with or without support structures) §7.35 | S |
| Wireless Facilities (Small Cell) §7.36 | S |

### C. Development Standards for C District.

Principal buildings shall comply with the following standards:

| | | |
|---|---|---|
| **1. Lot & Structure Standards** | | |
| a. | **Lot Area (min.)** | 1 acre |
| b. | **Lot Width (min.)** | 200 feet |
| c. | **Building Height (max.)** | 3 stories |
| d. | **Lot Coverage (max.)** | 50% |
| **2. Setbacks** | | |
| a. | **Front (min.)** | 30 feet |
| | | Waterfront setback: 50 feet |
| b. | **Side (min.)** | 15 feet |
| | | 60 feet when adjacent to LDR, MDR, HDR, or RC District |
| c. | **Rear (min.)** | 40 feet |
| **3. Additional Development Standards** | | |
| a. | **Accessory Buildings** | §3.12 |
| b. | **Decks & Patios** | §3.17 |
| c. | **Fences** | §3.20 |
| d. | **Screening** | §3.21 |
| e. | **Parking** | §3.30 |
| f. | **Signs** | §3.31 |


C District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
40′
REAR SETBACK
40′
RESIDENTIAL USE
60′
SIDE SETBACK (adjacent to residential district)
15′
SIDE SETBACK
15′
SIDE SETBACK
Building Envelope for a Corner Lot
15′
SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY
200' minimum width

## Section 4.12 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 4.03.C**. In the case of a conflict between **Table 4.12** and the tables listed in the individual district sections, **Table 4.12** shall supersede.


| Land Use Categories | Pg |
|---|---|
| Accommodation & Food/Event Services | 4-41 |
| Agriculture, Forest Products & Animal Services | 4-42 |
| Arts, Entertainment & Recreation | 4-44 |
| Commercial | 4-45 |
| Educational Services & Religion | 4-48 |
| Human Care & Social Assistance | 4-49 |
| Manufacturing, Industrial, & Waste Management | 4-50 |
| Miscellaneous | 4-51 |
| Public Facilities | 4-51 |
| Residential | 4-52 |
| Transportation Services, Warehousing, Wholesale Trade & Storage | 4-52 |
| Utilities, Energy an&d Communications | 4-53 |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Accommodation & Food/Event Services** | | | | | | | |
| Bakeries (goods produced and sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops | | | | | | P | P |
| Bars/Taverns | | | | | | P | S |
| Bed & Breakfasts/Tourist Homes §7.06 | S | S | S | S | S | P | S |
| Boarding & Rooming Houses | S | S | S | S | S | P | S |
| Caterers / Food Service Contractors | | | | | | | P |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.27 | P | | | | | P | P |
| Food Trucks & Food Truck Parks §7.26 | P | | | | | P | P |
| Hotels & Motels §7.14 | | | | | | P | P |
| Inns | S | | | | | P | P |
| Night Clubs | | | | | | P | S |
| Resorts | P | | | | | P | P |
| Restaurants without Drive-Through | | | | | | P | P |
| Restaurants with Drive-Through or Drive-In §7.08 | | | | | | | S |
| Short Term Rentals | S | S | S | S | S | P | S |
| Wineries, Cider Mills, Distilleries & Breweries, including Tasting Rooms and Distribution Operations | P | S | | | | P | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Agriculture, Animal Services & Forest Products** | | | | | | | |
| Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property) | S | S | | | | | |
| Agricultural Equipment Sales | | | | | | | P |
| Agricultural Products Processing & Storage (on a farm) | P | P | | | | | |
| Agricultural Research & Development Facilities (public or private) | | | | | | | P |
| Agricultural Tourism (see following): | | | | | | | |
| Bakeries (selling goods grown primarily on-site) | P | P | | | | | |
| Educational Tours, Classes, Lectures and Seminars | P | P | | | | | |
| Family-Oriented Animated Barns (haunted houses) | P | P | | | | | |
| Farm Stays | S | S | | | | | |
| Gift shops for agriculturally related products, crafts | P | P | | | | | |
| Historical Agricultural Exhibits | P | P | | | | | |
| Organized Meeting Space – Commercial Event Facilities §7.27 | S | P | | | | | |
| Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms) | P | P | | | | | |
| Picnic Areas (including restrooms) | P | P | | | | | |
| Playgrounds, Wagon / Sleigh Rides, Nature Trails | P | P | | | | | |
| Restaurants (related to the agricultural use of the site) | P | P | | | | | |
| Seasonal Outdoor Mazes of Agricultural Origin | P | P | | | | | |
| Small-Scale Entertainment (concert, car show, art fair) | S | S | | | | | |
| Animal Attractions (such as zoos, animal tours and other animal visitation establishments) (may not be accessory use to hobby or commercial farms) | S | S | | | | | |
| Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) | S | | | | | | |
| Animal Shelters | S | | | | | | |
| Biofuel Production Facilities on Farms | PS | PS | | | | | |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Agriculture, Animal Services & Forest Products (Continued)** | | | | | | | |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale) | P | S | | | | | P |
| Composting Facilities (large-scale facilities – compost material brought in & deposited) | P | | | | | | |
| Farms (including agricultural buildings) | P | P | | | | | |
| Farm Markets, including Roadside Stands - 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 | | | | | |
| Game Preserves (where game is hunted) | P | P | | | | | |
| Grain Elevators | P | | | | | | |
| Greenhouse, Nursery, Landscaping & Garden Supplies | P | | | | | | P |
| Kennels, Boarding; Kennel, Breeding; Animal Day Care §7.11 | S | S | | | | | |
| Livestock Auction Yards | S | | | | | | |
| Pet Grooming | | | | | | | P |
| Roadside Stands – not on property controlled by an affiliated farm §7.24 | P | P | P | P | P | P | P |
| Slaughter Houses | S | | | | | | S |
| Stables | P | P | | | | | |
| Veterinary Clinics & Animal Hospitals §7.22 | P | S | | | | | P |
| Wildlife Management Practices | P | P | | | | | |
| **Arts, Entertainment & Recreation** | | | | | | | |
| Archery Range (outdoor) | P | P | | | | | P |
| Art Studios | P | P | | | | P | P |
| Boat/Canoe/Kayak/Paddle Board Rental | P | | | | | | P |
| Campgrounds & RV Parks | S | S | | | | P | |
| Clubs, Lodges & Fraternal Organizations | P | | | | | P | P |
| Country Clubs | S | S | | | | P | |
| Equipment Rental, Motorized (ORV, Snowmobile) | P | P | | | | P | P |
| Equipment Rental, Non-Motorized (Outfitter) | P | P | | | | P | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Arts, Entertainment & Recreation (Continued)** | | | | | | | |
| Golf Courses | | S | | | | P | S |
| Golf Driving Ranges | | | | | | P | S |
| Marinas (including boat fuel sales, boat supplies, and accessories) | | | | | | P | S |
| Museums & Galleries | S | S | | | | P | P |
| Recreation Facility, Indoor Commercial (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades) | | | | | | P | P |
| Recreational Facilities, Outdoor Commercial (including but not limited to go-karts, miniature golf, disc golf) §7.17 | S | S | | | | P | |
| Theaters; Fine & Performing Arts Facilities, Indoor | | | | | | P | P |
| Theaters; Fine & Performing Arts Facilities, Outdoor (including Drive-In Theaters) | | | | | | P | S |
| Preserves, Hunting or Wildlife | P | P | | | | | |
| Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures) | P | P | S | S | S | | |
| Shooting Range, Indoor §7.20 | S | S | | | | P | |
| Shooting Range, Outdoor §7.20 | S | S | | | | P | |
| Spectator Arenas & Stadiums | | | | | | | S |
| Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses | | | | | | | P |
| Tours (Commercial Operations), not already listed | | | | | | | P |

## Table 4.12: 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*

| | RC | LDR | SHR | MDR | HDR | RD | C |
|---|---|---|---|---|---|---|---|
| **Commercial** | | | | | | | |
| **AUTOMOTIVE and VEHICULAR USES** | | | | | | | |
| Automobile Repair Garage §7.05 | | | | | | | S |
| Automotive Equipment Rental & Leasing | | | | | | | |
| Automotive Towing Businesses | | | | | | | |
| Boat/RV/Recreational Equipment Repair & Storage | | | | | | | S |
| Car Washes | | | | | | | |
| Gas Stations & Electric Vehicle Charging Facility | | | | | | | |
| Truck and Heavy Equipment Sales/Service Establishments §7.05 | | | | | | | S |
| Vehicle Impound Lot | | | | | | | |
| Vehicle Sales & Rental (new or used) including vehicles, boats, trailers, motorcycles, bicycles, ATVs, campers, snowmobiles, & similar | | | | | | | S |
| **RETAIL USES** | | | | | | | |
| Retail, General | | | | | | P | |
| Alcohol Sales | | | | | | | P |
| Antique Shop; Resale Shop; Consignment Shop | | | | | | | P |
| Art & Photography Shops | | | | | | | P |
| Automotive Accessory Sales | | | | | | | P |
| Bait and Tackle Shops, Fly Shops | S | S | | | | | P |
| Bicycle Shops | | | | | | | P |
| Book Stores | | | | | | | P |
| Building Material, Garden Equipment & Supplies Dealers | | | | | | | S |
| 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 |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Commercial (CONTINUED)** | | | | | | | |
| Hardware Stores | | | | | | | P |
| Health & Personal Care Stores | | | | | | | P |
| Home Improvement Centers (lumber stored in an enclosed structure) | | | | | | | S |
| General Merchandise Stores | | | | | | | P |
| Gift Shops | S | S | | | | | P |
| Liquor Store (where liquor is the primary item) | | | | | | | P |
| Lumber Yards | | | | | | | S |
| Mall, Shopping Center | | | | | | | S |
| Manufactured Home Dealers | | | | | | | S |
| Marijuana Retailers/Provisioning Centers | | | | | | | S |
| Office Supply Stores | | | | | | | P |
| Outdoor Sales & Rental Facilities (may include service) §7.16 | | | | | | | S |
| Open-Air Businesses subordinate to a Principal Use | | | | | | | S |
| Pawn Shops | | | | | | | P |
| Pharmacies/Medical & Optical Supplies | | | | | | | P |
| Retail Uses with Outdoor Storage | | | | | | | S |
| 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 |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Commercial (CONTINUED)** | | | | | | | |
| Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers, and similar) without Storage Yards | | | | | | | P |
| Data Centers §7.34 | | | | | | | S |
| Drive-Throughs for Permitted & Special Uses §7.08 | | | | | | | S |
| 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 |
| Financial Institutions/Banks | | | | | | | P |
| Flea Markets | | | | | | | S |
| Funeral Homes | | | | | | | P |
| Mortuaries and Crematorium | | | | | | | P |
| 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 | 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 | | | | | | | P |
| Sexually Oriented Businesses §7.19 | | | | | | | S |
| Tattoo/Piercing/Body Art Facilities | | | | | | | P |
| Taxidermy Shops | | | | | | | S |
| Upholstery Shop | | | | | | | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Educational Services and Religion** | | | | | | | |
| Churches & Customary Accessory Uses | P | P | S | S | S | | P |
| Pre-Schools | P | P | | | | | P |
| Schools, Primary or Secondary | P | P | P | P | P | | P |
| Schools, Post-Secondary (technical, college, business schools) | | | | | | | P |
| Trade/Industrial Schools | | | | | | | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Human Care and Social Assistance** | | | | | | | |
| Adult Day Care Facilities (in private home) (6 or fewer adults) | P | P | P | P | P | | P |
| Adult Day Care Facilities (in private home) (7 - 12 adults) | S | S | S | S | S | | S |
| Adult Day Care Facilities (not in a private home) | S | S | | | | | P |
| Adult Foster Care Family Homes | P | P | P | P | P | | |
| Adult Foster Care Home, Small Group | P | P | S | S | S | | |
| Adult Foster Care Home, Large Group | P | P | S | S | S | | |
| Adult Foster Care Home, Congregate, including Convalescent/Nursing Home & Assisted Living Facilities §7.07 | S | S | | | | | S |
| Child Care Center & Nursery School/Pre-Schools | P | P | | | | | P |
| Child Care Home, Family | P | P | P | P | P | P | |
| Child Care Home, Group §7.10 | S | S | S | S | S | S | |
| Child Caring Institution | S | | | | | | |
| Community/Emergency & Other Relief Services | | | | | | | P |
| Hospitals | | | | | | | S |
| Individual & Family Services | | | | | | | P |
| Medical/Health Care Clinics & Surgical Centers | | | | | | | P |
| 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 |
| State-Licensed Residential Facilities (6 or fewer adults) | P | P | P | P | P | | |
| Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals | P | P | P | P | P | | |
| Vocational Rehabilitation Services (job training, job readiness, etc.) | | | | | | | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **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 |
| Extraction of Natural Resources (Mining on Property) §7.09 | S | S | S | S | S | | S |
| Food Hub/Food Incubator Facility | | | | | | | P |
| Grain Elevators | | | | | | | S |
| Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services §7.04 | | | | | | | S |
| Light Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers) | | | | | | | P |
| Machine Shops | | | | | | | P |
| Metal Plating/Buffing/Polishing | | | | | | | S |
| Oil & Gas Processing Facilities | | | | | | | S |
| Petroleum Products, Gas Products, Paint & Chemical, and Other Flammable Liquids Bulk Storage & Distribution (above or below ground) §7.21 | | | | | | | S |
| Pressurized Gas Filling & Distribution (principal use) | | | | | | | S |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Manufacturing; Industrial; Mining; Waste Management (CONTINUED)** | | | | | | | |
| Research/Design/Experimental Product Development/Testing | | | | | | | P |
| Slaughter Houses | | | | | | | S |
| 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 §3.12 | P | P | P | P | P | P | P |
| Cemeteries | S | | | | | | |
| Planned Unit Developments (PUD) §7.18 | S | S | S | S | S | S | S |
| Site Condominiums §7.25 | S | S | S | S | S | P | |
| **Public Facilities** | | | | | | | |
| Community Centers (public) | P | P | | | | | P |
| Government Offices | P | P | | | | | P |
| Libraries | P | P | | | | | P |
| Police/Fire Stations | P | P | | | | | P |
| Post Office | P | P | | | | | P |
| Public Works Facilities with Outdoor Storage | S | S | | | | | S |
| Publicly Owned/Operated Office & Service Facilities | P | P | | | | | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Residential** | | | | | | | |
| Accessory Dwelling Units §7.02 | S | S | S | S | S | P | |
| Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses) | | | | | | P | S |
| Home Occupations, Minor §7.03 | P | P | P | P | P | P | |
| Home Occupations, Major §7.03 | S | S | | | | S | |
| Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.12 | | | | S | | | |
| Multiple-Family Dwelling §7.15 | | | | S | | P | S |
| Single-Family Dwelling | P | P | P | P | P | P | |
| Single-Family Conversions | P | P | | | | | |
| Two-Family Dwelling (duplex) | P | P | P | P | P | P | |
| **Transportation & Distribution Services; Warehousing and Storage; Wholesale Trade** | | | | | | | |
| Airports, Landing Fields & Heliports | | | | | | | S |
| Distribution Facilities/Couriers/Parcel Packing/Delivery/Freight Terminals | | | | | | | P |
| Drone (Unmanned Aerial) Centers | | | | | | | P |
| Mini-Storage §7.13 | | | | | | | S |
| Scenic & Sightseeing Transportation/Transportation Terminals | | | | | | | S |
| Storage Facility & Warehousing (indoor or outdoor) | | | | | | | P |
| Truck Washes | | | | | | | S |
| Wholesale | | | | | | | P |

| Table 4.12: Full Table of Permitted & Special Uses | | | | | | | |
|---|---|---|---|---|---|---|---|
| **P** = Permitted<br>**S** = Permitted with a Special Use Permit<br>No marking indicates the use is not permitted in that district<br>§ *indicates supplemental regulations apply* | RC | LDR | SHR | MDR | HDR | RD | C |
| **Utilities, Energy & Communications** | | | | | | | |
| Battery Energy Storage Systems §7.32 | | | | | | | S |
| Essential Services §3.06 | P | P | P | P | P | | P |
| Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.06 | S | S | S | S | S | | S |
| Public Utility Facilities – does not include Essential Service Buildings | | | | | | | P |
| Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.29 | P | P | P | P | P | P | P |
| Solar Energy – Accessory (Ground-Mounted) §7.29 | P | P | P | P | P | P | P |
| Solar Energy Facilities – Utility-Scale §7.31 | | | | | | | S |
| Water & Wastewater Treatment Plants | | | | | | | S |
| Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.33 | | | | | | | S |
| Wind Turbines (Accessory) §7.30 | P | P | P | P | P | P | P |
| Wireless Facilities (Co-Location) | P | P | P | P | P | | P |
| Wireless Facilities (new - with or without support structures) §7.35 | S | S | | | | | S |
| Wireless Facilities (Small Cell) §7.36 | S | S | | | | | S |

## Section 4.13 Schedule of Regulations

| Use Districts | | Area of Lot | Width of Lot | Maximum Height of Structure | Setbacks | | | Minimum Floor Area | Lot Coverage (max.) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | Front[b] | Side | Rear | | |
| RC: Resource Conservation | | 20 acres | 660 ft | 2.5 stories[a] | 50 ft | 30 ft | 40 ft | 720 sq ft[j] | 5% |
| LDR: Low-Density Residential | | 5 acres | 270 ft | 2.5 stories[a] | 50 ft[c] | 30 ft[d] | 40 ft[d] | 720 sq ft[j] | 10% |
| SHR: Shoreline Residential | | 5,000 sq ft | 50 ft | 2.5 stories | 50 ft[e] | 5 ft | 10 ft | 720 sq ft[j] | 30% |
| MDR: Medium-Density Residential | | 30,000 sq ft | 100 ft | 2.5 stories | 30 ft[c] | 10 ft | 40 ft | 720 sq ft[j] | 30% |
| HDR: High-Density Residential | | 5,000 sq ft | 50 ft | 2.5 stories | 20 ft[c] | 5 ft | 10 ft | 720 sq ft[k] | 35% |
| RD: Resort Development[h] | Single- & Two-Family | f | 70 ft | 2.5 stories | 25 ft | 5 ft | 10 ft | 720 sq ft[l] | None |
| | Multiple-Family | 1 acre | 150 ft | 2.5 stories | 25 ft | 15 ft | 15 ft | 720 sq ft | None |
| | Non-Residential Uses | None | None | 3 stories | 10 ft | 0 ft[g] | 10 ft[g] | N/A | None |
| C: Commercial | | 1 acre | 200 ft | 3 stories | 30 ft | 15 ft[i] | 40 ft | N/A | 50% |

Footnotes:

a. 100 feet for farm buildings.

b. The setback shall be 50 feet from the waterfront.

c. Any front setback in the LDR, MDR and HDR districts may be reduced below the minimum requirements when the average front setback of existing principal buildings within 200 feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be

based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings.

d. 50 feet for farm buildings adjacent to LDR, MDR, HDR, or RC District.

e. A buffer strip to a depth of at least four (4) feet shall be bordering and adjacent to all water within the district, measured from the ordinary high water mark, maintained in grass, trees, and shrubs. Natural growth shall be preserved as far as practical, and when removed, it shall be replaced with other vegetation that is equally effective in controlling runoff. No more than 35 feet in any 100 feet of linear shoreline shall be denuded of vegetation, provided that no disturbance shall cause excessive erosion and sedimentation of an adjacent watercourse.

f. Single-Family: 8,000 square feet
Two-Family: 15,000 square feet

g. 20 feet if directly abutting a residential lot or use.

h. Decks and patios shall meet the setbacks required for the principal building.

i. 60 feet when adjacent to LDR, MDR, HDR, or RC District.

j. For replacement of existing manufactured homes under 24 feet in width, the replacement manufactured home may be under 24 feet in width.

k. No minimum width for dwelling units is required.

l. A minimum width of 24 feet for single-family dwellings is required.

# Article 5
# Plan Review


| Sec | Name | Pg |
|---|---|---|
| 5.01 | Purpose | 5-1 |
| 5.02 | Approval Overview Table | 5-1 |
| 5.03 | Plot Plans | 5-3 |
| 5.04 | Plot Plan Review Procedure | 5-4 |
| 5.05 | Site Plan Data Required | 5-7 |
| 5.06 | Site Plan Approval Standards | 5-9 |
| 5.07 | Conformance with Approved Site Plan | 5-10 |
| 5.08 | Amendment to an Approved Site Plan | 5-11 |
| 5.09 | Site Plan Violations | 5-12 |
| 5.10 | Expiration of Site Plan Approval | 5-12 |


## Section 5.01 Purpose

The purpose of this Article is to specify the documents required for plan review to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as was promised by the developer. This Article's purpose is also to provide clear approval processes and standards for approval. 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 5.02 Approval Overview Table

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

**Table 5.02: Approval Overview Table**

| | Type of Use | Required | Approving Authority |
|---|---|---|---|
| RESIDENTIAL | 1. Single-Family Dwellings & Two-Family Dwellings | Plot Plan | Zoning Administrator |
| | 2. Accessory Dwelling Units in RD (ADUs in other districts fall under #7 below) | Plot Plan | Zoning Administrator |
| | 3. Multiple-Family Dwelling Units; Manufactured Housing Communities | Site Plan | Planning Commission |
| | 4. Dwelling Units in conjunction with Commercial Establishments | Site Plan | Planning Commission |
| | 5. Temporary Dwellings | Plot Plan | Zoning Administrator |
| | 6. Family Child Care Homes and Adult Day Care Homes (in private residence – 6 or less) | Plot Plan | Zoning Administrator |
| | 7. Special Uses (Residential): Home Occupation (Major), Bed & Breakfasts/Tourist Home, Boarding & Rooming Houses, Group Child Care Homes & Adult Day Care Homes (in private residence – more than 6 adults), Short Term Rentals, Accessory Dwelling Units (in RC LDR, MDR, HDR, and SHR) | Plot Plan | Planning Commission |
| | 8. Subdivisions; Single-Family Developments; Site Condominiums | Site Plan | Planning Commission |
| NON-RESIDENTIAL | 9. Special Uses – other than listed in #7 | Site Plan | Planning Commission |
| | 10. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses (new) | Site Plan | Planning Commission |
| | 11. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses – increase in floor area 25% and over | Site Plan | Planning Commission |
| | 12. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses – increase in floor area of up to 25% of the existing floor area | Site Plan | Zoning Administrator |
| | 13. Parking Lots | Site Plan | Zoning Administrator |
| | 14. Change of Use – where no exterior changes are proposed – no fee | Application | Zoning Administrator |
| OTHER | 15. Accessory Buildings/Structures (residential & non-residential) – no fee required under 200 sq ft | Plot Plan | Zoning Administrator |
| | 16. Fences requiring a permit under **§3.20** | Plot Plan | Zoning Administrator |
| | 17. Signs | Plot Plan | Zoning Administrator |
| | 18. Food Trucks (on private property in a stationary location for over 3 days) | Plot Plan | Zoning Administrator |
| | 19. Seasonal Uses | Not required | No permit required |
| | 20. Accessory Solar Panels | Plot Plan | Zoning Administrator |
| | 21. Accessory Wind Turbines | Plot Plan | Zoning Administrator |
| | 22. Private Roads | Road Plan **§3.29** | Planning Commission |

NOTE: The Zoning Administrator may refer any application to the Planning Commission for review and approval.
Plot Plans or Site Plans are not required for minor alterations, repair, and demolitions, as determined by the Zoning Administrator.

## Section 5.03 Plot Plans

A. **Plot Plan Submittal Requirements**.

All applications for uses that require Plot Plan approval shall be accompanied by a Plot Plan, drawn to scale, showing the information listed below and containing the signature of the lot owner. The Zoning Administrator may waive any of the Plot 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 5.03: Plot Plan Requirements** – Plot Plans shall be at an accurate, readable scale

| | |
|---|---|
| 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 location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot, drawn to scale. |
| 5. **Access** | The location and configuration of the driveway and parking drawn to scale. The names and widths of abutting rights-of-way or easements. |
| 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. **Water/ Septic** | Location of any septic system or drain field and well. |
| 9. **Other** | Any other information deemed necessary by the Zoning Administrator to determine compliance with the requirements of this Ordinance. |

B. **Plot Plan Administrative Procedure**.

1. Plot Plans are reviewed and approved according to the approval chart in **Table 5.02** 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 9.02** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance. When the Planning Commission reviews a Plot Plan, they shall use the Site Plan Review Procedures in **Section 5.04**.

2. After approval, copies of the application and Plot 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. Plot 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 Plot Plan, an applicant may make application to the Zoning Administrator or Planning Commission (depending on who approved the Plot Plan) for a one (1) year extension of the Plot Plan approval. The Zoning Administrator or Planning Commission may grant the requested extension for this additional one (1) year if the Zoning Administrator or Planning Commission finds good cause for the extension.

## Section 5.04 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 an 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 5.05**, 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.

C. **Review for Completeness by the Zoning Administrator**.

Within ten (10) working days of the receipt of the submission of an application, 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 place the application 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 9.06** and the procedures of **Article 6** shall be followed.

D. **Coordination with Other Agencies/Departments**.

Upon receipt of a complete application for Site Plan Review, including all data required in **Section 5.05**, 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 request:

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**
5. Fire Department
6. Local police 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 voided. If the application is voided, approval of the Site Plan shall require a new application and fee.

G. **Planning Commission Action**.

1. **Decision**. The Planning Commission, after reviewing any submitted comments of the above-affected agencies (subsection D), shall proceed with review of the Site Plan to determine compliance with provisions of this Ordinance, including the standards in **Section 5.06**. The Planning Commission shall do one of the following:

   a. Approve the Site Plan.

   b. Approve the Site Plan with conditions. Any conditions required by the Planning Commission shall be stated in writing and shown on the Site Plan, together with the reasons, and delivered to the applicant.

   c. 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 9.08** 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. **Approved Site Plans**. One (1) copy of the approved Site Plan or Plot Plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. The copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for information and direction.

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 9.05**. A Road Analysis and Agreement/Bond may be required which includes 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 proposed development. The Township may contract with its own consultant to assist with this process, and all costs shall be paid by the applicant.

6. **Appeals**. With regard to Site Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in conformance with **Article 8**. Appeals 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 5.05 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 5.05: Site Plan Requirements**

| A. General Information |
|---|
| 1. Each Site Plan shall be provided on a professional quality drawing of scale 1"=100' except where written guidelines of the Planning Commission permit a different scale. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan. |
| 2. Name, address, email, and phone number of lot owner and developer. Evidence of ownership required. |
| 3. Name and address of firm preparing the Site Plan (including contact information). |
| 4. Proposed use of the lot. |
| 5. 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. |
| 6. Gross acreage of development and total usable floor area. |
| 7. 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. |
| 8. Deed restrictions. |
| 9. Project completion schedule. |

10. A statement from the applicant identifying all other federal, state and local permits required, if any.

## B. Map Information

1. Date and north arrow.
2. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).

## C. Lot Lines, Rights of Way & Parking

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions.
2. The location and width of all abutting public rights-of-way and private easements.
3. Manmade features such as existing roads and structures and an indication of which is to be retained and which removed or altered.
4. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.

## D. Development Features

1. **Project Description**. The total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
2. **Existing and Proposed Features**. The size, shape and location of all existing and proposed buildings and structures, including accessory buildings
3. **Nearby Structures**. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
4. **Loading and Unloading Areas**. The proposed location and size of all loading and unloading areas.
5. **Landscaping**. A landscaping plan indicating locations of proposed planting and screening, fencing, signs and advertising features
6. **Waste**. The location of all waste storage and trash receptacles.
7. **Lighting and Signs**. The location of all proposed exterior lighting and signs, including size and type.
8. **Hazardous Materials.** Location and specifications for any existing or proposed above- or below-ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
9. **Storage**. Outdoor storage areas and snow storage areas.
10. **Utilities.** Location of utilities, water supply and the location and design of wastewater systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
11. **Drainage.** Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.

| E. Natural Features |
| --- |
| 1. Natural features such as woodlots, streams, flood plains, county drains, lakes or ponds, topography (at five-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.<br>2. Existing significant vegetation. |
| F. Other |
| Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development. |

## Section 5.06 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. **Harmonious Development**.

All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. **Vegetation and Landscape**.

The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers.

C. **Drainage.**

Special attention shall be given to proper site drainage so that removal of stormwaters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.

D. **Emergency Access**.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical

means to all sides.

E. **Access**.

Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

F. **Pedestrian Circulation**.

There shall be provided a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

G. **Loading and Trash**.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

H. **Lighting**.

Exterior lighting shall be arranged so that it is deflected away from adjacent streets and adjoining properties.

I. **Parking**.

All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

J. **Other Laws**.

Site Plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final Site Plan approval is granted.

K. **Hazardous Materials**.

The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment. See **Section 3.27**.

L. The Site Plan shall comply with all zoning ordinance requirements and be consistent with the township master plan.

## Section 5.07 Conformance with Approved Site Plan

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

## Section 5.08 Amendment to an Approved Site Plan

A. **General**.

No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Planning Commission or Zoning Administrator according to the following procedures. 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 is a minor or major change. Minor or major changes shall be shown on a revised Site Plan, for purposes of record, and shall be signed by the Zoning Administrator or the Chair of the Planning Commission. 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.

B. **Minor Changes**.

Minor changes to an approved Site Plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, traffic way, parking areas, and similar minor changes may be approved by the Zoning Administrator.

C. **Major Changes**.

Major changes or amendments to an approved Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval;

2. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and

3. Such changes shall not result in the reduction of open space area as required herein.

## Section 5.09 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 and Zoning Permit may be revoked. See Revocation of a Zoning Permit, **Section 9.02.H**.

## Section 5.10 Expiration of Site Plan Approval

A. A Site Plan shall expire within one (1) year of the date of approval unless substantial construction in conformance with the approved plan has occurred.

B. The Planning Commission may extend its approval by one (1) year upon written request of the applicant if substantial progress has been made to construct under the Site Plan and if the Planning Commission finds good cause for the extension.

C. For multi-phased projects, the Planning Commission shall have the option to allow for expiration after up to ten (10) years with no allowance for a further extension.

# Article 6
# Special Use Review


| Sec | Name | Pg |
|---|---|---|
| 6.01 | Purpose | 6-1 |
| 6.02 | Special Use Application Procedure | 6-1 |
| 6.03 | Special Use Application Review | 6-3 |
| 6.04 | Special Use Review Standards | 6-5 |
| 6.05 | Expiration, Abandonment, & Violation of a Special Use | 6-6 |
| 6.06 | Previously Existing Special Uses | 6-7 |


## Section 6.01 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 individual review and restriction. 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 within each zoning district in **Article 4**. The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use Permits.

## Section 6.02 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.

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.

4. **Data Required in Application**. Every application shall be accompanied by seven (7) copies of the following information and data:

   a. Special form, supplied by the Township, filled out in full by the applicant.

   b. Site or Plot Plan, drawn to a readable scale, and containing that information specified in **Section 5.03** for Plot Plans and **Section 5.05** for Site Plans.

   c. Written statement of analysis regarding the estimated population holding capacity of any residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

B. **Review for Completeness by the Zoning Administrator**.

Within ten (10) working days of the receipt of the submission of an application, 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 a complete application for Site Plan Review, 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 request:

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**
5. Fire department
6. Local police 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 voided. If the application is voided, approval of the Site Plan shall require a new application and fee.

## Section 6.03 Special Use Application Review

A. **Public Hearing**.

The Planning Commission, upon receiving an application that the Zoning Administrator has determined is administratively complete (**subsection 6.02.B**) and after reviewing any submitted comments of the affected agencies (**subsection 6.02.C**), shall proceed with a public hearing on the request. The Zoning Administrator shall provide notice of the public hearing meeting pursuant to **Section 9.06**.

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, standards listed in **Section 5.06** (if a Site Plan is required), the standards listed in **Section 6.04**, and standards in **Article 7** which are applicable to the specific Special Use, may:

    a. Approve the Special Use.

    b. Approve the Special Use with conditions. Any conditions required by the Planning Commission shall be stated in writing and shown on the Site Plan, together with the reasons, and delivered to the applicant.

    c. Deny 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 9.08** 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**.

One (1) copy of the approved Site Plan or Plot Plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for information and direction.

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 shall 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 9.05**.

H. **Appeal**.

The Zoning Board of Appeals has no jurisdiction to hear appeals concerning decisions related to Special Uses.

I. **Rehearing**.

A rehearing may be granted pursuant to **Section 9.10**.

J. **Reapplication**.

No application for a Zoning Permit for a Special Use which has been denied wholly or in part by the Planning Commission or Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions, or if it qualifies for a rehearing under **Section 9.10**. A reapplication shall require a new fee and the process will follow all provisions of **Section 6.03**.

K. **Amendment to an Approved Special Use**.

The Site Plan or Plot Plan, as approved, shall become part of the record of approval of a Special Use, and subsequent actions relative to the activity authorized shall be consistent with the approved Site Plan or Plot Plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Township, pursuant to **Section 5.08**.

## Section 6.04 Special Use Review Standards

The Planning Commission shall review the particular facts and circumstances of each proposal 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.

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.

3. The land use or activity shall be consistent with the public health, safety, and welfare of the Township.

4. The proposed use shall be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township.

5. The proposed use shall conform to all applicable county, state, and federal requirements for that use.

B. **Adjacent 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 area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:

    a. The bulk, placement, and materials of construction of proposed structures.

b. Pedestrian and vehicular circulation.

c. The location of vehicular use or parking areas.

2. The proposed use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and will improve property in the immediate vicinity and in the community as a whole.

3. 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.

4. The proposed use shall ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

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 streets 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 create no visibility impediments to drivers.

E. **Natural Environment**.

The proposed use shall not be detrimental to the natural environment and special natural resources, such as wetlands, woodlands, hillsides, and watercourses, and ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

F. **Lighting**.

Ensure that all exterior lighting 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.

G. **Specific Standards**.

The specific and detailed requirements set forth in **Article 7** relate to particular Special Uses and are requirements which must be met by those uses in addition to the standards and requirements in this Section.

## Section 6.05 Expiration, Abandonment, & Violation of a Special Use

A. **Expiration of Special Use Permit**.

A Zoning Permit issued pursuant to this Article shall be valid for a period of one (1) year from the date of the issuance of said permit. If substantial construction has not commenced and proceeded meaningfully toward completion or if, in the case where construction is not necessary, if the use has not commenced by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or revocation of said permit, provided, however, that the Planning Commission may extend its approval by one (1) year upon written request of the applicant if it finds good cause for the extension.

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, and any subsequent use of the lot shall conform to the requirements of this Ordinance. 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.

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 and zoning permit may be revoked. See Revocation of a Zoning Permit, **Section 9.02.H**.

## Section 6.06 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


| Sec | Name | Pg | Sec | Name | Pg |
|---|---|---|---|---|---|
| 7.01 | Purpose | 7-1 | 7.19 | Sexually Oriented Businesses | 7-31 |
| 7.02 | Accessory Dwelling Units | 7-2 | 7.20 | Shooting Ranges | 7-34 |
| 7.03 | Home Occupations, Minor & Major | 7-2 | 7.21 | Underground Fuel Storage Facilities | 7-35 |
| 7.04 | Automobile Salvage & Private Junkyards | 7-5 | 7.22 | Veterinarian Clinics | 7-35 |
| 7.05 | Automobile Service & Repair Stations | 7-7 | 7.23 | Earth Sheltered Homes | 7-36 |
| 7.06 | Bed & Breakfasts | 7-8 | 7.24 | Roadside Stands | 7-36 |
| 7.07 | Convalescent Homes, Nursing Homes & Adult Foster Care (Congregate Facilities) | 7-9 | 7.25 | Platted Subdivisions & Site Condominium Developments | 7-37 |
| 7.08 | Drive-Through Establishments | 7-9 | 7.26 | Food Trucks | 7-37 |
| 7.09 | Extraction of Natural Resources | 7-10 | 7.27 | Commercial Event Facilities | 7-38 |
| 7.10 | Group Child Care Homes | 7-15 | 7.28 | Marijuana Primary Caregivers | 7-41 |
| 7.11 | Commercial Kennels | 7-16 | 7.29 | Accessory Solar Panels | 7-43 |
| 7.12 | Manufactured Housing Communities | 7-17 | 7.30 | Accessory Wind Turbines | 7-45 |
| 7.13 | Mini Storage Facilities | 7-20 | 7.31 | Solar Energy Facilities, Utility-Scale | 7-48 |
| 7.14 | Hotels/Motels | 7-21 | 7.32 | Battery Energy Storage Systems, Off-Site | 7-57 |
| 7.15 | Multiple Family Development | 7-21 | 7.33 | Wind Energy Facilities, Utility-Scale | 7-67 |
| 7.16 | Outdoor Sales & Rental Facilities | 7-22 | 7.34 | Data Centers | 7-77 |
| 7.17 | Outdoor Commercial Recreation | 7-23 | 7.35 | Wireless Facilities/Towers (Except Small Cell Wireless) | 7-84 |
| 7.18 | Planned Unit Developments | 7-25 | 7.36 | Small Cell Wireless Facilities | 7-90 |


## Section 7.01 Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific regulations or standards in addition to and which may supersede the requirements of each zoning district.

## Section 7.02 Accessory Dwelling Units

The intent of this Section is to allow space on a lot to provide a secondary dwelling unit. This Accessory Dwelling Unit may or may not be rented out. Accessory dwelling units which meet the definition of a dwelling, as defined in **Article 2**, shall comply with the following regulations:

A. An accessory dwelling unit shall be a maximum of five hundred (500) square feet in usable floor area. There is no minimum dwelling unit size for accessory dwelling units.

B. The Accessory Dwelling Unit may be a detached structure or may be attached to a building on the property, including the principal dwelling or an accessory building.

C. Detached Accessory Dwelling Units shall meet the required setbacks for the principal building.

D. Separate sale or ownership of the accessory unit from the principal dwelling on a lot or parcel is prohibited. This shall not prohibit rental of the Accessory Dwelling Unit.

E. The owner shall reside in either the Accessory Dwelling Unit or the principal dwelling unit. The principal dwelling unit and the accessory dwelling unit shall not be rented at the same time.

F. Adequate provision for wastewater disposal, either by public sanitary sewer or private on-site facilities, shall be required.

G. Dwellings modified in conjunction with an Accessory Dwelling Unit shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.

H. The Accessory Dwelling Unit shall provide adequate access for emergency vehicles.

I. The Accessory Dwelling Unit shall meet all applicable codes for a dwelling under this Ordinance.

J. One (1) parking space for the Accessory Dwelling Unit shall be provided in off-street space.

K. For an Accessory Dwelling Unit requiring Special Use approval, the Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

## Section 7.03 Home Occupations, Minor & Major

A. **Minor Home Occupations**.

A "Minor Home Occupation" shall be considered to be any occupation or profession carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling. Such use shall not involve any alteration of the structure or change in the residential character thereof. Minor Home Occupations shall satisfy

the following additional conditions:

1. **Permit.** A Zoning Permit is required.

2. **Incidental Use.** The nonresidential use shall only be incidental to the principal residential use.

3. **Nuisance.** No equipment or process shall be used in such Minor Home Occupation which creates a nuisance detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

4. **Employees.** The Minor Home Occupation shall not employ more than two (2) persons, one of whom must reside on the premises.

5. **Indoor Only.** The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.

6. **Exterior.** There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such Minor Home Occupation.

7. **Traffic and Parking.** No traffic shall be generated by such Minor Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Minor Home Occupation shall be met off the street and other than in a required front setback, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.

8. **Character.** The regulation of Minor Home Occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.

9. **Retail Sales.** Limited retail sales may be permitted on the premises, as an incidental, rather than principal part of a Minor Home Occupation.

10. **Location.** The Minor Home Occupation shall not occupy more than twenty-five (25) percent of the gross floor area of one (1) floor of said dwelling unit. Minor Home Occupations may also be located in any portion of a detached accessory building.

11. **Power.** Power shall be limited to single-phase electric motors with a total limitation of three (3) horsepower per dwelling unit.

12. **Hours.** Visits by customers shall be limited to the hours of 8:00 AM to 8:00 PM.

13. **Hazardous Materials.** The Minor Home Occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.

14. **Industrial Equipment.** There shall be no equipment or machinery used in connection with a Minor Home Occupation which is industrial in nature.

15. **Engine Repair or Metal Grinding.** No small or large engine repair or metal grinding is permitted.

B. **Major Home Occupations**.

1. **Permit.** A Special Use Permit is required.

2. **Location.** The on-site activities associated with the Major Home Occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home occupation or within an outdoor area which is screened from view off-site by fencing or evergreen landscaping. The Home Occupation shall utilize no more than twenty-five (25) percent of the area of the entire principal structure. One hundred (100) percent of an accessory building may be utilized.

3. **Nuisance.** The activities of the Major Home Occupation shall be operated in such a manner that normal residential activities of the area, under normal circumstances, would not be negatively impacted.

4. **Employees.** The maximum number of non-resident employees permitted to work on the site of a major home occupation shall be determined by the Planning Commission as part of the Special Use approval. In making its determination, the Planning Commission shall consider the size of the lot; the size and location of the dwelling and accessory buildings; the availability and location of off-street parking; the number of occupants employed by the Major Home Occupation; the capacity and condition of the access drive and adjacent road; and the proximity of neighboring dwellings. The Planning Commission may impose a lower employee limit or other reasonable conditions necessary to minimize adverse impacts. A Major Home Occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the Major Home Occupation.

5. **Outdoor Storage.** The Planning Commission may establish limits on the outdoor storage, size, and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.

6. **Retail Sales.** Retail sales are permitted.

7. **Parking.** Not more than one (1) vehicle associated with the Major Home Occupation may be parked on the street at any time. Any other parking shall be on the lot where the Major Home Occupation is taking place, and parking for not more than two (2) vehicles may be constructed in addition to the area of the driveway in existence prior to the establishment of the Major Home Occupation.

8. **Hazardous Materials.** With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies, or heating fuel, the Major Home Occupation shall not involve the generation of any hazardous materials.

16. **Nuisance.** No equipment or process shall be used in such Major Home Occupation which creates a nuisance detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

C. **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. Marihuana establishments and facilities.
   d. Sexually-Oriented Businesses.
   e. Commercial Events Facilities
   f. Junkyards
   g. 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
   h. Short Term Rentals
   i. Stables
   j. Agricultural Tourism Businesses
   k. Kennels

## Section 7.04 Automobile Salvage & Private Junkyards

A. No portion of the enclosed area shall be located within one thousand (1000) feet of residentially zoned properties, schools, day care facilities (child and adult), churches, hospitals, or convalescent or nursing homes.

B. The minimum lot or lot size for junkyards shall be ten (10) acres.

C. All enclosed areas shall be set back at least one hundred (100) feet from any lot line.

D. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

E. Whenever the installation abuts a residential district, a vegetative buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Zoning Administrator.

F. The front yard shall be planted with trees, grass, and shrubs.

G. A solid fence, wall, or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall, or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall, or berm shall be of permanent finish and construction.

H. All activities shall be confined within the enclosed area, including any storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.

I. No open burning shall be permitted, and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

J. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

K. If applicable, the operation shall be licensed by the State of Michigan to sell used vehicle parts or tow non-operational vehicles. Before the state issues the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.

L. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the State of Michigan.

M. All junkyards and reclamation sites must meet all county, state, and federal regulations.

## Section 7.05 Automobile Service & Repair Stations

A. For facilities with new underground storage tanks, storage tanks shall meet all state and federal requirements.

B. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.

C. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

D. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between exterior lot lines.

E. All gasoline pumps shall be located not less than fifteen (15) feet from any nonresidential lot line and one hundred (100) feet from a residential lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

F. The entire area used for vehicle service shall be hard-surfaced and adequately drained into an approved catch basin.

G. There shall be no storage/dispensing tanks on the site without leak-proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.

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

I. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.

J. All floor drains shall be connected to an approved holding tank.

K. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building, and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

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

M. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

N. Township reserves the right to inspect premises for compliance with the above standards.

## Section 7.06 Bed & Breakfasts

The term Bed and Breakfast shall also include the term "Tourist Home."

A. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest lot lines.

B. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

C. The bed and breakfast facility shall be a single-family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by prearrangement. A breakfast may be served to overnight guests only.

D. The applicant shall provide a scaled floor plan of the premises as part of the Special Use application.

E. The exterior appearance of the structure shall not be altered from its single-family character.

F. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.

G. The establishment shall contain at least two (2) exits to the outdoors.

H. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.

I. Occupancy on the premises shall be for less than thirty (30) consecutive days.

J. Lavatories and bathing facilities shall be available to all persons using the premises.

K. No separate or additional kitchen facilities shall be provided for the guests.

L. Retail sales are not permitted beyond those activities serving overnight patrons.

M. Meals shall not be served to the public at large but only to guests.

N. If specifically approved by the Planning Commission, events, including receptions and weddings, may be permitted as part of a bed and breakfast provided:

1. Such events do not exceed six (6) times in any calendar year.

2. Adequate parking is provided as determined by the Planning Commission.

3. Such events shall not accommodate more than one hundred fifty (150) guests.

4. Such events shall be over by 12:00 midnight.

O. Rentals of equipment such as boats, snowmobiles, ATVs, and bikes may be part of the bed and breakfast, but such rental shall be included as part of the application.

## Section 7.07 Convalescent Homes, Nursing Homes & Adult Foster Care (Congregate Facilities)

Convalescent Homes, Nursing Homes and Adult Foster Care Facilities with a capacity of more than twenty (20) adults shall comply with the following regulations.

A. No building shall be closer than fifty (50) feet to any lot line.

B. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

## Section 7.08 Drive-Through Establishments

A. The outdoor space used for parking and vehicular stacking shall be hard-surfaced.

B. No drive shall be closer than seventy-five (75) feet to any other drive, and the maximum number of driveways permitted is two (2).

C. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.

D. Speakers, menu boards, and drive-through aisles shall be placed a minimum of one hundred (100) feet from any adjacent residentially developed lot lines and properly screened with vegetation or walls to lessen the impact on adjacent properties.

## Section 7.09 Extraction of Natural Resources

### A. Compliance with the Michigan Zoning Enabling Act.

Per **2006 PA 110**, this Ordinance 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. Natural resources shall be considered valuable for the purposes of this Section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

In determining, under this Section, 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:

1. The relationship of extraction and associated activities with existing land uses.

2. The impact on existing land uses in the vicinity of the property.

3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

6. The overall public interest in the extraction of the specific natural resources on the property.

This Section shall not limit the Township's reasonable regulation 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.

### B. Standards.

1. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width to reduce noise levels.

2. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians, or adjoining property due to dust.

3. Topsoil stockpiles shall be seeded to prevent wind and water erosion and to control dust.

4. Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.

5. Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

6. Truck or heavy vehicle traffic related to excavation operations shall use major thoroughfares for access.

7. Public streets within fifteen hundred (1,500) feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.

8. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.

9. The hours of operation for blasting shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 AM to 7:00 PM and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.

10. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.

11. Excavated areas shall be reclaimed under the following standards:

    a. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.

    b. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).

    c. A layer of arable topsoil, of a quality approved by the Zoning Administrator, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved reclamation plan.

    d. Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Soil Conservation Service.

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

f. Backfill and grading materials shall not be noxious, flammable, or toxic.

g. Fill and soils shall not be overly compacted and of sufficient quality to be well-drained and non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.

h. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

i. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the **Michigan Department of Natural Resources**.

12. The excavator may be required to post an acceptable performance bond pursuant to **Section 9.05** of this Ordinance in the amount up to one hundred (100) percent of the estimated reclamation costs of two (2) cell areas.

C. **Additional Materials to be Submitted for Special Use Review**.

In addition to the data requirements of **Section 5.05**, each application for a Special Use shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.

2. Name, address, and telephone number of operator (person, firm, or corporation who will be conducting the actual excavation).

3. Location, size, and legal description of the total site area to be excavated. Include a legend showing a north point, scale, and date.

4. Location, width, and grade of all easements or rights-of-way on or abutting the area subject to excavation.

5. A statement from the applicant identifying all other federal, state, and local permits required, if any.

6. Proof of liability insurance from the operator.

7. Notification of any deed restrictions on the property.

8. Name of financial institution backing the excavation operation.

9. Existing and proposed topography at five-foot contour intervals. Such topography shall extend a minimum of one hundred fifty (150) feet beyond the top of the bank of excavation.

10. The existing surface water and drainage patterns.

11. Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photography flown at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet, and certified as flown not earlier than two (2) months prior to the date of application. This provision may be waived by the Planning Commission where alternative photography satisfying the purpose of this Section is made available. The vertical aerial photograph shall cover:

    a. All land requested in permit application

    b. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage, or other permitted use.

    c. All lands within one-half (1/2) mile of proposed planned excavation area.

    d. Existing zoning classification overlaid on all areas shown on the map.

12. A hydrogeologic report of the proposed excavation site. Such a report shall, at a minimum, provide:

    a. A detailed description of subsurface conditions.

    b. Depth of water table throughout the planned excavation area.

    c. A map depicting the thickness and depths of material to be excavated.

    d. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.

    e. A recommendation of the necessity to install monitoring wells.

13. A discussion of the proposed method of excavation, including:

    a. The area and amount of material to be excavated in cubic yards.

    b. Proposed side slopes and depths for all portions of the excavated area.

c. Proposed drainage system, settling ponds, and retention ponds, as appropriate.

d. The time, duration, phasing, and proposed work schedule of the total project.

e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment, as appropriate.

f. Area from which excavation will take place in the first year of operation, and likewise for each successive year to completion.

14. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.

15. Proposed plans for fencing and signs.

16. Provisions for buffer zone, landscaping, and screening.

17. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:

    a. Physical descriptions of the location of each cell, the number of acres included in each cell, estimated length of time to complete each cell in excavation.

    b. Depiction of finished, stabilized side slopes, including methods and plant materials proposed for use.

    c. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.

    d. A reuse plan for the site once excavation is complete.

18. Site plan and associated background reports shall document the method of compliance with the performance standards of this Section.

D. **Other Conditions**.

The conditions of any Zoning Permit issued under this Section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation.

1. When an operator disposes of his interest in the excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator, or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time, the permit may be transferred.

2. Excavation operations authorized by Special Use Permits shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.

3. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.

4. When activities on or use of the area subjected to excavation, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned, and a new permit is necessary before additional excavation activities can occur. Cessation may be determined by any of the following events:

    a. The completion of the excavation.

    b. The Township determines that no substantial work has occurred on the site for more than one (1) year.

    c. The Township has received notification from the owner that operations are complete.

    d. A permit for the excavation has expired.

E. **Existing Excavation Areas**.

All commercial excavations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. Future operations shall include expansion into new areas or areas not covered by a Township-issued permit validly in place at the effective date of this Ordinance, and shall require a permit for the Special Use.

## Section 7.10 Group Child Care Homes

A. A group child care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:

    1. Another licensed group child care home.

2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.

3. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.

4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.

C. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group child care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.

D. One sign shall be permitted in addition to the signs allowed by **Section 3.31**. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated.

E. At least one (1) off-street parking space shall be provided for each non-family employee of the group child care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.

F. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and no more than two (2) children may be dropped off or picked up between the hours of 10:00 PM and 6:00 AM.

## Section 7.11 Commercial Kennels

A. A commercial kennel shall include at least four hundred (400) feet of frontage, be at least five (5) acres in size, and have an additional one-third (1/3) acre for each animal in excess of ten (10).

B. Kennels shall not be located in a platted subdivision.

C. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

D. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.

E. Hobby kennels shall only house animals owned by the occupant of the dwelling unit.

F. The principal kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.

G. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.

H. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 PM and 7:00 AM.

I. During the hours of 7 AM until 10 PM, animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

J. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

K. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.

L. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.

M. All animals must be licensed and maintained in a healthful and careful manner.

N. Commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.

O. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

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

## Section 7.12 Manufactured Housing Communities

A. The site shall be located on and obtain access from a paved public street.

B. The minimum lot or parcel size for a Manufactured Housing Community shall be (10) acres.

C. All Manufactured Housing Communities having twenty (20) or more home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than four (4) percent of the park's gross acreage, except that at least twenty-five thousand (25,000) square feet shall be provided.

D. All Manufactured Housing Communities shall be developed with minimum sites of eight thousand (8,000) square feet per manufactured home unit unless superseded by the **State of Michigan Rules**. In no case shall the open space and distance requirements be less than required under Rules 941, 944, and 946 of the Manufactured Home Commission General Rules. Open space shall not include roads, sidewalks, greenbelts, or lands under water and shall be graded and developed so as to have adequate drainage and usability by residents of the park. Minimum setbacks for any individual manufactured home shall be as follows (unless superseded by **State of Michigan Rules for Manufactured Housing Communities**):

1. Twenty (20) feet from any part or attached structure of another manufactured home used for living purposes.

2. Ten (10) feet from any attached or detached structure not used for living purposes and on-site parking on an adjacent manufactured home site.

3. Fifty (50) feet from a permanent building.

4. One hundred (100) feet from a baseball or softball field.

5. Ten (10) feet from the edge of an internal road and seven and one-half (7 ½) feet from a parking bay.

6. Seven (7) feet from a common pedestrian walkway.

7. Ten (10) feet from natural or manmade objects or waterways.

8. Twenty-five (25) feet from any public right-of-way.

E. A manufactured home site length may vary depending on park design and layout and the manufactured home to be installed; however, the minimum standards pertaining to distance between homes shall be complied with. Site dimensions may be computed with consideration given to anticipate add-a-room attachments to a placed manufactured home or expand or similar expansions.

F. All internal roads in a Manufactured Housing Community shall be hard surfaced and designed as to access, curvature, intersections, and pavement width, considering one (1) or two (2) way traffic and parking and non-parking situations, as required under Michigan Administrative Code Rule 926 (5). Rule 920 requires a twenty-one (21) foot driving surface for two (2) way roads with no parking and a thirteen (13) foot driving surface for one-way roads with no parking. Greater width, if off-street parking bays are provided, is required depending upon Rule 926.

G. A Manufactured Housing Community shall be constructed and/or maintained on a lot or parcel which can provide principal entrances and exits to an all-weather paved road having at least twenty-four (24)- foot-wide pavement with no parking permitted.

H. All vehicular and pedestrian circulation systems within the Manufactured Housing Community shall be lighted at night to illumination standards, Rule 929 of Michigan Administrative Code. Further lighting emitted will not be directed onto adjacent residentially zoned or developed areas or create a driving hazard on streets or roads abutting the Manufactured Housing Community.

I. All utilities in a Manufactured Housing Community shall be underground and shall comply with R125.1932, Rule 932 through Rule 125.1940, Rule 940 of Michigan Administrative Code. Fire hydrants shall be placed at five hundred (500) foot intervals measured along roadways.

J. The Manufactured Housing Community shall be connected to a licensed on-site sanitary sewage disposal system and community water supply.

K. All manufactured homes shall have a minimum usable floor area of seven hundred twenty (720) square feet, exclusive of garage, basement, or porch/deck.

L. The design, development, operation, and business practices of a Manufactured Housing Community shall conform to all current provisions of the Manufactured Home Commission Act and General Rules as adopted by the Michigan Manufactured Home Commission.

M. All manufactured homes constructed and placed on sites within the Manufactured Housing Community shall conform to all U.S. Department of Housing and Urban Development (HUD) manufactured home certification requirements.

N. No portion of any Manufactured Housing Community shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for management and maintenance of the Manufactured Housing Community.

O. A proposed Manufactured Housing Community shall be enclosed by a greenbelt in a setback area not less than twenty (20) feet in width. Such greenbelt, which may include berms, fences, evergreen trees, and walls, can be used as the required rear setback for individual homes and approved by the Planning Commission pursuant to the Township site plan review requirements. Evergreen trees must be so spaced as to provide a continuous year–round screen of at least eighty (80) percent capacity within four years of the proposed planning date along any part of the Manufactured Housing Community boundary.

P. Where a Manufactured Housing Community has provided a greenbelt adjacent to vacant property and when said property is subsequently proposed for development, the Planning Commission shall, in site plan review of such new development, consider methods to consolidate any required greenbelt for the new development with that already provided by the Manufactured Housing Community and require reimbursement to the Manufactured Housing Community by the new developer in consideration of the cost savings by not having to install a new greenbelt.

Q. Dwelling shall be installed pursuant to the manufacturer's setup instructions. Skirting shall be installed as described in **Section 3.11**.

## Section 7.13 Mini Storage Facilities

A. The minimum lot or parcel size for mini storage facilities shall be two (2) acres.

B. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.

C. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty-five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

D. The lot area used for parking and access shall be provided with a permanent, durable surface and shall be graded and drained so as to dispose of all surface water.

E. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.

F. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.

G. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.

H. Storage spaces shall not contain more than four hundred (400) square feet each.

I. Storage of goods shall be limited to personal property with no commercial distribution allowed, and no operation which requires the regular delivery or pick-up of goods in a truck in excess of one and one-half (1.5) ton capacity shall be permitted.

J. The number of stored outside wheeled equipment cannot exceed the number of inside storage units.

K. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.

L. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

M. No electrical outlets or plumbing shall be installed in any storage unit.

## Section 7.14 Hotels/Motels

A. Ingress and egress to the hotel/motel shall be only from a paved major thoroughfare.

B. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any one time.

C. No kitchen or cooking facilities shall be provided in guest rooms.

D. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.

E. No guest shall establish permanent residence at the hotel/motel. Hotel/motel occupancy shall be limited to less than thirty (30) consecutive days.

## Section 7.15 Multiple Family Development

A. Multiple family dwelling units shall be permitted at a density no greater than six (6) units per acre.

B. All developments for multiple-family dwellings shall have direct access to a paved major thoroughfare.

C. All structures shall be set back at least fifty (50) feet from all exterior lot lines.

D. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development which shall be designed to minimize congestion and interference with normal traffic flow.

E. All streets and driveways in the development shall be constructed and maintained with an all-weather road surface.

F. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.

G. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.

H. There shall be provided easily accessible and usable open space in the development in an amount of ten (10) percent of the site area or five hundred (500) square feet per four (4) dwelling units, whichever is greater.

I. All group off-street parking facilities shall be adequately lit during hours of darkness.

J. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.

K. All developments shall provide for underground installation of all utilities.

L. Only the following land and/or building uses shall be permitted.

1. Multiple family dwellings as defined in this Ordinance.

2. One (1) office space for conducting the business of the development.

3. Utility areas for laundry facilities and auxiliary storage for tenants.

4. Recreation area such as community buildings, playgrounds, and open space for tenants.

## Section 7.16 Outdoor Sales & Rental Facilities

A. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.

B. All buildings shall be set back a minimum of fifty (50) feet from any lot line.

C. No more than two (2) driveways onto a road shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

D. Not more than fifty (50) percent of the lot shall be covered by buildings and outdoor storage of materials and goods.

E. Storage or display of goods and materials shall not occur in the required setbacks.

F. Displays are to be limited to street frontages only.

G. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainage ways.

H. In the case of auto sales:

1. No greater than ten (10) percent of vehicles shall be inoperative on the premises.

2. All major maintenance of vehicles must occur within a closed building.

3. All areas subject to vehicular use shall be with a durable surface.

## Section 7.17 Outdoor Commercial Recreation

The following standards shall apply to Outdoor Commercial Recreation, including but not limited to Golf, Drive-In Theaters, Race Tracks, Camping, Country Clubs, and other facilities included in the definition of **Outdoor Commercial Recreation**.

A. **Site Development Requirements**.

1. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.

2. Front, side, and rear setbacks shall be at least eighty (80) feet. The first fifty (50) feet of such setbacks shall be kept free of off-street parking and shall be landscaped.

3. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.

4. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively, and inconspicuously.

5. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

B. **Special Performance Standards for All Outdoor Commercial Recreation**.

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county, and local permits as appropriate.

2. Facilities shall provide off-street parking and passenger loading areas.

3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.

4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the **County Sheriff** and **County Road Commission** with respect to the proposed project.

5. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.

6. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.

7. All sanitary facilities shall be designed and constructed in strict conformance with **District Health Department** regulations.

8. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 AM to 12:00 AM (midnight) and may be prohibited on legal holidays.

C. **Special Performance Standards for Camping Facilities**.

1. Each campsite shall contain a minimum of one thousand five hundred (1,500) square feet.

2. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.

3. A common use area shall be provided in the parcel of five hundred (500) square feet per campsite.

4. There shall be no permanent storage of tents, campers, recreational vehicles, or manufactured home units in the development unless specifically permitted.

5. At least one (1) public telephone shall be provided in the facility.

6. Maximum density for campgrounds shall be fifteen (15) campsites per acre.

7. No more than one (1) permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager, or an employee.

8. Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one (1) facility per twenty (20) campsites.

9. Each campsite shall have a picnic table and designated place for fires.

D. **Special Performance Standards for Golf Courses and Country Clubs**.

1. Water quality protective measures are required as follows:

   a. Maintenance of erosion control barriers during construction and until all ground cover is established.

b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.

c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.

d. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.

e. All herbicide, insecticide, fungicide, and rodenticide chemicals must be stored in a locked enclosure.

f. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.

2. Swimming pools shall conform with the requirements of **Section 3.13**.

## Section 7.18 Planned Unit Developments

A. **Purpose**.

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Section to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. Further, it is the intent of this Section to use the PUD process to comply with Section 125.3506 of **2006 PA 110**, as amended, to provide for the option of Open Space Preservation by allowing land zoned for residential development to be developed with greater density while preserving open space.

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. Platted subdivisions and site condominium developments are approved through the PUD process. (For platted subdivisions, approval by the Township Board is required).

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. Nonresidential uses are permitted as part of the lodging or residential component of the Planned Unit Development, provided the applicant can demonstrate by a site plan and expert analysis, and the Planning Commission finds,

in its discretion, that the nonresidential uses shall principally serve the lodging or residential component of the Planned Unit Development project.

3. **Resort Complexes.** Resort complexes which, in addition to lodging, provide recreation activities such as, but not necessarily limited to: skiing, golfing, tennis, swimming, boating, hiking, snowmobiling, camping, riding, and related accessory activities.

4. **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. **Flexibility of Zoning Ordinance 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.

D. **Approval Standards**.

1. **Minimum Parcel Size and Lot Width**. The minimum size of a parcel used for a Planned Unit Development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.

2. **Unified Control**. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

3. **Dedicated Open Space**.

   a. **Guarantee of Open Space**. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.

(1) Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the total dedicated open space area.

b. **Open Space Requirements**.

(1) The total area of dedicated open space shall equal at least thirty (30) percent of the parcel. Dedicated open space may include floodplain areas, but required dedicated open space shall not include roads, public rights-of- way, and year-round submerged lands.

(2) All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.

(3) The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Natural Resources and Environmental Protection Act, **1994 PA 451**, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

(a) Indicate the proposed allowable use(s) of the dedicated open space.

(b) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.

(c) Provide standards for scheduled maintenance of the open space.

(d) Provide for maintenance to be undertaken by the Township of Greenwood in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

(4) All dedicated open space must be a minimum of twenty (20) feet wide, except that the dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and along the shoreline of Tee lake and Snyder Lake, and run the full length of the right of way and shoreline along the project site at a width of at least one hundred (100) feet. The one hundred (100) foot width along the shoreline shall be measured from the ordinary high water mark.

(5) Dedicated open space must be easily accessible from all Planned Unit Development dwelling units.

4. **Access and Circulation**.

a. **Direct Access**. Direct access from a paved County road to a Planned Unit Development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

b. **Pedestrian Circulation**. A pedestrian circulation system may be required along one (1) side of, or all of, the internal roads of the planned unit space development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and Planning Commission, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.

c. **Vehicular Circulation**. Construction of private roads or private access drives as a means of providing access and circulation and increasing the rural character of the Planned Unit Development project is encouraged. They shall meet clear view, drainage, and signage requirements of this Ordinance. Private roadways within a Planned Unit Development must be constructed according to the provisions of **Section 3.29**, unless such provisions are exempted from the design requirements where the following findings are made by the Planning Commission after receiving the recommendation of the Planning Commission:

(1) A deed restriction is placed on the project site that perpetually vests fee simple use of the land area used for the road in the parties adjoining the road and prohibits future transfer to the public; and,

(2) A maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the Planning Commission.

5. **Natural Features**. The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

6. **Utilities and Infrastructure**.

a. The Planned Unit Development shall provide for underground installation of all utilities prior to construction of any homes or sale of any properties.

b. A Planned Unit Development permit shall not be issued unless public water and sanitary sewer and fire hydrants are provided to the development where municipal services are available.

c. Provisions shall be made for the construction of stormwater facilities. The stormwater system may include the establishment of detention or retention basins.

d. All infrastructure for the PUD must be completed prior to construction of any homes or sale of any properties.

7. **Scheduled Phasing**.

a. **Scheduled Phasing**. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

b. **Timing of Phases**. Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

c. **Revision of Approved Plans**. Approved plans may be revised in accordance with the procedures set forth in **Section 5.08**.

E. **Procedures for Application and Approval**.

1. **Pre-Application Conference**. The procedure of application and approval of a PUD permit shall include one or more informal conferences between the applicant and the Zoning Administrator, who may request representatives from appropriate agencies (township officials, fire department, **health department**, County Sheriff, **County Road Commission,** and other such agencies) to attend such informal conferences.

2. **Concept Plan**. During the pre-application conference, the applicant shall submit a concept plan including types and placement of residential structures; utilities and public facilities such as schools, fire departments, recreational facilities, minimum lot sizes, densities, environmental treatment, pedestrian and auto circulation, commercial and industrial areas, if applicable, conformity of the proposed development with surrounding areas, type of homeowner organizations, if any, and all other information

local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

3. **Preliminary Site Plan Requirements**. Following the presentation of any deliberation pertinent to the concept plan, the applicant shall submit a preliminary site plan. The applicant may choose to combine the preliminary site plan and final site plan requirements (if the preliminary and final site plans are combined, a public hearing shall be held as part of the process).

   The preliminary site plan shall contain the following:

   a. Site plan pursuant to **Section 5.05**.

   b. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the Planned Unit Development, including phasing of residential, public, and commercial areas and future selling and/or leasing intentions and accompanying management techniques.

   c. Additional written information shall be contained in the preliminary site plan, including tabulation of land area ratios, a comprehensive market analysis, environmental impact statements, and any contracts and deeds of indenture between the developer and homebuyer.

4. **Preliminary Site Plan Approval**. Preliminary site plan approval procedures shall follow Special Use approval procedures in **Article 6**.

   a. **Public Hearing**. The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with the notification requirements in **Section 9.06** of this Ordinance.

   b. **Preliminary Site Plan Approval/Action**. Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.

      Upon submission of the preliminary site plan to the Planning Commission and approval of a Special Use Permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of one (1) year from the date of approval of the Special Use Permit, present to the Zoning Administrator the final site plan. If a final site plan for the entire project or a phased portion thereof is not submitted within the one (1) 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 one (1) year.

5. **Final Site Plan Requirements**. Following the approval of the preliminary site plan, the applicant shall submit a final site plan. The final site plan is to encompass all elements of the preliminary site plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary site plan, and all site plan requirements of **Section 5.05**. The final site plan shall include

enough detail in written and graphic presentation to assure the Planning Commission that the proposed Planned Unit Development will conform to all state and local requirements and, as closely as possible, reflect the finished PUD.

a. The final site plan should not deviate substantially from the approved preliminary site plan.

b. The final site plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final site plan.

c. Any modification not included in the preliminary site plan must be reviewed by the Planning Commission, and legal documents such as easements, agreements, the final draft of Articles of Incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

6. **Final Site Plan Approval**. The Planning Commission and members of other appropriate agencies shall review the final site plan. The Planning Commission shall then approve the final site plan, disapprove it, or approve it with modifications. No public hearing is necessary, and, if the Planning Commission gives approval, the Register of Deeds shall accept and record the site maps and plans, dedicated streets, properties, and open spaces, rights-of-way, and additional dedications within the development. If the site plan is disapproved by the Planning Commission, reasons for the denial shall become part of the public record and be presented to the developer in written form. An approved final site plan shall be valid for two (2) years.

## Section 7.19 Sexually Oriented Businesses

A. **Statement of Rationale**.

1. Sexually Oriented Businesses require supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate.

2. There is convincing evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential area adjacent to them, causing increased crime and downgrading the quality of life in the adjacent area.

3. Greenwood Township desires to prevent these adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.

4. It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content-neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

5. It is not the intent of Greenwood Township to condone or legitimize the distribution of obscene material, and the Township recognizes that state and federal law prohibit the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against such illegal activities within Greenwood Township.

B. **Standards**.

Sexually Oriented Businesses shall be processed as a Special Use provided that the standards in this subsection are met.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.

2. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned HDR, LDR, MDR, and SHR.

3. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, park, school, child care organization, or place of worship. The distance between a proposed sexually oriented business and any residence, park, school, child care organization, place of worship, or other sexually oriented business shall be measured in a straight line from the nearest lot line upon which the proposed sexually oriented business is to be located to the nearest lot line of the residence, school, child care organization, place of worship, or other sexually oriented business.

4. The proposed use shall conform to all specific density and setback regulations, etc., of the zoning district in which it is located.

5. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

6. 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 the adjacent roadways.

7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance relating to the regulation of signage, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.

8. Entrances to the proposed sexually oriented business must 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."

9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.

10. Hours of operation shall be limited to 8:00 AM to 12:00 AM.

11. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.

12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

    a. Shall be handicap accessible to the extent required by the **Americans With Disabilities Act**.

    b. Shall be unobstructed by any door, lock, or other entrance and exit control device.

    c. Shall have 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.

    d. Shall be illuminated by a light bulb of wattage of no less than twenty-five (25) watts.

    e. Shall have no holes or openings in any side or rear walls.

C. **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 5.06** and **Section 6.04**. 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 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 7.20 Shooting Ranges

A. Minimum Lot Area shall be forty (40) acres.

B. Minimum front, side, and rear yard setbacks shall be two hundred fifty (250) feet.

C. All federal, state, and county codes and ordinances in regard to firearms shall be strictly adhered to.

D. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.

E. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.

F. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.

G. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.

H. Hours of operation shall be between 8:00 AM and dusk.

## Section 7.21 Underground Fuel Storage Facilities

A. For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well, and two thousand (2,000) feet from any public water well.

B. Facilities shall be completely fenced with at least a six (6) foot fence with a locking gate.

C. All fuel storage facilities must meet all federal and state regulations and must be approved by the Township Planning Commission.

D. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak-proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.

E. Loading and unloading areas shall provide secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the transport vehicle.

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

G. Underground Fuel Storage Facilities shall comply with **Section 3.27**.

## Section 7.22 Veterinarian Clinics

A. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line or any adjacent building used by the general public.

B. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock.

C. All principal use activities shall be conducted within a totally enclosed principal building.

D. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.

E. No dogs shall be permitted in open run areas between the hours of 10:00 PM and 7:00 AM.

F. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

## Section 7.23 Earth Sheltered Homes

Single-family dwellings which have more than fifty (50) percent of their roof covered by soil shall maintain a minimum thirty (30) foot side yard setback where a side yard abuts a portion of a roof covered by soil.

## Section 7.24 Roadside Stands

A. All roadside stands shall be considered accessory uses, shall conform to the standards in this Section, and shall be limited to:

1. The sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, provided it is grown or produced on the property or associated property. In the case of a commercial farm, the produce may be produced on an associated property owned by the farm.

2. The sale of other products made on the property.

B. A Zoning Permit is required. The Zoning Administrator shall have authority to issue the Zoning Permit.

C. One roadside stand shall be permitted per lot, and no roadside stand shall be operated for more than six (6) months in any calendar year.

D. The property shall have direct access from a major or minor thoroughfare.

E. One driveway shall be established with a width of at least twenty-five (25), but not more than thirty-five (35) feet, or another means of ingress and egress shall be established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.

F. On property under control of a commercial farm, no structure larger than two hundred twenty-five (225) square feet shall be erected for use as the roadside stand. On all property not affiliated with a commercial farm, no structure larger than ninety-six (96) square feet shall be erected for use as a roadside stand.

G. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way.

H. At least three (3) off-street parking spaces are provided.

I. One ground or wall sign, not over twelve (12) square feet in area with a maximum height of six (6) feet to be displayed only during the seasonal occupancy of the roadside stand.

J. All products available at the roadside stand shall be grown or produced on the property except as stated in subsection A.1 above.

## Section 7.25 Platted Subdivisions & Site Condominium Developments

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

A. Site Condominium Developments are approved using the Planned Unit Development process (**Section 7.18**).

B. Any platted lot or site condominium unit, including single-family detached units, shall comply with the applicable site development standards contained in **Section 4.13** (schedule of regulations).

C. The development shall comply with the provisions **Section 3.29** pertaining to private roads.

D. In addition to the materials required by **Section 5.05** and other requirements of this Ordinance, a Planned Unit Development permit application for a site condominium or a platted subdivision shall include a subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area, and width of all lots.

2. A description of the common elements of the subdivision as will be contained in the master deed.

3. Proposed use and occupancy restrictions as will be contained in the master deed.

E. All provisions of the condominium subdivision plan which are approved by the Township shall be incorporated, as approved, in the master deed for the site condominium.

## Section 7.26 Food Trucks

A. **Intent**.

Greenwood Township feels that food trucks allow new food 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 food trucks but to also provide regulations that limit their impact.

B. **Scope**.

1. Food 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. These regulations apply to food trucks on private property. Food trucks on public property are not regulated by this Ordinance.

3. Food trucks may be the principal use of the lot or an accessory use of the lot.

4. A single food truck may receive approval for multiple locations.

C. **Approval**.

1. Zoning approval by the Zoning Administrator is required for food truck parks and for food trucks which will be in a stationary location for over three (3) days.

2. The property owner shall submit a Plot Plan pursuant to **Section 5.03**. The Plot Plan shall show the planned parking for any food 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) food truck (Food Truck Park), only one (1) zoning approval is required for all of the food trucks on the lot.

D. **Standards**

1. Valid State of Michigan plates are required.

2. The Food Truck shall meet the setback requirements of the district, see **Article 4**.

3. Sales shall not occur in the public right-of-way or on public property.

4. Use of generators shall not cause a nuisance to neighbors due to noise, exhaust, or vibration, as determined by the Zoning Administrator.

5. 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.

6. All areas of the lot shall be kept clean and free of debris.

7. Food trucks and food truck parks shall meet the site plan review standards in **Section 5.06**.

## Section 7.27 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 site plan review standards in **Section 5.06**, the Special Use standards as provided in **Section 6.04,** 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 lot boundaries of the 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 for 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 lot 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) feet setback from all 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) feet setback from all lot lines and from all public or private road rights-of-way.

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 12:00 PM 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 lot.

6. **Overnight Accommodations**. No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless approved by site plan review.

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 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 lot, or in an event barn or other structure.

C. **Submittal Requirements**.

1. In addition to the requirements in **Section 5.05: Site Plan Data Required**, the site plan must 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 setback from lot lines, including the maximum number of food trucks or food vendors planned.
f. Areas for trash receptacles and schedule for trash pick-up.
g. Location of fire pits.
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 location of speaker systems and similar sources of noise.
e. Toilet facilities.
f. Expected maximum number of persons intended to use the lot 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 lot at one time and collectively.
h. Public safety plans.
i. List of contacts for emergency situations.
j. Certification that the lot 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, and county road commission. 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 7.28 Marijuana Primary Caregivers

A. **Intent and Purpose**.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana 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, 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 marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana 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 marihuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must 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 a.m. and 8:00 p.m., 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 marihuana 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 marihuana 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 marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.

9. No marihuana 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 marihuana 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 marihuana 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 7.29 Accessory Solar Panels

A. **Scope**.

1. This Section applies to Accessory Solar Panels with the principal purpose of providing power on-site.

2. Solar energy panels falling under this Section shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A Zoning Permit shall be required. A building permit may

be required.

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 systems 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.

   d. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.

2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

E. **Glare**.

Panels shall not result in glare onto adjoining properties or public rights of way.

F. **Sound and Screening – Accessory Solar Panels that Provide Power to Other Than Residences**.

Accessory solar panels that provide power to commercial, institutional, or industrial uses shall be subject to the following standards:

1. **Sound**. The sound pressure level of an accessory solar panel shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent lot.

2. **Screening**. The Planning Commission may require that solar devices be screened year-round from view from any existing adjacent 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 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.

G. **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.

H. **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 7.30 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.

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.

Upon approval, the plot plan is valid for twelve (12) months and is not transferable to any other person.

C. **Standards**.

1. **Design and Installation**. All wind turbines (ground 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**.

   a. Two (2) building-mounted accessory wind turbines are permitted a single zoning lot.

   b. One (1) stand-alone accessory wind turbine is permitted on a single zoning lot. The number of units may be increased to a density not to exceed one (1) stand-alone accessory wind turbine per five (5) acres.

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 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 seventy (70) feet in height.

4. **Blade Clearance**. There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.

5. **Tower**. Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an

independent professional engineer licensed in the State of Michigan.

6. **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.

7. **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.

8. **Safety**.

   a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

   b. Wind Turbine towers shall not be climbable on the exterior.

   c. All access doors to wind turbine towers and electrical equipment shall be lockable.

   d. Appropriate warning signs shall be placed on wind turbine towers, 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.

9. **Setbacks**. Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:

   a. **Setback from Lot Line**. Each accessory wind turbine shall be set back from any adjoining lot line at least a distance not less than one and one-half (1½) times the total height of the wind turbine including the wind turbine of the blade in its vertical position.

   b. **Setback from Road**. In addition to the above, a wind turbine shall, in all cases, be set back from a public or private road right-of-way at least a distance not less than one and one-half (1½) times the height of the accessory wind turbine total height as defined in the Ordinance.

   c. **Setback from Structure**. Each accessory wind turbine shall be setback from the nearest inhabited structure a distance not less than two (2) times the total height of the wind turbine.

   d. **Setback from Riparian Zone**. Each accessory wind turbine shall be setback from the nearest ordinary high water mark of lakes or nearest banks of river or streams a distance not less than one and one-half (1½) times the total height of the wind turbine.

e. **Setback from Communication and Power Lines**. Each accessory wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1½) times the total tower height, whichever is greater, determined from the existing power or communication lines.

f. **Building Setbacks**. Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

10. **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.

11. **Signal Interference**. No wind turbine shall be installed in any location where its proximity with 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.

12. **Advertising**. There shall be no advertising on Accessory Wind Turbines or any structure attached thereto.

## Section 7.31 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 principal purpose is to supply power to off-site customers.

C. **Standards**.

Solar energy facilities shall meet the following standards:

1. **Setbacks**.

   a. The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way.

   b. The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred (100) 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.

2. **Height**. The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.

3. **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.

4. **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.

5. **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.

6. **Wiring**. Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.

7. **Lighting**. Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. 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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **Lot Coverage**. Solar collection devices shall not count toward the maximum lot coverage standards in the ordinance.

13. **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.

14. 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 system owner and given to the local fire department, local fire code official, and Emergency Manager. 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 affects 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.

    f. **Property Value Study**. The Planning Commission may require the applicant to submit a property value impact study when it determines that such a study is necessary to evaluate the potential impact of a proposed renewable energy facility on the value of surrounding properties. The study shall be prepared by a qualified professional and shall include such information as may be reasonably necessary to evaluate potential property value impacts. The Planning Commission may require additional information or independent review of the study.

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. 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 facilities 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 7.32 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 Commercial District 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 two hundred (200) feet from the road right-of-way and all lot lines of non-participating lots and at least three hundred (300) 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 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.

(2) Areas within one hundred (100) feet on each side of 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 adjacent 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 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 five hundred (500) 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. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.

m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.

n. 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.

o. Planned lightning protection measures.

p. 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.

q. 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 system owner and given to the local fire department, local fire code official, and Emergency Manager. 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 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. **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 Battery Energy Storage System.

4. **Land Clearing and/or Grading Plan**. A plan showing proposed clearing and/or grading as required for the installation and operation of the system.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **NFPA 855 Compliance**. Confirmation that the facility complies with the latest edition of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."

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. 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 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.

d. **Property Value Study**. The Planning Commission may require the applicant to submit a property value impact study when it determines that such a study is necessary to evaluate the potential impact of a proposed renewable energy facility on the value of surrounding properties. The study shall be prepared by a qualified professional and shall include such information as may be reasonably necessary to evaluate potential property value impacts. The Planning Commission may require additional information or independent review of the study.

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 must 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 7.33 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 does 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 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 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.

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 with 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, lay down yards, and all buildings. The site plan must 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 not be 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 must 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 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. Study shall include impacts to migratory birds.

7. **Property Value Study**. The Planning Commission may require the applicant to submit a property value impact study when it determines that such a study is necessary to evaluate the potential impact of a proposed renewable energy facility on the value of surrounding properties. The study shall be prepared by a qualified professional and shall include such information as may be reasonably necessary to evaluate potential property value impacts. The Planning Commission may require additional information or independent review of the study.

8. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the system owner and given to the local fire department, local fire code official, and Emergency Manager. 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.

9. **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.

10. **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 7.34 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 must be set back at least two hundred (200) feet from all adjacent lot lines and at least five hundred (500) 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 must 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 **Article 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 water supply in the Township.

H. **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.

I. **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.

J. **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, flood plains, wetlands, waters, and cultural and historic resources on the property and within five hundred (500) feet of the boundaries of the property.

3. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

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.

K. **Application Requirements**.

A site plan pursuant to **Article 5** shall be required. In addition, the following shall be required:

2. Cooling/climate control equipment specifications.

3. **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.

4. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the system owner and given to the local fire department, local fire code official, and Emergency Manager. 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 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.

5. **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.

f. 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.

g. Prior to beginning decommissioning, a data center owner/operator shall notify the Township of the date that decommissioning will begin.

6. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

7. **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.

c. **Property Value Study**. The Planning Commission may require the applicant to submit a property value impact study when it determines that such a study is necessary to evaluate the potential impact of a proposed data center on the value of surrounding properties. The study shall be prepared by a qualified professional and shall include such information as may be reasonably necessary to evaluate potential property value impacts. The Planning Commission may require additional information or independent review of the study.

L. **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.

M. **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 7.35 Wireless Facilities/Towers (Except Small Cell Wireless)

A. **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.

B. **Uses Allowed**.

1. **Co-Location - Permitted Use**. Pursuant to Section 3514 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 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 4.12** and the individual district tables and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.

3. **Other Wireless Communications Facilities**. Wireless communications facilities which do not fall under **subsections B.1** or **B.2** (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection **B.2** (above)

C. **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 all information required by **Section 5.05,** as well as the following:

   a. 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 9.05: Performance Guarantee**).

         (a) 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. A Wireless Communications Facility owner may at any time:

            i. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

            ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

   b. Fee. A fee required to accompany any application shall not exceed the ~~local unit of government's~~ Township's actual, reasonable costs to review and process the application or $1,000.00, whichever is less.

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 C.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 C.2** 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 9.06**.

5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 5.06**, Special Use standards in **Section 6.04**, 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.

D. **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. **Minimum Lot Area**. The minimum lot area required shall be three (3) acres.

2. **Height**. Height of the tower shall not exceed four hundred fifty (450) feet from grade. This height may be increased provided that the applicant demonstrates a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure).

3. **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. The tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.

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. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.

4. **Security Fencing**. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6) in height and shall also be equipped with an appropriate anti-climbing device.

5. **Landscaping**. The following requirements shall govern the landscaping surrounding wireless facilities; provided, however, that the Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby.

   a. Wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the wireless compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4) wide outside the perimeter of the compound.

   b. In locations where the visual impact of the wireless facilities would be minimal, the landscaping requirement may be reduced or waived.

   c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless facilities sited on large, wooded lots, natural growth around the lot perimeter may be a sufficient buffer.

6. **Plans and Installation**. The plans of the tower construction shall be certified by a registered structural engineer. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

7. **Accessory Structures**. Accessory structures are limited to uses associated with operation of the tower.

8. **State or Federal Requirements**. All wireless facilities shall meet or exceed current standards and regulations of the **FAA**, the **FCC**, the **Michigan Aeronautics Commission**, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance

schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

9. **Aesthetics/Material**. Wireless facilities shall meet the following requirements:

   a. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.

   b. Wireless support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the **FAA**, be painted a neutral color so as to reduce visual obtrusiveness.

   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. If an antenna is installed on a structure other than a wireless support structure, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

   e. Where a feasible alternative exists, wireless facilities shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining lot lines or public property; however, this Section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

10. **Lighting**. Wireless facilities shall not be artificially lighted unless required by the **FAA** or other applicable authority. If lighting is required, the lighting alternative and design chosen shall cause the least disturbance to the surrounding views. Radar-activated obstruction lighting is required if permitted by the **FAA** or other applicable authority.

11. **Compliance with Codes**. Antenna and metal support structures shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable electrical standards for wireless support structures as amended from time to time.

12. **Interference with Residential Reception**. Wireless facilities shall be located so that they do not interfere with television and radio reception to 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 or controlling agency or owner which are required by this Ordinance.

There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures

14. **Spacing Between Wireless Support Structures**. Wireless support structures shall be located no closer than one quarter (1/4) of a mile from an existing wireless support structure containing one (1) or more antennas, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.

15. **Other**.

    a. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards

    b. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

    c. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

    d. Towers shall be located so that they do not interfere with reception in nearby residential areas.

    e. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.

    f. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.

    g. Existing on-site vegetation shall be preserved to the maximum extent practicable.

    h. Structures shall be subject to any state and federal regulations concerning non- ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

    i. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

E. **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 7.36 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. The notice 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 **Sections 5.06** and **Section 6.04,** 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 used or arranging, 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.

# Article 8
# Zoning Board of Appeals


| Sec | Name | Pg |
|---|---|---|
| 8.01 | Establishment of the Zoning Board of Appeals | 8-1 |
| 8.02 | Membership | 8-1 |
| 8.03 | Meetings, Minutes & Voting Requirements | 8-4 |
| 8.04 | Jurisdiction of the Zoning Board of Appeals | 8-5 |
| 8.05 | Procedures | 8-6 |
| 8.06 | Dimensional Variance Standards | 8-9 |
| 8.07 | Appeals to Circuit Court | 8-9 |
| 8.08 | Stay of Proceedings | 8-9 |


## Section 8.01 Establishment of the Zoning Board of Appeals

The purpose of this Section is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done. 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 8.02 Membership

A. **Membership**.

The Township Board shall appoint five (5) members of the Zoning Board of Appeals.

1. The first member shall be a member of the Township Planning Commission.

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.

4. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.

B. **Terms of Office**.

1. Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board.

2. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

3. Members may be reappointed.

C. **Alternates**.

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. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

D. **Removal of a Member**.

1. Members of the Zoning Board of Appeals may be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

2. 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.

E. **Conflict of Interest**.

A regular member of the ZBA shall declare a conflict of interest in connection with a matter pending before the ZBA and shall disqualify himself or herself from deliberating and voting on the matter, and an alternate member shall not serve when any of the following circumstances exist:

1. The applicant is the ZBA member or the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the ZBA member or the member's spouse.

2. The ZBA member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.

3. The ZBA member or the member's spouse resides on or has an ownership interest in land within three hundred (300) feet of the parcel regarding which the decision is to be made.

4. While being a member of the ZBA, the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the ZBA or would in any way preclude him or her from affording the applicant and the public a fair hearing.

5. If the ZBA member has expressed an opinion concerning a matter before the ZBA prior to becoming a member of the ZBA and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the ZONING ORDINANCE requirements.

6. The ZBA member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

F. **Officers**.

The Board shall annually elect a chairperson, a vice-chairperson, and a secretary. An elected officer of the Township shall not serve as chairperson.

G. **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.

H. **Compensation**.

The members of the Zoning 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 8.03 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 a Notice of Appeal, and at such other times as such Board in its Rules of Procedure may specify.

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 9.06**.

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 full membership 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 rules of procedure for the conduct of its meetings and the implementation of its duties.

2. The minutes of all meetings shall contain the grounds for every determination made by the Board, including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes 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 in order to ensure a fair and proper hearing.

F. **Legal Counsel**.

An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

## Section 8.04 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. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

    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 8.06** have been met.

B. **Powers Not Granted**.

1. **Special Uses and Planned Unit Developments**. The Zoning Board of Appeals shall have no jurisdiction to hear appeals from Planning Commission decisions concerning Special Uses and planned Unit Developments.

2. **Use Variances**. The Zoning Board of Appeals shall not have jurisdiction to grant use variances.

3. **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.

4. **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 8.05 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.

   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 seven (7) 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.

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 appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.

5. **Scheduling of Public Hearing.** Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation or variance request, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Notice of the public hearing shall be given pursuant to **Section 9.06**.

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. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

C. **Decision**.

1. **Final Decision**.

   a. 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.

   b. 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 render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion

of the Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision.

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 9.08**.

5. **Performance Guarantee**. In authorizing any variance, the Zoning Board of Appeals may require a performance guarantee. Such performance guarantee shall be collected and returned pursuant to the requirements of **Section 9.05**.

6. **Expiration**. Each variance granted under the provisions of this Ordinance shall become null and void unless:

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

   b. Thirty (30) days prior to the expiration of an approved variance, an applicant may make application to the Zoning Board of Appeals for a six (6) month 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.

7. **Resubmittal/Rehearing**. 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 six (6) months from the date of the last denial, except when a rehearing is granted pursuant to **subsection 9.10**.

8. **Violations**. Violations of any conditions imposed shall constitute a violation of the Zoning Ordinance and shall be subject to enforcement proceedings under this Ordinance.

## Section 8.06 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:

A. 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 is not due to the applicant's personal or economic hardship.

B. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

C. 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.

D. 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.

E. 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 8.07 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 twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

## Section 8.08 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


| Sec | Name | Pg |
|---|---|---|
| 9.01 | Administration of Zoning Ordinance | 9-1 |
| 9.02 | Zoning Permit Application Process | 9-3 |
| 9.03 | Interpretation/Conflicting Regulations | 9-7 |
| 9.04 | Zoning Fees | 9-8 |
| 9.05 | Performance Guarantee/Performance Bonding for Compliance | 9-9 |
| 9.06 | Public Notice Requirements | 9-10 |
| 9.07 | Use of Consultants | 9-12 |
| 9.08 | Conditions | 9-13 |
| 9.09 | Violations & Penalty | 9-13 |
| 9.10 | Rehearing Process | 9-14 |
| 9.11 | Approval Process Reference Chart | 9-16 |


## Section 9.01 Administration of Zoning Ordinance

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the **2008 PA 33**, as amended, "Michigan Planning Enabling Act"; **2006 PA 110**, as amended, Michigan Zoning Enabling Act"; and this Ordinance.

A. **Zoning Administrator**.

1. The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator, employed by the Township Board and under terms and conditions determined by the Board, and shall have all the administrative powers in connection with this Ordinance which are not specifically assigned to some other officer or body. Accordingly, he/she shall have no power to vary or waive ordinance requirements unless specifically stated in this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions as said board deems desirable to carry out the provisions of this Ordinance. He/she shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board.

2. The Township Board may also appoint a Deputy Zoning Administrator under such conditions and for such term and for such compensation as the Board may deem desirable to work under and assist the Zoning Administrator in the discharge of the duties of his office. The Deputy Zoning Administrator shall have the same authority as the Zoning Administrator.

3. Relative to the issuance of a permit, any decision rendered by the Zoning 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.

4. **Duties and Powers of the Zoning Administrator**. The Zoning Administrator shall enforce this Ordinance, and shall:

   a. **Permits.** Issue zoning permits.

   b. **Inspections.** Conduct inspections of premises subject to the provisions of this Ordinance to determine compliance.

   c. **Records.** Maintain permanent and correct records of this Ordinance including, but not limited to applications, zoning permits, compliance certificates issued, and all maps, amendments, Special Use Permits, exceptions, variances, and appeals.

   d. **Application Review.** Review all applications for site plan review, Special Use review, variances, and zoning amendments addressed to the Planning Commission or Zoning Board of Appeals, and report findings to said Commission and Board.

   e. **Record of Complaints**. The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint.

   f. **Violations**. Enforcement actions may be initiated by a complaint or by the Zoning Administrator independently at any time he or she identifies a violation.

   g. **Report to the Township Board**. The Zoning Administrator shall report to the Township Board periodically at intervals not greater than monthly, summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation and any action taken on each complaint. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

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 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**.

1. **Zoning Ordinance Adoption**. On the recommendation of the Planning Commission, the Township Board adopts the Zoning Ordinance, making it the enforceable law of the township government.

2. **Amendments**. The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).

3. **Fees**. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

## Section 9.02 Zoning Permit Application Process

No building or structure subject to the provisions of this Ordinance shall be erected, substantially altered, reconstructed, or moved, nor shall any excavation of land commence until a Zoning Permit application has been filed with the Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator. 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.

A. **Application for Permit**.

1. **Zoning Permit Required.** 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. This requirement shall not apply to alterations inside a building or structure if no change is made in the foundations or outside perimeter.

2. **Application.** Application shall be made upon forms provided by the Township and shall be accompanied by the tax description of the premises and by a Plot Plan pursuant to **Section 5.03** or a Site Plan pursuant to **Section 5.05**. The Township shall not issue a Zoning Permit until a final Plot Plan or Site Plan has been approved and is in effect pursuant to **Article 5**.

3. **Evidence of Ownership.** 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.

4. **Authorized Agent.** 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.

5. **Fee.** An application for a Zoning Permit shall be accompanied by the applicable fee established pursuant to **Section 9.04**.

6. **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.

7. **Traffic Study**. The Zoning Administrator may require an applicant to submit a traffic impact study when, based on the nature, size, location, or anticipated traffic generation of a proposed development or use, the Zoning Administrator determines that additional information is reasonably necessary to evaluate potential impacts. The study shall be prepared by a qualified professional and shall evaluate existing and anticipated traffic conditions, site access, traffic generation, roadway capacity, intersections, pedestrian and non-motorized circulation, and other relevant transportation impacts, as applicable. The study shall identify any improvements or measures necessary to provide safe and efficient access and to mitigate significant traffic impacts resulting from the proposed development. The scope and level of detail of the study shall be commensurate with the anticipated impacts of the proposed development and may be established by the Zoning Administrator in consultation with the applicable road agency.

8. **Well and Septic**. Proof of well and Septic approval, if applicable, issued by the **District Health Department No. 2**.

9. **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**.

The Zoning Administrator shall be empowered to make inspections of premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek an administrative search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance. Every building or structure for which a Zoning Permit has been issued shall be subject to two (2) inspections, unless waived by the Zoning Administrator:

1. **When Lots Lines and Building Corners Staked**. The applicant is responsible for determining and marking the correct location of lot lines as defined by this Ordinance from which setbacks are measured and for marking the location of building corners. The property owner shall notify the Zoning Administrator when the lot lines and building corners are staked.

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. **Issuance of Zoning Permit**.

1. **Issuance**. Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to ensure conformance with the requirements of this Ordinance (see **Section 9.05**). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.

2. **Withholding Permit**. The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state, or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; or driveway permits.

D. **Signed Copies**.

One (1) copy of the approved Site Plan or Plot Plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission or the Zoning Administrator, depending on the approving authority, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the Plot Plan or Site Plan and delivered to the applicant for information and direction.

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 that continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 9.09**.

G. **Zoning Permit Expiration.**

Except for a permit granted for a Special Use, any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to expiration of an approved plan, an applicant may make application to the Zoning Administrator or Planning Commission (depending on who approved the plan) for a one (1) year extension of the plan approval. The Zoning Administrator or Planning Commission may grant the requested extension for this additional one (1) year if the Zoning Administrator or Planning Commission finds good cause for the extension. See **Section 6.05** for expiration of a permit for a Special Use.

Before voidance of a zoning permit is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

H. **Revocation of Zoning Permit**.

The Zoning Administrator shall revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Revocation of a permit issued for a Special Use or variance shall not occur before a hearing is held by

the Planning Commission in the case of a Special Use and the Zoning Board of Appeals in the case of a variance. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

## Section 9.03 Interpretation/Conflicting Regulations

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with the existing and unrepealed provisions of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land.

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 or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Nothing in this Ordinance shall be construed to invalidate or supersede applicable private deed restrictions or covenants. The Township does not administer or enforce private deed restrictions or covenants.

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 4.12** (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 9.04 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.

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 percent (10) of the initial escrow deposit or less than ten percent (10) 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 9.05 Performance Guarantee/Performance Bonding for Compliance

A. **Requirements**.

In authorizing any Zoning Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to ensure compliance with the requirements, specifications and conditions imposed with the granting of such approval, permit or variance; (2) to ensure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not; and (4) to ensure site clean-up and restoration.

B. **Improvements Covered**.

Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage, sidewalks, and site clean-up and restoration. The performance guarantee shall meet the following requirements:

1. **Form**. The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.

2. **Time When Required**. The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. **Amount**. The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the Township Board.

C. **Return of Performance Guarantee or Bond**.

The Zoning Administrator, upon the written request of the obligor, and pursuant to the Township procedure, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

D. **Record of Performance Guarantees**.

A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

## Section 9.06 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 Township Clerk 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 Township Clerk shall be responsible for providing this notification.

   b. **Requirements**. The requesting party must provide the Township Clerk 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 9.07 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.

## Section 9.08 Conditions

A. The Planning Commission and Zoning Board of Appeals may attach reasonable conditions to the approval of a Plot Plan, Site Plan, Special Use, Planned Unit Development, variance, or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

2. Protect the natural environment and conserve natural resources and energy.

3. Ensure compatibility with adjacent uses of land.

4. Promote the use of land in a socially and economically desirable manner.

B. Conditions imposed shall meet all of the following requirements:

1. 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.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

## Section 9.09 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 - **§5.02** | Applicant | ZA | No | ----- | ----- | ZBA |
| Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - **§5.02** | Applicant | PC | No (unless listed as Special Use) | ----- | ----- | ZBA |
| Special Use | Applicant | PC | Yes | Not less than 15 days | Not less than 15 days | Circuit Court |
| 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. | | | | |
| Zoning enforcement | ZA | ----- | ----- | ----- | ----- | ZBA |

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

# Article 10
# Amendments & Adoption


| Sec | Name | Pg |
|---|---|---|
| 10.01 | Amendment to this Ordinance | 10-1 |
| 10.02 | Amendment Procedures | 10-1 |
| 10.03 | Rezoning Review | 10-4 |
| 10.04 | Conditional Rezoning | 10-4 |
| 10.05 | Severability/Validity | 10-8 |
| 10.06 | Rights & Remedies | 10-8 |
| 10.07 | Vested Right | 10-8 |
| 10.08 | Repeal of Previous Ordinance | 10-9 |
| 10.09 | Savings Clause | 10-9 |
| 10.10 | Adoption & Effective Dates | 10-9 |


## Section 10.01 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 10.02 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, along with an application fee. 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 review the application for completeness and 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 9.06**. The public hearing shall be conducted by the Planning Commission within a reasonable time after receipt of a complete application.

C. **Planning Commission Action.**

1. **Review and Recommendation**. In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of sixty (60) days following the required public hearing in subsection (B) above. The Planning Commission may recommend any additions or modifications to the original proposal. When reviewing a rezoning, the Planning Commission shall review the factors in **Section 10.03**.

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 no coordinating zoning committee has been formed, then the proposed amendment shall be sent to the County Board of Commissioners for review. 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 to review. The County, by resolution, may waive its right to review all Township amendments.

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.

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 9.06**. 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**. After receiving the recommendations of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the entire Township Board elected and serving. The Township Board may refer the proposed amendment 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 location 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 10.03 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 rezoning reasonably consistent with surrounding uses?

B. Will the proposed rezoning cause an unreasonably adverse physical impact on surrounding properties?

C. Will the proposed rezoning 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 rezoning?

E. Will the proposed rezoning 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 rezoning 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 10.04 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 9.06** of this Ordinance and consideration of the factors set forth in **Section 10.03** (except 10.03.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 County as specified in **Section 10.02.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, unless the County has waived its right to review.

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 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 10.05 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 10.06 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## Section 10.07 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 10.08 Repeal of Previous Ordinance

This Ordinance repeals and replaces any previous Greenwood Township Zoning Ordinance in its entirety.

## Section 10.09 Saving Clause

The repeal of the prior Greenwood Township Zoning Ordinance as provided in this Ordinance shall not affect the approval under that prior Zoning Ordinance of any Zoning 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 Greenwood 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 Greenwood 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 Greenwood Township Board at a regular meeting held on _____.

_____
Township Clerk

Published: _____ Effective Date: _____