

# **HAMLIN TOWNSHIP INTERIM ZONING ORDINANCE**

## **Ordinance No. 2022-02**

**Adopted September 7, 2022**

**HAMLIN TOWNSHIP, EATON COUNTY, MICHIGAN**

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# **HAMLIN TOWNSHIP INTERIM ZONING ORDINANCE**

## **HAMLIN TOWNSHIP ORDINANCE NUMBER 2022-02**

Effective September 14, 2022

The Township Board of Hamlin Township, Eaton County, Michigan, pursuant to the authority vested in it by Act 110 of Public Acts of the State of Michigan of 2006, as amended, hereby adopts the following interim zoning ordinance, to be known as the “Hamlin Township Interim Zoning Ordinance,” applicable throughout Hamlin Township.

### **THE TOWNSHIP OF HAMLIN, EATON COUNTY, MICHIGAN, ORDAINS:**

#### **Preamble**

*An ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of the Township of Hamlin, Eaton County, Michigan, in accordance with Act 110 of Public Acts of the State of Michigan of 2006, as amended; to provide for the establishment of Zoning Districts to encourage and regulate the use of land and location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, remedies for violation, and amendment of this Ordinance; to further the goals and objectives set forth in the Eaton Rapids Area Plan; and to provide regulations regarding conflicts with other ordinances or regulations.*

## CHAPTER 1 – TITLE AND PURPOSE

**Section 1.01- Title:** This Ordinance shall be known, cited and referred to as the “Hamlin Township Interim Zoning Ordinance.”

**Section 1.02- Purpose:** The provisions of this Ordinance shall be the minimum requirements, for Hamlin Township. The purpose of the Ordinance is to:

- A. Promote the public health, safety, convenience, comfort, prosperity, and general welfare of the citizens of Hamlin Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes;
- B. Enhance social and economic stability;
- C. Prevent excessive concentration of population;
- D. Reduce hazards due to flooding;
- E. Regulate the height and bulk of buildings, yards, courts, and open spaces;
- F. Conserve and stabilize the value of property;
- G. Provide adequate open space for light and air and to preserve the rural character of the community;
- H. Allow for a variety of residential housing types and commercial and industrial land uses;
- I. Lessen congestion on the public and private streets and highways;
- J. Ensure adequate transportation, sewage and drainage, water supply and distribution, education, recreation and other public services and facilities;
- K. Ensure adequate food, fiber, energy and other natural resources for the Township’s citizens;
- L. Ensure appropriate locations and relationships for uses of land;
- M. Promote the use of funds for public facilities and services by establishing standards aligned with the goals, objectives and policies contained in the Township’s Master Plan; and
- N. Provide for the administration and enforcement of such standards.

**Section 1.03- Conflicts:** Where this Ordinance imposes greater restrictions upon the use of land, buildings or other structures, or requires larger yards or other open spaces than are imposed or required by other provisions of law or ordinance, the provisions of this Ordinance shall prevail. Any activity, structure, practice or use that is unlawful under state or federal law is unlawful in Hamlin Township.

#### **Section 1.04 – Scope**

- A.** Whenever this Ordinance is more restrictive than a provision imposed by deed, easement, covenant, law, or regulation, the provisions of this Ordinance shall govern. This Ordinance does not affect any existing easement, covenant, or other private agreement, nor does it amend, modify, or alter plat restrictions on properties within the Township.
- B.** No person or business may engage in any activity, conduct, use or venture in the Township that is contrary to federal, state, or local law. Unless otherwise provided in this Ordinance, no building may be used for a purpose other than those permitted in the appropriate zoning district. Any building, use, or lot that was unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance.
- C.** No setback area or lot existing at the time this Ordinance is adopted may be reduced below the minimum requirements set forth herein. Yards, lots, or setback areas created after the effective date of this Ordinance must meet at least the minimum requirements established by this Ordinance.
- D.** Unless otherwise provided in this Ordinance, any conditions attached to a lot due to the operation of this Ordinance will remain in effect even if that lot changes ownership.
- E.** The regulations of this Ordinance are designed to be minimum regulations for promoting and protecting the public health, safety, and welfare.

#### **Section 1.05 – Authority.**

This Ordinance is authorized by the Michigan Zoning Enabling Act, MCL 125.3101, et seq., as amended, and advances the goals and objectives of the Township and the 2007 Area Plan while a comprehensive master plan is developed.

#### **Section 1.06 – Severability.**

If a court of competent jurisdiction determines any part of this Ordinance to be unconstitutional or invalid, the determination shall only affect the specific portion found to be unconstitutional or invalid and shall not affect the validity of the Ordinance as a whole.

## CHAPTER 2 – DEFINITIONS

**Section 2.01- Rules of Construction.** The following rules of construction shall apply to the text of this Ordinance:

1. Except with respect to the headings contained in Section 2.02, the headings that title a chapter, Chapter, section, or subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
2. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural, and words in the plural shall include the singular.
3. The words “shall,” “must,” and “will” are always mandatory and not discretionary. The word “may” is permissive and discretionary.
4. A “building” or “structure” includes any part thereof unless specifically excluded. The word “building” includes the word “structure,” and “dwelling” includes “residence.”
5. The terms “person” or “entity” shall include a firm, association, partnership, joint venture, corporation, trust, municipal, or public entity, or equivalent entity or any combination of them as well as a natural person.
6. The words “used” and “occupied,” as applied to any land, building, or structure, shall be construed to include the phrases “intended to be,” “arranged to be,” or “designed to be” used or occupied.
7. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built,” “constructed,” “reconstructed,” “moved upon,” or any physical operation or work on the land on which the building or structure is to be erected, built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
8. The particular shall control over the general.
9. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms “and,” “or,” and “either or” shall be interpreted as follows:
  - a. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
  - b. “Or” and “either or,” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.

10. Terms not herein defined shall have common, customary meanings.
11. The word “Township” shall refer to Hamlin Township.
12. The word “Ordinance” shall refer to the Hamlin Township Interim Zoning Ordinance, unless the context clearly indicates otherwise.

### **Section 2.02 Definitions - A**

**ABANDONED.** The relinquishment of land or cessation of a use of the land by the owner or lessee without transferring rights to the land or of resuming that use of the land or building.

**ABUT.** Having a common border with, or being separated from such a common border by, a right-of-way, service drive, or easement.

**ACCESSORY BUILDING OR STRUCTURE.** A subordinate building or structure on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage, lawn equipment shed, or mechanical equipment building for a swimming pool.

**ACCESSORY USE.** A use of a zoning lot that is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use. No accessory use shall be carried out on a parcel of land, unless there exists a principal use on such a parcel.

**AGRIBUSINESS.** Any business establishment including buildings, structures, lots, parcels, or parts thereof which provides services, goods, storage, transportation, or other activities directly related to agricultural production. This does not include processing of any kind.

**AGRICULTURE.** Undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

**ANIMAL, DOMESTICATED.** An animal that is commonly considered capable of being trained or can adapt to living in a human environment and being of use to human beings, which is not likely to bite without provocation, nor cause death, maiming or illness to human beings. Such animals may include but are not limited to the following: horse, cow, bird, fish, turtle, rodent

(bred, such as a gerbil, rabbit, hamster, or guinea pig), cat (domesticated), lizard or snake (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

**ANIMAL, EXOTIC.** Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal.

**ANIMAL, WILD.** Any animal not commonly considered capable of being trained or which cannot adapt to living in a human environment.

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

**ANTENNA, ATTACHED:** An antenna that is affixed to an existing structure; for example, an existing building, tower, water tank, flagpole, utility pole, etc. which does not include an additional tower.

### **Section 2.03 Definitions – B**

**BASEMENT.** That portion of a building that is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story unless over fifty percent (50%) of its height is above the level from which the building is measured.

**BUILDING.** An independent structure having a roof supported by columns or walls resting on its own foundation.

**BED-AND-BREAKFAST.** A use which is subordinate to the principal use of a dwelling as a single-family dwelling and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

**BERM.** An earthen mound, which is planted and maintained with approved landscaping and utilized as a buffer between different zoning districts.

**BUILDING, FARM.** Any building or structure other than a dwelling which is maintained, used, or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage and housing of farm implements, product, or farm animals.

**BUILDING, MIXED USE:** A building containing a combination of residential, office, and commercial uses.

**BUILDING, TEMPORARY:** A structure erected on a property which is intended for limited duration.



**BUILDING CODE:** The currently adopted code or codes regulating building construction in the Township.

**BUILDING HEIGHT.** The building height is the vertical distance measured from the average finished grade to the highest point of the roof surface of a flat roof; to the deck line of mansard roofs; and the average height between eaves and the ridges of gable, hip, and gambrel roofs. Where a building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.

**BUILDING LINE, FRONT:** The line that coincides with the face of the building nearest the front line of the lot. This face includes decks and porches, but does not include steps or the eave of the roof. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

**BUILDING LINE, REAR:** The line that coincides with the face of the building nearest the rear line of the lot. This face includes decks and porches, but does not include steps or the eave of the roof. Said line shall be parallel to the rear lot line and measured as a straight line between the intersecting points with the side yard.

**BUILDING LINE, SETBACK LINE:** A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way, easement line of an approved private street or proposed right-of-way line.

**BUILDING LINE, SIDE:** The line that coincides with the face of the building nearest either side yard line. This face includes decks and porches but does not include steps or the eave of the roof.

## **Section 2.04 Definitions – C**

**CAMPGROUND.** Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

**CANOPY.** A movable structure, constructed of tubular steel and canvas, plastic tarp, or sheet metal covers, or similar materials, typically used to cover vehicles or boats. Canopies shall be considered accessory structures.

**CELLULAR COMMUNICATION TOWERS.** A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**CERTIFICATE OF ZONING COMPLIANCE.** A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure, or building complies with the provisions of the zoning ordinance. Such a certificate is required for all products considered “industrial” within the meaning of this Ordinance.

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

**CHILDCARE FACILITY.** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the state department of social services. Such care organizations are classified below:

- a. Childcare center or day-care center. A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Childcare center includes a facility that 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 childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Childcare center does not include any of the following:
  1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
  2. A facility operated by a religious organization where children are in the religious organization’s care for not more than 3 hours while persons responsible for the children are attending religious services.
  3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
  4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

5. A program that primarily provides therapeutic services to a child.
- b. Child caring institution. A childcare facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 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, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes an institution 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, a boarding school licensed under section 1335 of the revised school code, a hospital or facility operated by the state or licensed under the mental health code, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act.
  - c. Foster family home. The private home of an individual who is licensed to provide 24-hour care for 1 but not more than 4 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
  - d. Foster family group home. The private home of an individual who has been licensed by the department to provide 24-hour care for more than 4 but fewer than 7 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
  - e. Family day-care home. A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family childcare home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. Upon state approval for increased capacity, a family child care home may have an additional child in excess of 6 minor children received for care and supervision.
  - f. Group day-care home. A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group childcare home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Upon

state approval for increased capacity, a group childcare home may have 2 additional minor children in excess of 12 minor children received for care and supervision.

**CHURCH.** See **RELIGIOUS INSTITUTION.**

**CIVIL INFRACTION, MUNICIPAL.** An act or omission that is prohibited by a law but is not a crime or that is prohibited by this Ordinance, for which civil sanctions may be ordered.

**COMMERCIAL RECREATION FACILITY.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities, and other customary recreational activities either indoors (within an enclosed building) or outdoors (outside of an enclosed building) operated as a business and open for use by the public for a fee.

**COMMERCIAL RIDING STABLE.** A stable, farm, or other appropriate facility used for facilitating the training and riding of horses.

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

**CONDOMINIUM:** A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

1. **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 the co-owner in the condominium.
2. **Condominium Lot:** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
3. **Condominium Subdivision Plan:** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
4. **Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. **Consolidating Master Deed:** The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which the final amended master deed fully describes the condominium project as completed.
6. **Contractible Condominium:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
7. **Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

8. **General Common Element:** A portion of the common elements reserved in the master deed for the use of all of the co-owners.
9. **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.
10. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
11. **Notice of Proposed Action:** The notice required in Section 71 of the Condominium Act, to be filed with the Township and other agencies.
12. **Site Condominium:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

**CONSERVATION EASEMENT.** A legal agreement in which the landowner retains ownership of private property but conveys certain specifically identified rights to a land conservation organization or public body.

**CONSTRUCTION.** Any assembly, erection, substantial repair, alterations or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.

## **Section 2.05 Definitions – D**

**DECK.** A platform commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities. This definition shall be interchangeable with that of “patio.”

**DEMOLITION.** The purposeful razing or destruction, or disassembly of a building or structure.

**DENSITY.** The number of dwelling units situated on or to be developed per net or gross acre of land.

**DEVELOPMENT.** The construction of a new use or building, or other structure on a lot or parcel; the relocation of an existing use or building on another lot or parcel; or the use of acreage or open land for the new use or building.

**DRIVEWAY.** A private path of travel over which an automobile may be driven which provides access from one parcel of land to a public or private road.

**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 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.

**DWELLING OR DWELLING UNIT:** Any structure erected on site, a mobile home, or a pre-manufactured or pre-cut structure, designed or used exclusively for residential purposes that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently, and complying with the standards set forth in this ordinance:

1. It contains a minimum area of seven hundred twenty (720) square feet of habitable floor area or such greater area as may be required in the district where it is located.
2. It complies in all respects with the Michigan Construction Code, as amended, including minimum height for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, then applicable Federal or State standards or regulations shall govern.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
4. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set up instructions; shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission; shall be installed with the wheels, axle, and towing mechanism removed; shall have no exposed undercarriage or chassis; and shall have a perimeter wall as required above.
5. It is connected to a public or private sewer and water supply, provided that private systems or facilities are approved by the Barry-Eaton District Health Department.

6. It has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said door areas where a difference in elevation requires the same.
7. It contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure and in compliance with the Michigan Construction Code, including permanent attachment to the principal structure and construction of a perimeter foundation as required herein.
8. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home, shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. It shall have a minimum width and length along its front, sides and rear of twenty (20) feet.
10. It contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site equal to or not less than fifteen percent (15%) of the interior living area of the dwelling.
11. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required herein.
12. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the Township. Acceptable used mobile home units must comply with Eaton County Department of Construction requirements.
13. In no case shall travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling or dwelling unit.
14. Only one (1) dwelling shall be permitted per parcel and the joining of two (2) or more separate mobile homes to form one (1) dwelling unit shall not be permitted.

In the case of buildings that are occupied for residential purposes in part, the portion occupied shall be considered a dwelling or dwelling unit, provided it is in conformance with the criteria for dwellings.

**DWELLING, SINGLE-FAMILY.** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit. Single-family dwellings do not include short-term rentals (STR).

**DWELLING, TWO-FAMILY.** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all respects to the standards set forth in Dwelling Unit. Two-family dwellings do not include short-term rentals (STR).

## **Section 2.06 Definitions – E**

**EASEMENT.** The right, privilege, or interest that one (1) party has in the land of another. For the purpose of front, side, and rear yard setbacks, an easement will be considered the same as right-of-way.

**EDUCATIONAL FACILITY.** A public or private accredited kindergarten through twelfth grade school, college, trade, or business school, nursery school, pre-school, or day care facility, and/or related administrative offices, excluding maintenance garage.

**ERECTED.** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, excavation, fill, drainage, etc.

**ESSENTIAL PUBLIC SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead, gas, electrical, steam, fuel, or water transmission, distribution, collection, communication (except cellular communication towers), supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

## **Section 2.07 Definitions – F**

**FARM.** Any parcel of land that is used for gain in the production of field and tree crops, livestock, poultry, and dairy products. Includes both general and specialized farming and similar agricultural enterprises, such as nurseries and greenhouses and secondary agricultural uses such as fruit orchards, tree farms, and pastures. This definition shall not include industrial processing or farm processing.

**FARM PRODUCT.** Those plants and animals useful to human beings produced by agriculture and includes, but it 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 aqua-cultural products; bees and bee products; berries; herbs; fruits; vegetables; flowers; seed 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. This definition shall not include industrial processing as defined by this Ordinance.

**FENCE.** A permanent or temporary partition, structure, or gate erected as a dividing marker and not part of a structure.



**FINANCIAL INSTITUTION.** A bank, savings and loan, credit union, credit agency, investment company, broker and dealer of securities and commodities, and similar facilities.

**Figure 1**

**FLOOR AREA, GROSS (GFA) (see Figure 1)**

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, but excluding decks, porches, patios, terraces, breeze ways, carports, verandahs, garages, and basements.



**FLOOR AREA, USABLE (UFA) (see Figure 1)**

That area used, or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used, or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**FLOOR AREA**

**FUNERAL HOME AND MORTUARY.** A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation at another location.

**Section 2.08 Definitions – G**

**GARAGE, PRIVATE.** A private garage is a building or structure that is typically used for the parking or storage of vehicles by the property owner(s). A private garage may be attached or unattached to a principal structure. This shall also include a carport.

**GARAGE, PUBLIC.** A public garage is a building or structure used for temporary parking of vehicles in a commercial area. A public garage may be attached or unattached to a principal structure.

**GOLF COURSE AND COUNTRY CLUB.** A public or private owned facility open to members only or the general public, offering the use of golf links, and related facilities such as a restaurant, tavern, swimming pool, tennis courts, and exercise facilities, and seasonal skiing facilities to its clientele.

**GOVERNMENT FACILITY.** A facility under the operational control of a governmental unit, specifically a Township, City, Village, County, State, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, town

halls, post offices, courts, and civic centers; excluding, vehicle and equipment maintenance and correctional institutions.

**GRADE.** The degree of rise or descent of a sloping surface.

**GRADE, NATURAL.** The elevations of the ground surface in its natural state, before man-made alterations.

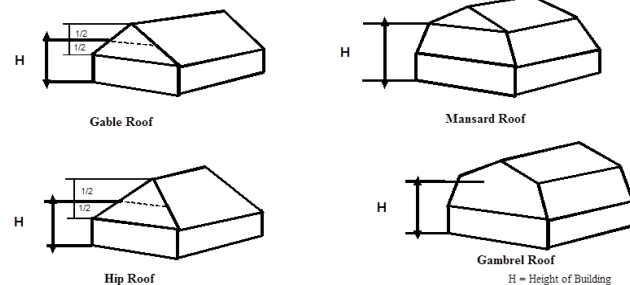
**GREENBELT.** A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**GREENHOUSE.** A building whose roof and sides are made largely of glass or similar rigid translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GUNSMITHING.** The design, making, refurbishing, repair and test firing of small firearms, including pistols, rifles, and shotguns.

## Section 2.09 Definitions – H

**HEIGHT (see Figure 2).** The vertical distance measured from the average grade to the highest point of a structure. For a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the mean height for gable, hip, and gambrel roofs.



**Figure 2**

**HOME OCCUPATION.** An occupation for gain or support conducted by members of a household residing on the premises and conducted entirely on the premises in the dwelling and/or accessory structure.

**HOSPITAL.** A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

**HUMAN OCCUPANCY.** Any structure or building purposely designed for human habitation, such as a condominium, a dwelling, a motel, a hotel, or a rental cabin. Such buildings and/or structures shall only be deemed fit for human occupancy if they meet all applicable ordinances,

fire codes, health codes, and building codes, and have been issued a Certificate of Occupancy by the local building inspector.

### **Section 2.10 Definitions - I**

**IMPERVIOUS SURFACE.** Any surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of cement, bituminous asphalt, paving, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

**INDUSTRIAL PROCESSING.** Industrial processes are procedures involving chemical, physical, electrical or mechanical steps to aid in the manufacturing of a product or items, carried out on a very large scale. Examples include, but are not limited to livestock processing, industrial hemp processing, marihuana processing, and millworks.

**INDUSTRIAL MANUFACTURING.** The creation or production of goods with the help of equipment, labor, machines, tools, and chemical or biological processing or formulation.

### **Section 2.11 Definitions - J**

**JUNKED VEHICLE.** A vehicle which is not registered, or any vehicle which is incapable of operation or use on the highway, has no resale value except as a source of parts or scrap, or presents a hazard or danger to the public by virtue of its state or condition of disrepair.

**JUNK YARD:** A place, structure, or parcel of land where junk, discarded waste, salvaged or similar materials, such as scrap iron or other metal, wood, lumber, glass, paper, rags, cloth, bagging, motor vehicle parts, machine parts, cordage, barrels, containers, etc., are bought, sold, exchanged, maintained, baled, packed, disassembled, stored, including but not limited to, auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

### **Section 2.12 Definitions - K**

**KENNEL:** A parcel upon which the building(s) or lands are designed or arranged to house three (3) or more dogs, cats, fowl or other domestic animals four (4) months or older, used for the sale, breeding, grooming, training, or care of animals for profit, but shall not include farm animals.

## **Section 2.13 Definitions - L**

**LANDSCAPING:** The following definitions shall apply in the application of this Ordinance:

1. **Buffer:** A landscaped area composed of plant material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
2. **Conflicting Non-Residential Land Use:** Any non-residential use, including, but not limited to: office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
3. **Conflicting Residential Land Use:** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
4. **Opacity:** The state of being impervious to sight. **Plant Material:** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.
5. **Screen:** A structure providing enclosure, including, but not limited to, a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

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

**LONG-TERM CARE FACILITY:** Long-term care facilities which are regulated by Public Health Code Act No. 368 of 197 shall be defined as follows:

1. **Nursing Home:** A facility that provides twenty-four (24) hour organized nursing care and medical treatment to seven (7) or more unrelated elderly and non-elderly adult persons.
2. **Subacute Care Facility:** A “transitional care” facility that provides twenty-four (24) hour organized nursing care and medical treatment to one (1) or more persons.
3. **Home for the Aged:** A facility providing room, board (at least two (2) meals a day), and supervised personal care (no nursing care is offered) to twenty-one (21) or more unrelated, non-transient, individuals sixty (60) years of age or more.
4. **Hospice Care Facility:** A facility, often part of a hospital, that provides twenty-four (24) hour in-patient and out-patient medical care to one (1) or more persons.

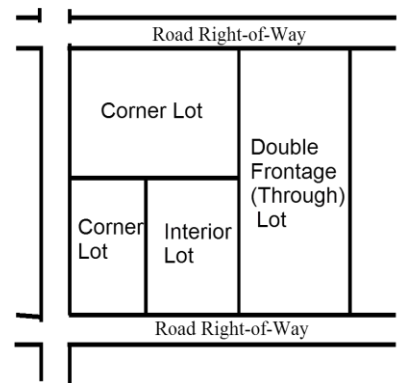
**LOT:** A parcel of land, separate from other parcels, that is part of a recorded subdivision, plat, or described by metes and bounds in any survey, conveyance or deed, whether or not recorded.

**LOT, AREA:** The total horizontal area within the lot lines of the lot.

**LOT COVERAGE:** The part or percent of a lot occupied by buildings and accessory buildings.

**Figure 3**

**LOT, CORNER:** A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of (2) two streets is 135 degrees or less; a lot abutting on a curved street or streets is tangent to the curve at the two points where the lot lines meet the curve forming an interior angle of less than 135 degrees. (see Figure 3).



**LOT, INTERIOR:** An interior lot is a lot other than a corner lot.

**LOT LINE, FRONT:** The front lot line is a line dividing the lot from the road right-of-way, or a line designated on a plat as the front lot line. On a corner lot, the shorter lot line shall be considered the front lot line unless otherwise designated in the plat.

**LOT LINE, REAR:** The rear lot line is the lot line opposite the front lot line.

**LOT OF RECORD.** A lot that exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**LOT, RECORDED:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by county and community officials and that actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT LINE, SIDE:** Any lot line not a front or rear lot line (see Figure 2.13.A).

**LOT, THROUGH.** Any interior lot having frontage on two (2) parallel streets. In the case of a row of through frontage lots, one (1) street will be designated as the front street for all lots in the plat. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

**LOT, WIDTH OF:** Width of the lot at particular points as designated in this Ordinance.

### **Section 2.14 Definitions - M**

**MANUFACTURED HOME:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended; is transportable in more than one section, is built on a permanent chassis; and does not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “double-wide.”

**MANUFACTURED HOUSING COMMUNITY:** A parcel or tract of land upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as temporary housing.

**MET TOWER.** A meteorological tower used for the measurement of wind speed.

**MINING SITE:** Premises from which any rock, gravel, sand, topsoil, or earth in excess of one-thousand (1,000) cubic yards in any one calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building on the mining site or construction within public highway right-of-way together with necessary buildings, apparatus, or appurtenances incidental thereto.

**MOBILE HOME:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), as amended; is transportable in one section; is built on a permanent chassis; and does not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “single-wide.”

**MOBILE HOME PARK:** A parcel of land that has been planned and improved for the placement of two (2) or more mobile homes for residential dwelling use, as defined by Act 419 of Public Acts of the State of Michigan of 1976, as amended

**MOTOR HOME:** A motor vehicle designed to be utilized as temporary living quarters normally for recreational, camping or travel purposes, having kitchen and bathroom facilities.

**MOTEL/HOTEL:** A series of attached, semi-attached, or detached dwelling units providing overnight lodging for transients that is open to the traveling public for compensation. The term “motel” shall include tourist cabins and motor cabins or courts.

## **Section 2.15 Definitions - N**

**NONCONFORMING:** A use, building or structure, or parcel or tract of land lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. Non-conformity may also be defined as provided by relevant statute and/or other law.

**NURSERY:** A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

## **Section 2.16 Definitions – O**

**OCCUPY:** The residing of an individual or individuals overnight or for an extended period in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

**OPEN SPACE:** Open fields and open areas in natural undeveloped states.

## **Section 2.17 Definitions - P**

**PARKING SPACE:** A minimum of two hundred (200) contiguous square feet exclusive of drives, entrances, and exits shall comprise one (1) automobile parking space.

**PERMITTED USE.** A use of land which is permitted by right within a particular land development district.

**PERSON:** Any individual, corporation, partnership, limited liability company, association, or other legal entity.

**PERSONAL SERVICE ESTABLISHMENT:** A business providing care for a person or his or her personal goods or apparel and may include laundry and dry cleaning, beauty shops, barbershops, shoe repair, health and fitness and tanning salons.

**PHOTOVOLTAIC DEVICE:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

**PLANNED UNIT DEVELOPMENT (PUD):** A form of land development comprehensively planned under a unitary site plan that permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses.

**POLE BARN:** A structure supported by posts or poles, including post or pole construction, post and beam construction, platform framing and/or balloon framing. It is a structure in addition to the dwelling unit and garage. Pole barns include, but are not limited to: the parking or storage of vehicles, farm machinery, boats, trailers or recreational vehicles, household goods, or home workshop or hobby center.

**POLLUTION:** Unnatural additions to land, air, or water rendering undesirable the uses for which they are intended.

**POND:** Any open body of freshwater, either naturally occurring or man-made by impoundment, with a surface area observed or recorded within the last ten (10) years of at least ten thousand (10,000) square feet and which is never without standing water due to natural causes, except during periods of extended drought. For purposes of this definition, “extended drought” shall mean any period of four (4) or more months during which the average rainfall for each month is

fifty percent (50%) or less than the ten-year average for that same month. Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

1. Basins or lagoons which are part of wastewater treatment plants;
2. Swimming pools or other impervious man-made basins; and
3. Individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

**PRELIMINARY PLAT:** A proposal for the subdivision of land which is filed with a governmental agency pursuant to the Land Division Act of 1996, as amended.

**PRINCIPAL USE:** The principal purpose for which land, building or structure is arranged, designed, or intended, or for which land or a building or structure is or may be occupied. The primary or predominant purpose to which a parcel of land is devoted as distinguished from an Accessory Use.

**PRIVATE DRIVEWAY:** The route, way, ingress, egress, etc., that is used to provide vehicular access from a public or private street, road, highway, boulevard, or avenue to a structure. A private driveway is not generally open to the public.

**PRIVATE LANDING STRIP:** A long flat piece of land from which aircraft can take off and land, especially one used only by private aircraft, located on private property for the use of the resident of said private property.

**PRIVATE SANITARY SEWAGE DISPOSAL SYSTEM:** An individual, on-site sewage disposal system as defined in the Barry-Eaton District Health Department Sanitary Code.

**PRIVATE WATER SUPPLY:** A well or other water supply system approved by the Barry-Eaton District Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

**PROHIBITED USE:** A use of land which is not permitted within a particular land development district.

**PUBLIC PARK:** Parks for public use that may have such improvements as ball fields, swings, picnic facilities, tennis courts, and camping sites.

**PUBLIC UTILITIES:** Any person, firm or corporation, municipal department, board or commission duly authorized under federal, state, or municipal regulations to furnish the public with gas, steam, electricity, sewage, disposal, communication, television, transportation or water.

**PUBLIC WATER SUPPLY:** A water works system which provides water for drinking or household purposes to persons other than the supplier of water, except those water works systems which supply water to only one living unit, further defined in Public Act 399 of 1976, as amended.



## **Section 2.18 Definitions - R**

**RELIGIOUS INSTITUTION:** A building wherein people regularly assemble for religious worship and that 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.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**RETAIL USE.** An activity carried out for pecuniary gain including, but not limited to, retail sales, vehicle or appliance repair services, business offices, food service, theaters, and brokerages.

**RESIDENCE:** A home, abode, or place where an individual is living at a specific point in time.

**RESIDENTIAL USE:** The use of a building or portion thereof as living quarter, a residence, a domicile or any building or portion thereof designed to be used as a dwelling. A residential use does not include transient rental uses.

**RESTORATION:** The reconstruction or replication of an existing building's original architectural features.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, easement, prescription, purchase or commendation or permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

**ROAD OR STREET:** A public or private thoroughfare that affords the principal means of vehicle access to abutting property and that has a right-of-way of not less than sixty-six (66) feet in width for any road created hereafter. A "Hard Surface Road" is a road consisting of concrete or bituminous asphalt. A "Primary Road" is a county hard-surfaced road. A "Private Road" is a road built and maintained by private organizations or individuals. A "Secondary Road" is a county hard surface, dirt, or gravel road that is not a Primary Road.

## **Section 2.19 Definitions -S**

**SERVICE STATIONS:** A building or structure designed or used for the retail sale or supply of fuel, lubricants, air, water, tires, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities on or in such vehicles, including repairs.

**SETBACK:** A line parallel with and at the minimum required distance from the road right-of-way line or adjacent property or lot line.

**SHORT-TERM RENTALS (“STR”):** Use of a private, single-family dwelling to provide rental accommodations to short-term guests. An STR is not a motel/hotel. Examples of STRs include Airbnb rentals, Verbo rentals, and private residences rented for a minimum of 24 hours to members outside the household.

**SIGNS.** Shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs, signs painted directly on walls of structures, and portable signs.

**SIGN, DISPLAY AREA.** Display area means the entire area within a circle, triangle or parallelogram enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

**SHOOTING RANGE.** An area of at least five acres, sufficiently outfitted for recreational archery and/or firearm shooting. Such a range must have all appropriate permits to operate.

**SHADOW FLICKER.** The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

**SITE PLAN.** The documents, drawings, and related materials required by this Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**SKIRTING.** A colored aluminum, vinyl, fiberglass, decorative wood or metal material designed specifically for siding, soffit, or skirting, extending from the ground to dwelling floor, encompassing the entire perimeter of the dwelling.

**SOLAR ARRAY.** Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

**SOLAR ENERGY SYSTEM, LARGE.** A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than one (1) megawatt.

**SOLAR ENERGY SYSTEM, SMALL.** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located.

**CONDITIONAL USE.** A use specified in a zoning district only allowed under this Ordinance following issuance of a conditional use permit.

**CONDITIONAL USE PERMIT.** A permit issued by the Township Board upon recommendation of the Township Planning Commission to allow a conditional use to be developed in an appropriate district.

**STORY.** That portion of a building included between the surface of any floor and the ceiling next above it.

**STORY, ONE-HALF.** A story under the gable, hip, or gambrel roof, the wall top plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

**STRUCTURE.** Anything attached to or upon the ground, the use of which requires permanent location on the ground or attachment to something having more or less permanent location on the ground.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configuration, or of the roof and exterior walls or means of egress.

**SUBDIVISION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempt from the platting requirements of the Land Division Act pursuant to Sections 108 and 109 thereof.

**SUBDIVISION PLAT.** A map or chart depicting the subdivision of land as regulated by the Land Division Act of 1996, Act 591 of the Public Acts of 1996, as amended.

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

**SWIMMING POOL.** A nonporous container containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two-hundred fifty (250) square feet, or a pool permanently equipped with a water re-circulating system or constructed of structural materials.

### **Section 2.20- Definitions – T**

**TEMPORARY BUILDING OR STRUCTURE:** A building or structure permitted to exist during periods of construction of the main building or structure or for special events, for six (6) months or less. A temporary dwelling shall comply with all required setbacks for the district in which it is located.

**TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

**TRAVEL TRAILER:** A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight not to require special highway movement permits when drawn by a vehicle.

### **Section 2.21- Definitions – U**

**USE.** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

**USE GROUP.** The classification of a building or structure based upon its purpose as contained in the State Construction Code.

### **Section 2.22- Definitions – V**

**VARIANCE.** A modification of the specific regulations of this Ordinance granted by the Zoning Board of Appeals in accordance with the terms of this Ordinance and Act 110 of the State Public Act of 2006, as amended.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, except devices moved by human power or used exclusively upon stationary rails or tracks.

### **Section 2.23- Definitions – W**

**WALL.** The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.

**WAREHOUSE.** A building used primarily for the storage of goods and materials either on a fee basis available to the general public or privately in connection with a primary use, such as a commercial or industrial operation.

**WIND ENERGY CONVERSION SYSTEM (WECS):** Also commonly referred to as a wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

**WIND ENERGY CONVERSION SYSTEM (WECS) HEIGHT:** The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

**WIND ENERGY CONVERSION SYSTEM, NON-COMMERCIAL.** A single WECS placed upon a lot or parcel with the intent to service the energy needs of or supplement other energy sources for only that lot or parcel upon which the single WECS is placed.

**WIND PARK.** One or more WECS placed upon one or more contiguous lots or parcels with the intent to sell or provide electricity to a utility or for resale at retail or wholesale on the electric transmission grid. Although the WECS within a Wind Park may or may not be owned by the owner of the property or properties within the Wind Park, the Wind Park shall consist of all the lots and parcels located within the Township that are in whole or in part within a radius of 2,000 feet from the bases of any and all WECS within the Wind Park, unless the Township expressly provides in the conditional use permit that the applicant, owner, or operator may use a smaller radius or that any properties may be excluded from the Wind Park. If the Township Board permits any properties within the approved radius to be excluded from the Wind Park, then such properties shall be treated for all purposes as outside the Wind Park under this Ordinance.

**WIRELESS COMMUNICATION FACILITY.** All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers, cellular phone and paging devices, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial radio-service facilities.

**WIRELESS COMMUNICATION SUPPORT STRUCTURE.** Any structure used to support attached wireless communication facilities or other antenna or facilities, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof mounted pole, monopole, or other similar structures that support wireless communication facilities.

### **Section 2.24 Definitions - Y**

**YARDS.** The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

**FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

**REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building.

**SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

### **Section 2.25 Definitions - Z**

**ZONING ACT.** The Michigan Zoning Enabling Act 110 of 2006, that codifies the laws regarding local units of government regulating the development and use of land.

**ZONING ADMINISTRATOR.** The person designated by Township Board to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS.** For the purposes of this Ordinance, this term shall mean the Zoning Board of Appeals of Hamlin Township.

**ZONING PERMIT.** A permit issued to a person proposing a development which is regulated by this Ordinance, which indicates compliance with the Ordinance and thereby permission to proceed.

## CHAPTER 3 – ZONING DISTRICTS AND BOUNDARIES

**Section 3.01. Districts.** For the purpose of this Ordinance, all of the unincorporated areas in the Township of Hamlin are hereby divided into the following types of districts, to be known as, and having the following symbols:

AGRICULTURAL	AG
LOW DENSITY RESIDENTIAL	R-1
LOCAL BUSINESS	C-1
INDUSTRIAL	I

**Section 3.02 Map.** The locations and boundaries of the Zoning Districts are hereby established as shown on the Zoning Map for Hamlin Township. The same may be amended from time to time and shall be entitled “The Hamlin Township Zoning Map.” Such a map accompanies and is hereby made a part of this Ordinance.

**Section 3.03. Interpretation of Boundaries.** Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.

3. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
4. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

**Section 3.04 Jurisdiction of the Zoning Board of Appeal.** When there is any question as to the location of any boundary line between Zoning Districts that cannot be resolved by the rules stated above, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.

**Section 3.05. Scope of Provision.** 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 any existing building or structure occurring, and every enlargement of, or addition to, an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the District in which such use, building, or structure is located.

**Section 3.06 District Use Table.** Specified Uses. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Chapter.

**DISTRICT USE TABLE**

<b>Zoning District</b>	<b>AG</b>	<b>R-1</b>	<b>C-1</b>	<b>I</b>
Accessory Uses	P	P	P	P
Adult Entertainment Establishments			C	
Bed & Breakfast	C	C		
Campground	C			
Cemetery	C	C		
Child Care Facility	P	P		
Child Foster Care Facility	C	C		
Cellular Communications Towers			C	C
Commercial Recreational Facilities			C	
Farm	P	P		
Farm Processing				C
Financial Institution			P	
Funeral Home and Mortuary			P	
Garage, Public			C	
Government Facility			P	
Greenhouse	C		C	
Gun or Archery Range	C			
Golf Courses and Country Clubs	C			
Gunsmithing	P	C	C	
Home Occupation	C	P		
Home Office	P			
Hotel/Motel			C	
Hospital			C	



<b>Zoning District</b>	<b>AG</b>	<b>R-1</b>	<b>C-1</b>	<b>I</b>
Industrial Processing				C
Industrial Manufacturing				C
Junk Yard				C
Kennel	C			
Long Term Care Facility	C		C	
Manufactured Home	P	P		
Manufactured Housing Community			C	
Manufacturing				C
Mining or Excavation Site	C			C
Mobile Home Park			C	
Multiple Family			C	
Nursery	C			
Personal Service Establishment			P	
Public Parks	P	C		
Religious Institution	P	P	P	P
Retail Use			P	P
Shooting Range	C			
Short Term Rentals		C		
Single Family Dwelling	P	P		
Solar Energy System, Large			C	C
Solar Energy System, Small	P	P		
Two Family Dwelling			C	
Warehouse				P
Wind Energy Conversion Systems, Non-Commercial	C	C		
Wind Park	C			C

**Key:**

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Conditional Use Permit
<b>Blank</b>	Use Not Permitted

## CHAPTER 4 – GENERAL PROVISIONS

**Section 4.1 Intent and Purpose.** It is the purpose of this Chapter to establish within this Chapter regulations and conditions generally applicable to all Districts of this Ordinance.

**Section 4.2 Jurisdiction.** The jurisdiction of this Ordinance shall include all lands and waters lying within Hamlin Township. All buildings or structures-built hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance and are subject to the standards outlined in the zoning district in which such buildings, uses, or land shall be located.

**Section 4.3 General Regulations and Specifications.** The following regulations shall apply to all districts of this Ordinance unless specifically exempted elsewhere in this Ordinance.

- A. **Minimum Lot Requirements.** Every principal structure shall be placed on its own lot. Principal structures shall not share lots. A legal description of the lot must be presented when application is made for a Zoning Permit.
- B. **Access Required:** All lots created or adjusted after the effective date of this Ordinance shall have the required minimum lot width (frontage) along and adjacent to a public or private road with access to that public or private road via a private driveway.
- C. **Required Water Supply and Sanitary Sewage Facilities.** No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential assembly, business, industrial, institutional, or mercantile purpose unless said structure shall be provided with a water supply and waste water disposal system that conforms with the requirements of the Barry-Eaton District Health Department, Michigan Construction Code Act, Public Act 368 of 1978, as amended, and any local ordinances, applicable to public sanitary sewer and public water supply.
- D. **Required Area or Space.** A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced to make it nonconforming with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- E. **Structures on More Than One (1) Lot.** If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot, subject to the Lot Frontage and Depth Ratios found in this Section.

F. **Lot Frontage and Depth Ratio.** In order to conserve land resources including productive farmland, and to limit the overcrowding of land, all lots created or adjusted after the effective date of this Ordinance shall meet the standards of the following table with respect to the ratio of lot width to depth:

<u>Proposed Parcel Area</u>	<b>Width to Depth Table</b>	
	<b>Majority of Soils Characterized as <u>Essential Cropland</u></b>	<b>Majority of Soils <u>NOT</u> Characterized as <u>Essential Cropland</u></b>
25 acres or More	No Ratio	No Ratio
10 to 24.99 Acres	1 to 3	No Ratio
Less than 10 Acres	1 to 3	1 to 4

G. **Earth Removal, Grading, and Filling.** In order to protect adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Final Grade Surface.** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
2. **Grade Changes.** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner.
3. **Land Disturbance:** Any land development which disturbs the existing grade more than one (1) acre of land or lies within five-hundred (500) feet of a river, stream, wetland, flood plain, lake, or open drain, shall require a Soil Erosion and Sedimentation Control Permit pursuant to Part 91, Act 451 of the Public Acts of 1994, as amended.
4. **Fill or Excavate:** Any development or use of property which proposed to fill or excavate the site such that more than three hundred (300) cubic yards of earth will

be removed from the site or hauled to the site from another location, shall require the written approval of the County Drain Commissioner.

**Section 4.04 Accessory Uses.** Accessory uses, buildings, and structures that are customarily incidental to that of the principal use of a parcel shall be permitted provided said accessory uses, buildings, and structures are not otherwise regulated by this Ordinance and are in compliance with the following:

- A. Attached Accessory Buildings and Structures: Shall be considered part of the principal building and shall conform to the site development standards of the land development district in which the structure is located.
- B. Detached Accessory Buildings or Structures: Shall not be located within the area required for the front yard of this Ordinance, and shall be no closer than ten (10) feet from other buildings or any lot line, provided that bus shelters, not to exceed one-hundred fifty (150) square feet in floor area, may be constructed in the front yard and with a minimum setback from the road right-of-way of eight (8) feet.
- C. Accessory Dwelling Unit: A person may make application to Zoning Administrator to construct an accessory dwelling unit for the purpose of housing a relative or domestic employee of the owner occupied principal dwelling structure. There may be no more than one accessory dwelling unit per a parcel. The Accessory Dwelling Unit may be no larger than 800 square feet and no smaller than 350 square feet per unit including kitchen and sanitary facilities. The accessory dwelling unit may be attached or detached from the principal structure. If attached, it shall be considered part of the principal building and shall conform to the site development standards of the land development district in which the structure is located. If it is detached, accessory dwelling units may be no closer than 10 feet to any structure and no further than 200 linear feet from the principle dwelling structure and shall conform to the site development standards of the land development district in which the structure is located.
- D. Lot Coverage: The lot coverage created by accessory buildings and structures when added to the lot coverage created by principal buildings and structures shall not exceed the maximum lot coverage for each land development district.
- E. Transportation: An accessory use in an Agricultural District or Commercial Zoning District may include the use of vehicles that are used in an otherwise permitted principal use on the property such as transporting of agricultural or commercial goods for trade or business, including the transfer of goods between vehicles, the breaking down or the aggregation of shipments into smaller or larger loads, and the storage of goods for future transport. All items brought back to the site shall be stored in a fully enclosed building or located within a fully enclosed (site proof) fenced area. This use shall be limited to no more than five (5) vehicles over 26,000 pounds gross vehicle weight and ten (10) trips (entrances and exits to the property) per day excluding trips generated by the principal use.

**Section 4.5 Permitted Yard Encroachments.** The minimum yard size and setback requirements of this Ordinance shall be subject to the following permitted encroachments.

- A. Existing Buildings or Structures: Shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features may project into a required yard area no more than five (5) feet.
  
- B. Terraces, Patios, Porches and Decks: Provided that they are not covered with a roof, or that the deck or paved area is not more than thirty (30) inches above the average surrounding final grade, or that the deck or paved area is not fully enclosed by a wall or fence over five and one-half (5 1/2) feet in height above the average surrounding finished grade and provided that the paved area or deck is no closer than ten (10) feet from any lot line or public right-of-way line.

**Section 4.06 Height Regulations.** All buildings for human occupancy shall be limited to a maximum height of forty (40) feet above the median elevation of the finished grade line of the ground level within twenty (20) feet of the building to the highest point of the roof.

**Section 4.07 Permitted Exceptions.** The following structural appurtenances shall be permitted to exceed the height limitations, provided that no portion of said appurtenances shall be used for human occupancy. Any structural exception to the height limitation shall be erected only to such height necessary to accomplish its intended purpose. Structural appurtenances exceeding the maximum height limitations within two (2) miles of a public airport shall not be allowed without the approval of the Michigan Aeronautics Commission pursuant to R259.292, Michigan Administrative Code.

- A. Ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.
  
- B. Appurtenances necessary to mechanical or structural functions of a building and structures, such as chimney, smoke stacks, water tanks, wind generators and pumps, elevators, stairwell, penthouses, ventilators, bulkheads, cooling towers, barns, grain elevators, and silos; provided that structural appurtenances in the Low Density Residential (R-1) District, that are designed to serve the occupants of the individual residential use, and do not exceed seventy-five (75) feet in height as measured from the ground level at the base of the structure, and that structures for agricultural operations or designed to serve the occupant of a dwelling in the Resource Conservation (RC) or Limited Agricultural (LA) Districts shall not exceed one-hundred (100) feet in height as measured from the ground level at the structure.

- C. Antennas, masts, or aerials as an accessory use of a building provided that it does not exceed eighty-five (85) feet in height as measured from ground level at the base of the structure

**Section 4.08 Allocation of Lot Areas.** No portion of a lot shall be used more than once in compliance with the site development requirements.

**Section 4.09 Site Development Standards.**

	AG	R-1	C-1	I
<b>Minimum Lot Width</b>	110	110 100 (a) 70 (b)	100 125(g)	200
<b>Min Lot Area in Sq Feet</b>	36,300	15,000 Single Family Dwellings (a,b,h)  12,000 Duplex Dwellings (a,b,h)	30,000 15,000 (b) 6,000/D/U more than 2 Units (a,b,h)	43,560
<b>Min Setback from Road R/W</b>	50 40 (a) 35 (b)	50 40 (a) 35 (b)	50 75 (g)	75
<b>Minimum Front and Rear Setback in Feet</b>	30	35	30	50
<b>Min Side Yard Setback</b>	20	25 15(a) 10(b)	25(c)	30
<b>Maximum Lot Coverage</b>	20%	30%	50%	50%
<b>Min Floor Area in Square Feet</b>	720(d)	720(d), (e)	None 700(f)	None

**Key:**

- a) Platted
- b) When attached to public sanitary sewer facilities
- c) Total both sides
- d) Including mobile homes
- e) Per dwelling unit
- f) Multiple family dwelling units
- g) When fronting on a major street as defined in this Ordinance
- h) When subdivided and served by a public water supply



## CHAPTER 5 – LAND DIVISION

**Section 5.01 Land Division Administrator.** The Zoning Administrator shall process all Land Division Applications.

**Section 5.02. Complete Application.** Any real property which is divided, or lots created or adjusted after the effective date of this Ordinance must submit a complete Application for Proposed Land Divisions. This shall include a boundary line survey and legal description of the proposed land divisions completed by a Licensed Land Surveyor for all parcels less than forty (40) acres or a quarter (1/4) quarter (1/4) section containing not less than thirty (30) acres or an approved platted subdivision plan or an approved condominium subdivision.

**Section 5.03 Land Division Approval Standards.** The Zoning Administrator shall consider whether the proposed division:

- A. Has an accurate legal description;
- B. Does not result in a parcel narrower than 4:1;
- C. Meets the minimum parcel width required in this Ordinance;
- D. Meets the minimum parcel size required in this Ordinance;
- E. Is accessible by a public road, private road, easement or other similar means;
- F. Does not exceed the maximum number of divisions for the parent parcel, or the number of re-divisions for the division;
- G. Has adequate easements for public utilities from the parcel to existing public utility facilities;
- H. Does not result in land-locking a lot or cemetery; and
- I. Does not have any unpaid property taxes and/or special assessments due for the last five years.

**Section 5.04 Time Required for Review:** The Zoning Administrator shall have a maximum of forty-five (45) days to review the proposed land division in compliance with the Michigan Land Division Act.

**Section 5.05 Approval of Parcel:** The Zoning Administrator shall not approve such division of land unless it is determined that the proposed division complies with the requirements of this Ordinance, the Michigan Land Division Act (Act 288 of the Michigan Public Acts of 1967, as amended).



## CHAPTER 6 – CONDITIONAL USE PERMITS

**Section 6.01 Intent and Purpose.** It is the purpose of this Chapter to provide procedures and standards for the submission, review, and approval of Special Land Use Permits. It is the intent of these provisions to allow for flexibility and practical latitude while maintaining sound provisions for the protection of the public health, safety, and general welfare. To achieve this purpose, certain land uses, buildings, and structures are required to be reviewed for compliance with the specific and general standards contained in this Ordinance.

**Section 6.02 Authority.** The Planning Commission, as hereinafter provided, shall have the authority to recommend Conditional Use Permits subject to such conditions of design and operation, safeguards and time limitations as it may recommend for conditional uses in any district. The Township Board shall have final authority to accept, reject, or modify the recommendation of the Planning Commission and to issue Conditional Use Permits subject to such conditions of design and operation, safeguards and time limitations as it may determine for conditional uses in any district. Application for any Conditional Use Permit permissible under the provisions of this Ordinance shall be subject to a fee as may be set by the Township Board from time-to-time.

**Section 6.03 Conditional Uses Generally.** Conditional Uses may be permitted only in those districts where they are designated by this Ordinance and are permitted only when specifically approved by the Planning Commission in accordance with the provisions of this Ordinance.

**Section 6.04 Conditional Use Application.** Prior to approval of a Conditional Use Permit, the Planning Commission shall ensure that all standards specified in this Chapter, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

- A. Application: An application for permission to establish a Conditional Use shall be submitted and acted upon in accordance with the following procedures:
1. An application and preliminary site plan shall be submitted to the Planning Commission. An application shall be accompanied by a fee in accordance with the Township schedule of fees established by the Township Board.
  2. In addition to any established application fee, the Planning Commission Chair shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit. The escrow deposit shall defray anticipated costs to be incurred by the Township for attorneys, planners, engineers, or other experts in the review of the application. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application(s) shall be returned to the applicant(s).

3. The Planning Commission may impose conditions with permit approval that it deems necessary to ensure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator
  4. Any additions to or expansions of an existing establishment or land use listed under Conditional Uses, shall also require a Conditional Use Permit issued by the Planning Commission.
- B. Public Hearing: The Planning Commission shall hold a public hearing, or hearings, upon receipt of the application for a Conditional Use Permit. Such hearing(s) and the notice(s) of hearing shall comply with the Michigan Zoning Enabling Act (Act 110 of 2006).
- C. Standards: In deciding a request for a Conditional Use Permit, the Planning Commission shall be governed by the following principles and standards:
1. The applicant(s) shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
  2. In considering an application for a Conditional Use Permit, the following shall be considered:
    1. Whether all required information has been provided and fees paid.
    2. Whether the proposed use is specifically provided as a use by special permit in the district in which the property is zoned.
    3. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan and this Ordinance.
    4. Whether the proposed use will adversely affect neighboring lands, including whether the proposed use will produce, create, or result in more traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than permitted uses in the district or increase hazards to the subject property or neighboring lands.
    5. Whether the proposed use will change the essential character of the surrounding area, disrupt the orderly and proper development of the district as a whole, or conflict with or discourage the permitted uses of the adjacent lands or buildings.

6. Whether the proposed use is compatible with and will not adversely affect the natural environment.
7. Whether the capacity of local utilities and public services are sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
8. Whether the conditional use shall comply with soil erosion and sedimentation control requirements and groundwater protection management provisions of local, state, and federal laws.
9. Whether the proposed use shall comply with all relevant provisions of this Ordinance, including supplementary provisions for buildings, structures, uses, lots, yards, and premises, as well as those specific requirements in the district in which the property is zoned.

D. Conditions: The Planning Commission may impose reasonable conditions including duration and review periods in granting a special permit. The Planning Commission may enter into a development agreement to meet the purposes of this Chapter. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect:
  1. Natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration;
  2. Residents, and landowners immediately adjacent to the proposed land use or activity, and
  3. The community as a whole.
2. 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.
3. Promote the use of land in a socially and economically desirable manner.
4. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

5. Be necessary to ensure compliance with the standards set forth in this Chapter.
  6. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.
- E. Decision: After the hearing, the Planning Commission shall recommend and the Township Board shall have final authority to:
1. Approve the conditional use permit application and direct the Zoning Administrator to issue the conditional use permit; or
  2. Grant the conditional use permit application subject to conditions that are imposed in order to ensure the special land use complies with standards stated in this Ordinance; or
  3. Deny the conditional use permit application.
  4. All decisions shall be accompanied with a concluding statement citing the reasons for decision or other applicable requirements and any condition imposed. The written decision of the Township Board shall be sent to the applicant signed by the Supervisor or Clerk with a copy to the Planning Commission.
- F. Issuance; Compliance and Violation: Upon approval, the Township Board shall issue a Conditional Use Permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions, and restrictions of any Conditional Use Permit and take any enforcement action necessary in the event of violation of the Conditional Use Permit.

**Section 6.05 Renewal.** Conditional Use Permits may be reviewed annually by the Zoning Administrator to ensure compliance with this Ordinance. Any violation of the Conditional Use Permit or the conditions placed upon the Conditional Use Permit shall automatically void the entire permit. Violation of the Conditional Use Permit or conditions placed thereon is a violation of this Ordinance.

**Section 6.06 Appeals:** The final decision of the Township Board may be appealed to the Eaton County Circuit Court as permitted by law.

## CHAPTER 6A – REGULATIONS OF SPECIFIC USES

### Section 6A.01 Agricultural Business (Agribusiness)

1. Structures housing animals shall be setback one-hundred (100) feet from all property lines and the road right-of-way.
2. Fenced holding areas for animals shall meet the yard setbacks requirements of the zoning district of the parcel.
3. No storage of manure or dust producing material within one-hundred (100) feet of any property line or road right-of-way.
4. Agricultural business shall be established and conducted in compliance with all applicable, State, County and Federal laws and Ordinances.

### Section 6A.03 Campgrounds. Recreational vehicle parks and campgrounds shall be subject to the following requirements:

1. Each campsite shall be set back from any right-of-way or lot line at least seventy-five (75) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. At least fifteen percent (15%) of the site, not including the greenbelt and set back, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development.
4. Spaces may be used by motorhomes, travel trailers, campers, and tents.
5. No more than one permanent dwelling shall be allowed in a campground. That dwelling shall only be occupied by the owner of the campground, or the manager of the same. Each campground shall be directly supervised by a resident manager, who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times, twenty-four (24) hours when park spaces are rented. The manager's residence may include the business office for the park, in which case the structure shall include at least one thousand (1,000) square feet of living area for the manager's family.
6. Each campsite shall have an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, a metal trash container with lid and volume of at least two cubic feet, which shall be emptied daily by park personnel to the solid waste facility, and a gravel or hard surfaced parking area of at least four hundred (400) square feet.

7. All campgrounds shall be licensed by the Michigan Department of Health and Human Services, or its successor, and maintain compliance with all regulations set forth by the Barry-Eaton District Health Department and the Michigan Department of Natural Resources.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance with all applicable local, state, and federal laws.
9. Each Campground shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each Park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded.
10. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
11. Each campsite made available as a travel trailer space shall contain at least two-thousand (2,000) square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
12. Each Park shall be served by not more than one (1) point of access to each abutting street or road. All entrance and exit lanes within a campground shall be illuminated. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150) feet in each direction on any abutting road and for twenty-five feet (25) on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty-four (24) feet wide for two-way traffic or twelve (12) feet wide for one-way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
13. The minimum lot area of a campground shall be five (5) acres.
14. No person shall occupy any recreational vehicle park or campsite for more than sixty (60) days.
15. All campsites must be screened from public streets and thoroughfares. Each RV Park or campground shall have a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Said greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6) feet apart.

**Section 6A.05 Cemeteries.** Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable local ordinances and state laws.

**Section 6A.07 Childcare Facilities.** A childcare facility licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a conditional use permit if the childcare facility meets the following standards:

- A. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
  - 1. Another licensed group day-care home.
  - 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act 218 of 1979, being section 400.701 and 700.37 of the Michigan Compiled Laws.
  - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Chapter 6 of Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - 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. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
- C. Maintains the property consistence with the visible characteristics of the neighborhood.
- D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10:00 pm and 6:00 am.
- E. Meets regulations, if any, governing signs used by a child care home to identify itself.
- F. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
- G. A childcare facility shall be issued a conditional use permit if it meets the following standards:

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred fifty (150) square feet of usable outdoor recreation area for each client of the facility.
2. The outdoor recreation area shall be fenced and screened from any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

H. Any childcare facility shall follow the regulations above and any other regulations as required by the State of Michigan.

**Section 6A.11 Cellular Communications Towers.** It is the general purpose and intent of the Township to minimize adverse visual effects of towers through careful design, siting and screening; allow for reasonable location and use for communication towers as required pursuant to applicable state and federal law; and to minimize the proliferation of telecommunications towers by requiring applicants to exhaust all reasonable avenues for collocation on existing towers.

A. Definitions:

1. Towers and Antennas – A tall structure used for transmitting, receiving or relaying radio, television, cellular phone signals, or any transmitting or relay structure as licensed by the Federal Communications Commission (FCC).
2. Colocate – To place or install wireless communications equipment on an existing wireless communications support structure and within which wireless communications equipment is located.
3. 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.



4. Wireless communications support structure – A structure designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole.
- B. Location Requirements: No new Communication Towers and Antennas may be approved for a location within three (3 miles) of any existing Communication Towers and Antennas unless the applicant has demonstrated that the wireless communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the applicant’s search radius of the proposed tower due to one or more of the following reasons:
1. Existing or approved towers within the search area cannot accommodate the planned equipment at a height necessary to provide the necessary coverage of the applicant’s own service and/or capacity as documented by a qualified and licensed professional engineer. Record of propagation predictions must be given to the Township verifying that existing structures within applicant’s coverage area will not provide the required coverage and/or capacity for the applicant’s system. The propagation maps must include a signal strength color legend, the scale and the operating parameters of each of the sites, scale and minimum required signal.
  2. The wireless communication equipment would exceed the structural capacity of the existing or approved tower(s) within the three (3) mile radius, as documented by a qualified and licensed professional engineer. Record of such must be given to the Township.
  3. The applicant is already currently colocated on all existing or approved towers within the three (3) mile radius of the applicant’s site. Record must be given to the Township verifying the applicant is currently colocated on all existing or approved towers within said search area.
  4. For public safety and security all government entity owned communication towers and antennas are exempt from this section.
- C. Application Requirements:
1. Site Plan showing the property boundaries, tower, guy wire anchors, “safe fall” zone, existing structures, proposed transmission buildings, proposed tower (tower height and design including cross-section) and/or other accessory uses, access, parking, fences, landscape plan, and existing land uses around the site, including all existing structures on adjacent parcels that are closer to the property line than the tower height. (i.e. if the tower is 200

feet, then all structures on adjoining property within 200 feet of the property line shall be identified.)

2. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower (minimum of three additional carriers) if a future applicant agrees in writing to pay any reasonable charge for shared use. If the future applicant's request for colocation is denied, the tower owner must demonstrate to the Planning Commission why colocation is not feasible at the requested site. For public safety and security, all government entity owned communication towers and antennas are exempt from this section.
3. Written authorization from the owner of the site to apply for the Conditional use Permit.
4. Each applicant for an antenna and/or tower shall provide an inventory of any existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Hamlin Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
5. A minimum escrow fee shall be submitted to the Township at the time of application to be used for payment of an expert review. The purpose of such review shall be to verify the accuracy and completeness of the materials submitted. All application materials and documentation submitted by an applicant shall be reviewed by an appropriate professional with expertise in the field of communication towers and antenna technology. Monies not used for the expert review will be refunded to the applicant after the Township Board renders a final decision on the application.
6. The Township Board shall approve or deny an application not more than ninety (90) days after the application is considered to be administratively complete. If the Township Board fails to timely approve or deny the application, the application shall be considered approved.
7. Regulations and Conditions:
  - a. A report from a professional engineer which describes the tower height and design including a cross-section of the structure; demonstrates the tower's compliance with applicable structural standards; and describes the tower's capacity, including the number and type of antennas that it can accommodate. Towers must accommodate, at a minimum, the tower applicant and three additional carriers for a total capacity of at least four carriers.

- b. A photocopy of the Federal Aviation Administration (FAA) “Determination of No Hazard”, a photocopy of the Federal Communications Commission (FCC) license and a photocopy of the Michigan Aeronautics Commission (MAC) “Tall Structure Permit” must be submitted at the time a zoning referral is approved prior to construction.
- c. Height: No tower shall be higher than one hundred and ninety-nine (199) feet unless an applicant can demonstrate that such a restriction is commercially unreasonable based upon the industry standard height. All towers shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of fifty (50%) percent of the proposed tower height.
- d. Accessory Buildings: Any accessory buildings or structures shall be located a minimum of fifty (50) feet from any adjoining property line. The accessory facilities shall not include offices, long-term vehicle storage, other outdoor storage of broadcast studios, or other uses that are not needed to send or receive transmissions, except for emergency purposes.
- e. Construction: All towers shall be self-collapsing and comply with all Michigan Building Code regulations. The applicant shall provide all appropriate engineering information, Site Plans, and drawings to the Eaton County Community Development Department at the date of application. No building, sidewalk, parking lot, or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or "safe fall" area to be defined by the Applicant's Engineer.
- f. All new Communication Towers and Antennas approved shall be designed to accommodate at least three (3) additional carriers each with nine panel antennas, having a wind area of nine square feet per antenna. Applicants shall agree as a condition of approval to permit the collocation of future installations by others on said new tower.
- g. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, 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 Section 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.

- h. **Compatibility:** The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco is required for associated support buildings which shall be designed to architecturally match the exterior of residential structures within the neighborhood. In no case will metal exteriors be allowed. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend with the natural setting and surrounding buildings.
- i. **Lighting:** Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views. When lighting is required and is permitted by the FAA or other Federal or State authority, the Planning Commission shall approve any and all lighting on the tower. It shall be oriented inward so as not to project onto surrounding properties.
- j. **Fencing:** Six (6) foot in height, climb proof fencing must be provided to prevent access to the tower.
- k. **Landscaping:** Trees, shrubs, and other plants shall be installed to screen the tower and its appurtenant structures and equipment from public view. Plantings shall be done at the borders of a tower site, along its frontage, and in any direction existing vegetation does not screen the tower structure, guys, anchor structures, or equipment enclosures. Existing mature trees and shrubbery and the natural landscape shall be preserved to the maximum extent possible and may be used to achieve this standard.
- l. **Signs:** Signs and logos are prohibited on the tower. At least one (1) but not more than two (2) signs totaling twelve (12) square feet in area shall be placed on the fence that is visible and legible from the entrance to the site. Signage shall be weather durable and should include the name and address of the communication tower owner or operator, a phone number, and contact person from whom additional information may be obtained.

Appropriate Township permits shall be obtained prior to installation of the signage.

- m. Maintenance: The site, including the tower, accessory structures, support cables, and landscaping shall be reasonably well maintained in relationship with surrounding properties. A copy of the annual FCC license and general maintenance report shall be submitted yearly to the Township.
  - n. Abandonment: A tower which remains unused for a period of twelve (12) months will be considered abandoned. Applicants or current owners are required to demolish and remove any unused tower, accessory buildings, fences, and any other related cellular facility effects. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.
  - o. Financial Guarantees: A minimum bond of \$10,000 shall be filed with the Township prior to receiving any construction related permits for the tower to ensure removal of the tower when it has been abandoned or is no longer needed. The bond shall be in the form of a surety bond executed by a reputable surety company authorized to do business in the State of Michigan or a cash bond posed in lieu of a surety bond filed with the Township.
  - p. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
  - q. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Hamlin Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
  - r. Public Notice. For purposes of this Section, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners as required by the Michigan Zoning Enabling Act, MCL 125.3101 et seq.
8. Requirements for Collocation(s) on Existing or Approved Towers: If wireless communication equipment is proposed for collocation on an existing or approved tower(s) it may be a use permitted by right provided all requirements of MCL 125.3514 for a use permitted by right are met and

documentation of such is provided to the Township. Application requirements for colocations that do not meet the conditions shall be the same as above.

**Section 6A.13 Condominiums.** The intent of this subsection is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality and design to property divided and developed by other methods.

- A. Review Requirements. In order to ensure compliance with this Ordinance, all condominium developments shall go through the preliminary and final site plan review process, including developments consisting solely of single family or duplex residences that may otherwise not be required to prepare a site plan. In addition to the information required for site plan review generally, all applicants for condominium site plan review shall submit the following information:
  - 1. A copy of the proposed condominium master deed, which must clearly state the responsibility of the owner and co-owners and that all amendments to the master deed must conform with applicable Township, county, and state laws and regulations. The master deed must also include any variances granted by Township, county, or state authorities and must include a hold harmless clause. All provisions of the condominium subdivision plan which are approved by the Planning Commission will be incorporated in the master deed for the condominium subdivision.
  - 2. A copy of the proposed condominium subdivision plan, which may replace the site plan normally required for site plan review.
  - 3. A copy of the proposed condominium association bylaws.
- B. Lot Size. In conventional condominium developments, the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a “lot” and must meet the minimum lot size requirements for the zoning district the parcel is located in.
- C. Setbacks. In conventional condominium developments, the buildings must be setback from the site’s boundaries as required in the zoning district where the parcel is located, while the setback from other buildings must meet the building setback requirements applicable to multiple-family residences.
- D. Roads. All roads within condominium developments must be paved and built to the standards of the Eaton County Road Commission or otherwise satisfy the requirements for private roads under this Ordinance.

**Section 6A.15 Commercial Recreational Facilities.**

- A. The proposed site shall front upon a paved County Primary, or County Local Street. All ingress and egress shall be from that thoroughfare.
- B. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
- C. Any lot line abutting a residential district shall provide a fifty (50) foot wide greenbelt in accordance with this Ordinance.
- D. The main and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district or permitted use.
- E. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a fence. Netting shall be prohibited unless the Planning Commission determines that it would be compatible with neighboring uses.
- F. Specific Types of Commercial Recreational Facilities:

- 1. Convenience Stores.

- a. Minimum building size: One thousand five hundred (1,500) square feet in gross floor area.
- b. Related repair and service facilities shall not occupy more than fifteen percent (15%) of the net floor area of the establishment.
- c. All signs shall comply with this Ordinance.
- d. Off-street parking shall comply with this Ordinance.

- 2. Drive-Through Business. Drive-through businesses shall be subject to the following requirements:

- a. Must be setback at least sixty (60) feet from any right-of-way.
- b. Ingress and egress shall be setback at least seventy-five (75) feet from any intersection.
- c. Must provide adequate off-street stacking space for vehicles waiting in line, which shall accommodate a minimum of five (5) vehicles. No vehicle shall be permitted to wait within the right-of-way.

- d. All lighting shall be shielded from residential districts.
  - e. The fencing and screening requirements of this Ordinance must be satisfied.
3. Shopping Center and Shopping Mall.
- a. The site area shall have a minimum of five (5) acres.
  - b. A minimum of four hundred (400) feet of road frontage on a paved major street shall be required.
  - c. All buildings shall be setback not less than one hundred (100) feet from a street right-of-way line, side lot line or rear lot line.
  - d. Shopping centers and malls shall be served by public sanitary sewer and public water system.
  - e. Pedestrian traffic between buildings shall be possible without crossing drives or parking areas.
  - f. No building within the proposed project shall have separate access to a public street.

**Section 6A.17 Educational Institutions.**

- A. No building shall be closer than fifty (50) feet from any property or road right-of-way line.
- B. No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.
- C. All signs shall comply with this Ordinance.
- D. Off-street parking shall comply with Article 16 of this Ordinance.
- E. Access. The proposed site access driveway shall be along a paved public street.

**Section 6A.19 Golf Course and County Club.** Golf courses shall be subject to the following requirements.

- A. All principal or accessory buildings and parking areas shall not be less than two hundred (200) feet from any side or rear lot line, or one hundred (100) feet from a right-of-way.



- B. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
- C. Accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Other accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
- D. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact on adjoining properties. Additional buffering conditions may be required where necessary to minimize the impact of the driving range upon neighboring parcels.
- E. Water quality protective measures are required as follows, except to the extent a stricter standard is required by other law or regulation:
  - 1. Erosion control barriers shall be maintained during construction.
  - 2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - 3. All chemical applications associated with herbicides, insecticides, fungicides, or rodenticides must be by an applicator licensed by the Michigan Department of Agriculture or successor agency. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, the Environmental Protection Agency, and all appropriate state laws and regulations.
  - 4. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses, and wetlands shall be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.
  - 5. All parking areas shall be surfaced or treated so as to prevent any dust nuisance.
  - 6. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

7. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
8. Whenever included, swimming pools shall be provided with a protective fence which meets the minimum height requirements of the building code and entry shall be provided by means of a controlled gate or turnstile.

**Section 6A.21 Home Occupations.** Home occupations shall be subject to the following requirements:

- A. Not more than two paid assistants shall be employed, one of whom must be an occupant of the dwelling.
- B. The area devoted to a home occupation may not occupy an area greater than thirty percent (30%) of the total floor area of the dwelling or accessory building.
- C. One (1) non-illuminated wall sign not to exceed four (4) feet in area is permitted.
- D. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
- E. A home occupation may operate in an accessory structure, provided that the accessory structure shall be no larger than five hundred (500) square feet if located in the R-1 District, or one thousand two hundred (1,200) square feet if located in the Agricultural District. Only one accessory structure may be used for home occupation operations.
- F. The occupation shall not necessitate the use of a vehicle requiring a commercial license.
- G. Off-street parking shall be provided.
- H. The home occupation shall be reviewed annually to determine compliance with the conditional use permit.

**Section 6A.23 Hospitals and Long Term Care Facilities.**

- A. Lot area shall be at least two (2) acres and front on a paved road.

- B. The emergency entrance, the delivery area and the refuse disposal container area shall be obscured from the general view.
- C. No building shall be any closer than seventy-five (75) feet to any property line or road right-of-way.
- D. All signs shall comply with this Ordinance.
- E. Off-street parking shall comply with this Ordinance.

**Section 6A.25 Junk Yard.**

- A. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
- B. All activities shall be confined within the fenced-in area.
- C. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height.
- D. No equipment, material, sign, or lighting shall be used or stored outside the fenced-in area.

**Section 6A.27 Kennels.**

- A. Training classes shall be permitted only if specifically authorized by the Conditional use Permit.
- B. Must be located on a minimum of five (5) acres. Ten (10) dogs are permitted for the first five (5) acres, and one (1) additional dog is permitted for each additional one-half (1/2) acre, up to a maximum of twenty (20) dogs.
- C. The Conditional use Permit may limit the specific species of animals that are permitted.
- D. Buildings and runs for the housing of dogs shall be a minimum of one hundred (100) feet from any lot line, right-of-way, or easement line.
- E. Outside runs must be individually fenced and shall have paved surfaces suitable for cleaning by high-pressure hose water or steam and shall be provided with a drainage and

septic system that prevents pollution of adjacent and neighboring properties or water courses or bodies of water.

- F. Outdoor runs and breeding areas (if permitted) shall be enclosed on all sides by a wall or fence not less than five (5) feet high.
- G. Sight and sound barriers shall be provided around all outdoor facilities and use areas.
- H. Dogs must be housed within an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. each day.
- I. Retention and storage of animal waste is not allowed. Waste must be disposed of in a sanitary manner on a daily basis in accordance with Michigan Department of Health requirements.
- J. Kennels shall be operated in conformance with all applicable County, Township, State or Federal regulations, and with industry standards.
- K. The premises must be kept in a clean and sanitary condition to prevent the excessive accumulation of flies, the spread of disease, and offensive odors.
- L. Pet grooming, including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar services shall be permitted if specifically authorized by the Conditional use Permit.
- M. The sale of pet and veterinary products shall be incidental to the kennel if specifically authorized by the Conditional use Permit.
- N. An operations and maintenance plan shall be submitted with the Conditional use Permit application that addresses how noise will be attenuated, waste handled, and day/hours of operation specified.
- O. Water and Sanitary sewer supply services must be approved and authorized by the Barry-Eaton District Health Department.

#### **Section 6A .29 Mining and Extraction Operations.**

- A. Application Requirements. Each application shall be accompanied by plans, drawings, and information, depicting, at a minimum:
  - 1. Name and address of the person, firm or corporation who will be conducting the actual mining and extraction operations, if different than the applicant.

2. Location, size, and legal description of the total site area to be excavated.
3. Location and width of all easements or rights-of-way on or abutting the area subject to extraction.
4. A statement from the applicant identifying all federal, state, and local permits required, if any. Provisions for landscaping and screening consistent with the requirements of this Ordinance.
5. A master plan for the extraction of minerals on the site, including:
  - a. Type of materials or resources to be mined, stockpiled, or hauled away.
  - b. Proposed method of removal and general haul route.
  - c. General description of types of equipment to be used.
  - d. The area and amount of material to be excavated in cubic yards.
  - e. Proposed side slopes and depths for all portions of the excavated area, with elevations noted in five (5) foot intervals.
  - f. Proposed drainage systems, settling ponds, and retention ponds, as appropriate, including the projected water level.
  - g. The time, duration, phasing, and proposed work schedule of the total project.
  - h. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - i. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of excavated material.
7. Proposed plans for fencing and signage.
8. Depth to groundwater.

9. Vertical aerial photograph, enlarged to a scale equal to one (1) inch equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.

B. A detailed reclamation plan that identifies, at a minimum, the following:

1. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
2. Depiction of finished and stabilized side slopes, including methods and plant materials proposed for use.
3. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
4. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
5. The restoration of vegetation at the site, including appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
6. The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:3.
7. The placement of a three (3) inch layers of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
8. Identification of all backfill and grading materials to be used, and a certification that none of those materials are noxious, flammable, or toxic.
9. Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems.
10. Identification of all temporary structures, which must be removed from the premises upon completion of the extraction activity. Temporary structures

may be permitted to remain when they are of sound construction and are compatible with reclamation goals.

E. Site, Development, and Operational Requirements. The following site and development requirements shall apply:

1. The minimum lot area shall be twenty (20) acres.
2. All extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distances:
  - a. One hundred (100) feet from the right-of-way of any public road, private road, or highway.
  - b. One hundred fifty (150) feet from abutting property. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
3. All permitted buildings, structures, and stationary equipment associated with extraction activities shall be located a minimum of one hundred fifty (150) feet from all lot lines. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
4. There shall be not more than one (1) entrance from a public road for each six hundred sixty (660) feet of frontage.
5. All sites shall have direct access to a County Road having a minimum width of sixty-six (66) feet. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove such material immediately.
6. All roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be constructed to limit the nuisance caused by wind-borne dust on adjoining lots and rights-of-way. The Planning Commission may require a specific surfacing material for these areas, such as bituminous asphalt, properly-treated gravel, hard-packed earth, or another material the Planning Commission concludes appropriately satisfies the intent of this subsection.

7. The entire area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use, or when an attendant is not present. Warning signs shall be posted at two hundred (200) foot intervals along the perimeter.
  8. A berm and/or suitable screen is required when extraction activities will occur within five hundred (500) feet of any residential lot line. The berm or screen required by this subsection shall be a minimum of fifty (50) feet in width and a minimum height as determined by the Planning Commission at the time of Site Plan Review.
  9. All extraction operations must comply with the soil erosion and sedimentation control requirements of the County Drain Commissioner and Michigan Department of Environment, Great Lakes, and Energy.
  10. All topsoil must be stockpiled on site, and no topsoil may be removed from the extraction site. At the conclusion of extraction activities, all disturbed areas must be restored with a minimum of three (3) inches of top soil.
  11. The extraction site shall be graded to avoid the accumulation of water in stagnant pools.
  12. Sites of ecological significance, such as wetlands, should be avoided.
  13. Potential nuisances such as air pollution, noise, and vibration shall be minimized. Where appropriate, the Planning Commission may require appropriate screening, soundproofing, or similar efforts to mitigate potential nuisances.
  14. To the greatest extent feasible, truck or other heavy vehicle traffic must use major thoroughfares for access to the site.
  15. All public streets within one thousand (1,000) feet of the exit from an extraction site must be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.
- F. Maximum hours of operation of the mining operation shall be 7:00 a.m. to 6:00 p.m., Monday through Friday. No hours of operation shall be permitted on weekends or legal holidays. In emergencies, this time period may be modified by the Zoning Administrator, provided such emergency order shall not be effective for more than seventy-two (72) hours.



- G. Reclamation activities must be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities should be undertaken unless the reclamation activities would interfere with, or be damaged by, ongoing extraction. Excavated areas must be reclaimed pursuant to a reclamation plan approved by the Planning Commission and, where the excavation site impacts a recreational or wildlife facility, by the Michigan Department of Natural Resources.
- H. A performance bond or other financial guarantee shall be required in an amount sufficient to complete reclamation activities of the entire site. No extraction activities may occur until the Planning Commission has received a satisfactory bond or financial guarantee.
- I. In addition to the reclamation bond described above, the applicant must deposit funds into an escrow account sufficient to cover all costs of reviewing the application and monitoring the site. This escrow deposit must be maintained until the Planning Commission certifies that all reclamation activities have been completed. These funds may be used for the costs of professional application review, monitoring of site conditions, legal costs associated with the extraction operation, or similar costs incurred by the Township in connection with an extraction operation. No extraction activities may occur before the escrow deposit required by this subsection has been received, nor may extraction activities occur at any time the Planning Commission deems the remaining escrowed funds are inadequate.
- J. Extraction activities must not cause surface or subsurface water pollution. It is the applicant's responsibility to present sufficient evidence that no pollution will occur, and to take appropriate measures to prevent pollution.
- K. Extraction activities may not cause or threaten erosion of any land, or the movement of earth materials, outside the parcel on which those activities are occurring. Extraction activities may not alter the drainage patterns of surface or sub-surface waters on adjacent property. The applicant has a continuing responsibility to ensure that its extraction operations cause no erosion or alteration of drainage patterns, including after cessation of those operations.
- L. Additional Conditions:
  - 1. Extraction operations are subject to inspections as determined by the Planning Commission. As a condition of obtaining a conditional use permit, the applicant is deemed to have authorized these inspections, and to cooperate fully in making the extraction operations available for inspection.
  - 2. If extraction operations cease for more than one (1) year, the operation is deemed abandoned. No extraction operations may resume on an abandoned site unless and until a new permit is issued under this section.

3. The maximum duration of a permit issued under this Section is five (5) years. A permit may be renewed for up to one (1) additional five (5) year term, at the discretion of the Planning Commission. Any additional extraction activities must obtain a new permit satisfying the requirements of this Section.
4. The time limits described by this Section do not continue to run on an appeal of the decision to issue a conditional use permit. Any time limits tolled by an appeal shall resume as of the date that appeal is resolved.

**Section 6A.31 Nursery or Greenhouse.** The regulations shall apply to garden centers, plant and tree nurseries, greenhouses, landscaping and landscaping supply businesses, and similar uses which are characterized by outdoor storage and sale, unless otherwise specified herein, shall be subject to the standards set forth in this Section.

- A. **Permanent Sales Office.** A permanent sales office building shall be located on the subject parcel. The building(s) may also include activities ancillary to the principal use such as the storage of materials and equipment storage/repair.
- B. **Outdoor Storage.** No portion of the outdoor storage area shall be located within five hundred (500) feet of any residential zoning district. Outdoor storage areas shall be completely enclosed by a fence or wall, a minimum of six (6) feet in height. The fence or wall shall have a minimum of two (2) gates providing access to the storage area for vehicles. The fence or wall enclosing the storage area shall meet the minimum setback requirements of the zoning district in which it is located.
- C. **Height of Outdoor Storage Rack Fixtures:** Outdoor storage racks shall not exceed a fixture height of twenty (20) feet.
- D. **Access.** Primary access to the subject parcel shall be on a county primary road or a state trunk line under the jurisdiction of the Michigan Department of Transportation (MDOT).
- E. **Street Maintenance.** Public streets within one thousand five hundred (1,500) feet of the entry or exit to the subject parcel shall be kept reasonably clear of mud, dirt, debris and trash deposited from vehicles accessing the site.

**Section 6A.33 Parks.** Parks shall be subject to the following requirements:

- A. All appropriate federal, state, county, and local permits must be obtained.
- B. The minimum front, side, and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in

an Agricultural or Residential district. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.

- C. Facilities shall provide off-street parking and passenger loading areas appropriate for the type of use. Off-street parking areas be provided and shall be fenced on all sides by a four and one half (4.5) foot wall or fence where adjacent to the outdoor recreation establishment. Adequate stacking areas shall be provided.
- D. Facilities with a participant capacity greater than five hundred (500) people must provide letters of review from the County Sheriff and County Road Commission.
- E. All lighting shall be shielded from adjacent property.
- F. The Planning Commission will determine operating hours of the use based upon the nature of the use and the potential for a nuisance to adjoining property owners. The maximum range of hours is Monday through Sunday from 6:00 A.M. to 11:00 P.M.
- G. Appropriate fencing shall be provided as established in this Ordinance.
- H. No loudspeaker or public-address system shall be used except by the written consent of the Planning Commission.

**Sections 6A.35 Religious Institutions.**

- A. Lots shall be at least two (2) acres.
- B. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
- C. Greater height is allowable past the height limitations of the zoning district provided there is an increased setback distance of two (2) feet for each increase of one (1) foot of height.
- D. The property location shall have at least one (1) property line that abuts and has access to a collector, major arterial, or minor arterial street.
- E. Signs shall comply with this Ordinance.
- F. Off-street parking shall comply with this Ordinance.

**Section 6A.37 Shooting Ranges.** Shooting Ranges shall comply with the following:

- A. The design and operation of shooting ranges shall be consistent with the specifications and best practices recommended by the National Rifle Association; and shall conform to the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting

Ranges Act, Public Act 269 of 1989. The design of the shooting range shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.

- B. The minimum lot area for outdoor shooting activities shall be twenty (20) acres. Additional acreage may be required where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant.
- C. The minimum yard setbacks for outdoor shooting clubs/ranges shall be two hundred fifty (250) feet.
- D. Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 8:00AM and after dusk, except for facilities operated by law enforcement agencies. The Township Board may apply more restrictive hours where protection for adjoining residents is necessary.
- E. Shooting clubs/ranges shall not be located within one thousand (1,000) feet of any dwelling.
- F. All parking shall be off-street and shall comply with this Ordinance.

**Section 6A.39 Solar Energy Systems, General Regulations.** Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.

- A. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties or rights-of-way.
- C. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.

- D. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- E. No Solar Energy System shall be installed in such a way as to pose a hazard.
- F. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- G. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- H. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
- I. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Planning Commission may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- J. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- K. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

**Section 6A.41 Solar Energy, Large Systems.** The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a conditional use.

- A. **Site Plan Drawing and Supporting Materials:** All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required by other Sections in this Ordinance:

1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
2. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
3. Vicinity map showing the location of all surrounding land uses.
4. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
5. Geotechnical report, prepared by a Professional Engineer licensed in the State of Michigan, demonstrating appropriate foundation designs and pavement designs based on findings of the geotechnical soil report. These geotechnical soil borings will also need to demonstrate the in-situ soil conditions prior to the proposed development.
6. Ground cover must meet one or more of the four types of Dual Use defined in this ordinance
7. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
8. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one thousand (1,000) feet of the outside perimeter of the Large Solar Energy System.
9. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
10. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
11. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject

to Eaton County Road Commission or Michigan Department of Transportation approval as appropriate and shall be planned so as to minimize the use of lands for that purpose.

12. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

13. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.

14. A copy of the manufacturer's safety measures.

15. Planned lighting protection measures.

B. Environmental Impact. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:

1. Impact on area water resources;
2. Impact on air quality;
3. Noise impacts caused by the Solar Energy System;
4. Impact on utilities and infrastructure;
5. Protection of neighboring property owners and children;
6. Impact on wildlife;
7. Effects on floodplains and wetlands;
8. Unique farmlands or soils;
9. Areas of aesthetic or historical importance;
10. Archeological or cultural concerns; and

11. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
- C. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Eaton County Drain Commission.
- D. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- E. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as required by the Township.
- F. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as a condition of any conditional use permit under this section.
- G. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- H. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.



- I. Lot Size: A Large Solar Energy System shall be located on one (1) or more parcels with an aggregate area of Eighty (80) contiguous acres or smaller.
- J. The maximum amount of Township land developed as Large-Scale Solar Energy System Facilities shall not exceed fifty percent (50%) of the combined acreage of the Commercial and Industrial Districts within the Township.
- K. Setbacks: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- L. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- M. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least seven (7) feet and no more than eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The fencing system shall have openings that allow wildlife to traverse over or through the fenced area. The perimeter of Large Solar Energy Systems shall also be screened and buffered by buffer areas whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
  - 1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the conditional use permit.
  - 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at the time of planting shall be a minimum of four (4) feet in height, with shrubs being at least two (2) feet in height. The evergreen trees shall be spaced no

more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty percent (60%) dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.

3. All plant materials shall be installed between March 15 and October 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit or cash escrow for an amount equal to one and one half (1.5) times the cost of any planting deficiencies, and the Township shall hold that security. After all plantings have occurred, the Township shall return the financial guarantee.
- N. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the conditional use permit or other applicable law.
- O. Noise: No component of any Large Solar Energy System shall emit noise exceeding fifty (45) dBA averaged over a one (1) hour period as measured at the outside perimeter of the project.
- P. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be arranged so as to not adversely affect driver visibility on adjacent public roads.
- Q. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways (public or private) at any time of the day.
- R. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be

impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.

- S. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Zoning Administrator or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components.
- T. The applicant shall prepare a decommissioning plan prepared by a Professional Engineer licensed in the State of Michigan, and submit it to the Planning Commission for review as a part of the Conditional Use Permit.
- U. Under this plan, the Owner/Operator is required to remove all structures, equipment, conduit, fencing, roads and structure foundations, including any equipment, structures or materials below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan.
- V. The ground must be restored to its original condition and the site shall be revegetated to blend with the existing surrounding vegetation within one hundred eighty (180) days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- W. As part of the decommissioning plan, geotechnical soil analysis shall be performed and a geotechnical soil report submitted demonstrating that the post-decommissioning soil conditions are reasonable to in-situ soil conditions prior to project development. The report shall be prepared by a Professional Engineer licensed in the State of Michigan. The Township may require that the Michigan Department of Environment, Great Lakes and Energy (EGLE) verify the decommissioning soil analysis.
- X. The Planning Commission may not approve any Large Solar Energy System conditional use permit unless it finds that all of the applicable standards for conditional use permit contained in this Ordinance are met.
- Y. Safety: The Planning Commission shall not approve any Large Solar Energy System conditional use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- Z. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping,

walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

- i. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- ii. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times by the owner/applicant. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance or the conditional use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant, its successors or assigns; the current owner; or current operator shall shut down the Large Solar Energy System within forty-eight (48) hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant, its successors or assigns; the current owner; or current operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant, its successors or assigns; the current owner; or current operator shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- iii. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Eaton County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- iv. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
  - 1. Continuing Restoration Security: If a conditional use permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a conditional use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
  - 2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit or letter of credit by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the

Township determines are reasonably related to enforcement of the Ordinance and the conditional use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the conditional use permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the conditional use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- v. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a conditional use.
  - vi. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a conditional use permit is granted, and must be completed within a period of three (3) consecutive years from the date a conditional use permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved conditional use permit being rendered null and void.
  - vii. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Planning Commission. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
  - viii. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or

operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

### **Section 6A.43 Wind Park**

1. Purpose. The purpose of this Section is to establish standards for the siting, installation, operation, and removal or repair of Wind Parks within the Township as a conditional use.
2. Application Materials
  1. Application; Signatures: The application for conditional use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within the Township that is located in whole or in part within the Wind Park. If any owners of property within the Township that is proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner. If no offer was made to the owner, a copy of any and all communications between the applicant and the owner shall be submitted to the Planning Commission. The Planning Commission shall investigate the basis for each owner's objections. The record of the investigation shall be made a part of the record in the consideration of the conditional use proceedings and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.
  2. Submission Requirements: The applicant shall submit twelve (12) copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause the application to be placed on the Planning Commission's next regular meeting agenda.

3. Site Plan Drawing and Supporting Materials: All applications for a Wind Park conditional use must be accompanied by a detailed Site Plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information.
- a) All requirements for a final site plan contained in this Ordinance.
  - b) Parcel number, existing use and acreage of the site parcel.
  - c) All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
  - d) Names of owners of each lot or parcel within the Township that is proposed to be within the Wind Park, and within three hundred (300) feet of any of those parcels and the existing use of those parcels.
  - e) Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
  - f) Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park.
  - g) Specific distances to all onsite buildings, structures, and utilities.
  - h) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within one thousand (1,000) feet of the outside perimeter of the Wind Park.
  - i) Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
  - j) Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
  - k) Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Eaton County Road Commission approval, and the use of the drives shall be planned so as to minimize the use of lands for that purpose.



- l) The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants and other documents proposed to be used to achieve that plan.
  - m) Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during the construction, operation, removal, remodeling or repair of the WECS.
  - n) A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
  - o) A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
  - p) Planned lighting protection measures.
  - q) Any and all information required by the Planning Commission to evidence compliance with operational requirements and regulations of this Section.
  - r) Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as requested by the Planning Commission.
3. Construction Codes, Towers & Interconnection Standards: Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
4. Preservation: Property located within the Wind Park that is not designated as an immediate location of any WECS and WECS accessory structures is encouraged to be preserved for its existing uses and purposes through the execution and recording of appropriate easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will

be favorably considered by the Planning Commission in the review of a conditional use application under this Section.

5. Design Standards:

1. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be four hundred (400) feet including the blade in vertical position.
  - a) State and federal regulations may require a lesser height.
  - b) As a condition of approval, the Township may require a lesser height for WECS if it is determined that it is reasonably necessary.
  - c) Each WECS shall be constructed with a tubular tower, not a lattice tower.
2. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than one-hundred fifty percent (150%) of the WECS height to any habitable structure and no closer than one-hundred percent (100%) of the WECS height to any road or utility.
3. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
4. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the braking system.
5. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
  - a) External tower climbing apparatus shall not be located within eight (8) feet of the ground.
  - b) A locked anti-climb device shall be installed and maintained.
  - c) A tower capable of being climbed externally shall be enclosed by a locked protective fence at least ten (10) feet high with barbed wire.
6. Signs: Each WECS shall have one sign, not to exceed ten (10) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
  - a) Warning: High Voltage.
  - b) Warning: Falling Ice.

- c) Manufacturer's name.
  - d) Emergency numbers (list more than one number).
  - e) FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over the Township.
  - f) If fenced, place signs on the fence.
7. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. The lighting plan must utilize and include detailed plans for an Aircraft Detection Lighting System (ADLS) that manages the WECS' aircraft detection lighting to reduce their illumination when unnecessary. Such plans must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with USFWS/MDNR guidelines, if any.
8. Electromagnetic Interference: Each WECS shall be designed; constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. If electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert approved by the Township Board of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
9. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty-five (55) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park and not more than fifty (50) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within

one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for conditional use. Duration of sound will be measured by observing the sound level meter and recording the average sound level measured at intervals of time not to exceed five (5) minutes for a minimum period of one (1) hour. The level of noise may exceed fifty-five (55) decibels on the dBA scale during short term events such as power outages and severe wind storms.

10. Distribution; Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside the Wind Park. The Planning Commission may waive this requirement if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
6. Approved Standards: In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park as a conditional use unless it finds that all of the following standards are met:
  1. The general conditional use standards contained in this Ordinance; and
  2. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
7. Conditions and Modifications: Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the district in which the WECS is located. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
8. Completion; Testing: The applicant shall complete the Wind Park construction within twelve (12) months after commencement of construction. Within twelve (12) months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third-party qualified professional licensed in the State of Michigan, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for conditional use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.

9. Inspection: The Township shall have the right to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
10. Maintenance and Repair: Each WECS must be kept and maintained in good repair and condition at all times by the application, owner, or successor and assigns. If the Zoning Administrator determines that a WECS fails at any time to meet the requirements of this Ordinance, or that it poses a potential safety hazard, the applicant shall shut down the WECS within forty-eight (48) hours after notice by the Zoning Administrator and not start the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS, which shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
11. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate Eaton County Road Commission a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the Eaton County Road Commission in an amount necessary to assure repair of any damage to the public roads caused by construction of the Wind Park or any of its elements.
12. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.
13. Abandonment: Any WECS that is not used for the production of energy equal to twenty percent (20%) of the energy output described in the site plan for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Zoning Administrator in a case involving an extended repair schedule for good cause. All above and below ground materials (down eight (8) feet below the ground) must be removed. The ground must be restored to its original condition within one hundred eighty (180) days of abandonment. The cost of such removal shall be borne solely by the applicant, operator, or their successor(s) or assign(s).

14. Continuing Security and Escrow: If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:
  1. Continuing Security: If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit or irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a conditional use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the conditional use permit. Such financial security shall be kept in full force and effect during the entire time a WECS exists or is in place, and such financial security shall be irrevocable and non-cancelable.
  2. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the conditional use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the WECS owner to place additional monies into escrow with the Township.
  3. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a conditional use and this Ordinance and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the conditional use.

15. **Liability:** The applicant shall insure each WECS at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than two million dollars (\$2,000,000.00) per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2022 dollars based on CPI). Acceptable proof of coverage may only be demonstrated through a copy of the relevant policy or policies naming the Township as an additional insured; a certificate of insurance cannot satisfy the requirements of provision to the Township annually.
16. **Color:** A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
17. **Shadow Flicker Effect:**
  1. No shadow flicker is permitted on a public roadway or on the ground of or on any structure or object on a non-participating property.
  2. The application for conditional use permit shall contain an analysis on potential shadow flicker at or on any structure. The analysis shall identify the locations of shadow flicker that may be caused by the project—whether on a participating property or on a non-participating property—and the expected durations of the shadow flicker at these locations from sunrise to sunset over the course of a year.
  3. On a participating property, all reasonable efforts shall be made not to affect any occupied building with shadow flicker in the operation of any WECS.
  4. Shadow flicker of an occupied building shall only be permitted on a participating property and WECS shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
18. **Vibrations or Wind Currents:** Under no circumstances shall a WECS produce vibrations or wind currents perceptible by a reasonable person beyond the perimeter of the Wind Park.
19. **Stray Voltage:** The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
20. **Environmental Impact Assessment:** The applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, plants, and/or other wildlife) as required by the Township for review of the Wind Park or

surrounding areas. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use permit.

21. Reasonable Conditions: In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a Wind Park as a conditional use.
22. Other Requirements: Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township Ordinances.

#### **Section 6A.45 WIND ENERGY CONVERSION SYSTEM, NON-COMMERICAL**

1. Single WECS applications of wind energy conversion system to service the energy needs of only the property where the structure is located may be approved as a conditional use, provided the property upon which the WECS is located is at least three and one-half (3-1/2) acres in size, and complies with all applicable federal, state, and local laws, rules, and regulations.
2. Single WECS are subject to the conditional use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as the following:
  - a) The tower shall not exceed one hundred (100) feet.
  - b) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
  - c) The height of the overall WECS (with the blade in vertical position) shall not exceed one hundred fifty (150) feet above ground level (at a normal grade).



## CHAPTER 7 – SIGNS

**Section 7.01 Intent and Purpose.** It is the purpose of this Section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of signs that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety.

These sign regulations have been prepared with the intent of enhancing the safety and visual environment of the Township and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communication in the Township.
- (b) Maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth.
- (c) Improve pedestrian and traffic safety.
- (d) Minimize the possible adverse effect of signs on nearby public and private property.
- (e) Foster the integration of signage with architectural and landscape designs.
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size of signs which compete for the attention of pedestrian and vehicular traffic.
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located.
- (i) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- (j) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites.
- (k) Ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs.
- (l) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the Township.

- (m) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream.
- (n) Protect property values by precluding, to the extent permitted under state and federal law, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement.
- (o) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area.
- (p) Enable the fair and consistent enforcement of these sign regulations.
- (q) Provide flexibility and encourage variety in signage and create an incentive to relate signage to the basic principles of good design.
- (r) Ensure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

## **Section 7.02 Definitions for Signs.**

*Abandoned sign.* A sign that is not operated or maintained for a period of sixty (60) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located, if the business was originally located on that parcel. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.

*Animated Sign.* Any sign that uses movement or change of lighting to depict or create a special effect or scene, or by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

*Balloon Sign.* Any air or gas-filled object used as a temporary sign.

*Bandit Sign.* A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property.

*Billboard.* A sign which directs attention to a business, commodity, service, entertainment, or

attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

*Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance, but a sign that changes less than eight (8) times per day shall be considered a changeable copy sign and shall not be regulated as an animated sign.

*Externally Illuminated Sign.* A sign which is illuminated externally from an external light source intentionally directed upon it.

*Flag* means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

*Freestanding or Ground Sign.* A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.

*Illuminated Sign.* A sign illuminated in any manner by an artificial light source.

*Internally Illuminated Sign.* A sign which has the source of light not visible to the eye and entirely enclosed within the sign.

*Ingress and Egress Sign.* A sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and vehicular traffic safety.

*Neon Sign.* A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.

*Nonconforming Sign.* Signs that are prohibited under the terms of this Ordinance but were in use and lawful at the date of enactment of this Ordinance or any amendment to this Ordinance.

*Portable Sign.* A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; sandwich board signs consisting of two (2) boards laid back-to-back; and balloons used as signs.

*Projecting Sign.* Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.

*Roof Sign.* Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

*Sign.* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component

shall be considered to be a single sign. The term "sign" for regulatory purposes shall not include the following objects: grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area.

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

*Spotlight.* A stationary or revolving light which flashes or projects illumination in any manner and which has the effect of attracting or diverting attention. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

*Temporary Sign.* A sign intended for a use not permanent in nature. Unless otherwise provided for in this Section, a sign intended to be used for a period of time equal or related to the duration of an event shall be deemed a temporary sign.

*Wall Sign.* A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

*Window Sign.* Any sign that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

**Section 7.03 Sign Permits.** It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain a sign without first obtaining a sign permit from the Zoning Administrator, unless this Ordinance explicitly states that a certain type of sign is exempt from the permit requirement.

#### **Section 7.04 Permits and Fees**

- A. No sign requiring a permit shall be erected or replaced until a permit therefore has been issued by the Zoning Administrator and is in effect, and until required fees have been paid.
- B. Application for a permit to erect or replace a sign shall be made by the owner of the property or authorized agent to the Zoning Administrator by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- C. An application for a sign permit shall contain the following:
  - (1) The applicant's name and address in full, and a complete description of his/her relationship to the property owner.
  - (2) If the applicant is other than the property owner, the signature of the property owner concurring in the application.

- (3) The address and legal description of the property.
- (4) An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
- (5) A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- (6) All signs shall be inspected by the Zoning Administrator for compliance with this Ordinance prior to placement on the site. The Zoning Administrator shall inspect all construction.
- (7) A sign permit shall expire if the work for which the permit was issued has not been completed within six (6) months after the date of the permit. The sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
- (8) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure shall not require a sign permit, unless a structural or sign type change is made.

D. No sign permit or fee is required for temporary ground signs, but temporary ground signs must otherwise comply with all of the requirements of this Section.

**Section 7.05 Applicability** This Section does not pertain to and is not applicable to:

- A. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- B. A sign on a car, other than a prohibited vehicle sign.
- C. A statutory sign.
- D. A traffic control device.
- E. Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.

**Section 7.06 General Conditions.**

- A. Measurement of Sign Area. The area of a sign shall include the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all elements of the matter displayed. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to

differentiate the sign material from the backdrop or structure against which the sign is placed. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters are freestanding with no sign face background, then the sign face area is the area of the smallest regular geometric form or combination of such forms which fully contains the sign content. Frames and structural members not bearing copy or display material shall not be included in the sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where a billboard structure is double-faced, back-to-back, or V-shaped, in which case the area of the sign shall be the area of the largest face.

- B. Measurement of Sign Height. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a freestanding sign shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign. For the purposes of this Section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or (c) the grade of the land at the principal entrance to the lot on which the sign is located.
- C. Setback Requirements for Signs. No sign shall be placed such that it interferes with the traveling public or the function, maintenance, or operation of the roadway system within the Township. No part of a wall sign shall extend above the top of the wall or beginning of the roof of the building on which it is attached. Visibility at all intersections will be maintained. Additionally, signs requiring a permit shall have all parts of the sign located outside of the road right of way.
- D. Clearance from Utilities and Interference with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from pole-mounted electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
- E. Illumination.
  - 1. No sign shall be illuminated by other than electrical means.
  - 2. The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.

3. No sign may be erected which flashes, rotates, has moving parts or messages generated by discrete lighting elements.
  4. Internal illumination shall be permitted under the following circumstances:
    - i. Individual back-lit letters which are silhouetted against softly illuminated walls or sign backgrounds.
    - ii. Individual letters with translucent faces, containing soft lighting elements inside each other.
    - iii. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
  5. Only externally illuminated signs shall be allowed in any residential district.
  6. Gas-filled light types (fluorescent) shall be allowed for external illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
- F. Safety. All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the Township. In the event of conflict between this Section and other laws, the most restrictive shall govern. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk. No sign shall be erected, relocated or maintained to obstruct firefighting or prevent free access to any door, window or fire escape. No sign shall be erected that interferes with any opening required for ventilation. Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.

**Section 7.07 Viewpoint Neutrality.** Notwithstanding anything in this Section to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

**Section 7.08 Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this Section to the contrary, any sign erected pursuant to the provisions of this Section may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Section.

**Section 7.09 Administrative Interpretation and Discretionary Approval.** Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to

message content, but instead shall be directed to structural and location factors, including, as applicable:

- A. Whether the location and placement of the sign will endanger motorists.
- B. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance.
- C. Whether the sign will obstruct views of users or adjacent buildings to side yards, front yards or open space.
- D. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.
- E. Whether the sign is compatible with building heights of the existing neighborhood.
- F. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists.

**Section 7.10 Consent of Legal Owner of Property.** No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal or equitable title to the property and any party and person holding a present legal right to possession, control, or use of the property.

**Section 7.11 Signs on Public Property.** Any sign installed or placed on public property without approval, except in conformance with the requirements of this Section, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Township shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

**Section 7.12 Signs Declared a Nuisance; Repair; Signs Presenting Immediate Peril to Public Health or Safety.** The Zoning Administrator may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and opinion the sign presents an immediate peril to the public health or safety.

**Section 7.13 Signs Prohibited in All Districts.** The sign types listed below are prohibited within the Township and shall not be erected, operated or placed on any property. Any lawfully existing permanent sign structure or sign type that is among the prohibited sign types listed below shall be deemed a nonconforming sign.

- A. Abandoned signs.
- B. Bandit signs.



- C. Spotlights.
- D. Roof signs.
- E. Animated signs, but exceptions to this restriction may be permitted by the Planning Commission in the Commercial District but only through the special land use process.
- F. Neon signs.
- G. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words including, but not limited to "Stop", "Look", "Danger", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- H. Temporary signs mounted upon vehicles with a total sign area in excess of twenty (20) square feet on any vehicle and:
  - 1. The vehicle is not regularly used in the conduct of the business;
  - 2. The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle; and
  - 3. The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way.

A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured and operable. Provided that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm.

- 4. Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
- 5. Signs in or upon any river, lake, or other body of water within the limits of the Township, except government regulatory signs, warning signs, or safety signs.
- 6. Signs located on real property without the permission of the property owner.

7. Signs nailed, fastened, affixed to, or painted on any tree or part thereof, living or dead, or other vegetation.
8. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
9. Signs that emit sound, vapor, smoke, odor, or gaseous matter.
10. Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
11. Any sign unlawfully installed, erected or maintained.

### **Section 7.14 Ground Signs**

#### **A. General Requirements.**

- (1) Two (2) ground signs shall be permitted per premise which has frontage on only one (1) public road.
- (2) Four (4) ground signs shall be permitted per premise which has frontage on two (2) public roads, provided that there are no more than two signs per road.
- (3) In all Districts, a ground sign shall have a setback of forty-eight (48) feet measured from the center of the road and a setback distance equal to the height of the sign from all other lot lines.
- (4) No free-standing sign shall exceed a height of fifteen (15) feet.

#### **B. Specific Requirements.** Ground signs shall be permitted by district in accordance with the following requirements.

- (1) In the C-1 and I Districts, a business with frontage on one (1) public road shall be permitted two (2) free-standing signs. For businesses with frontage on two (2) or more public roads, two additional free-standing signs shall be permitted for each public road, so long as there are no more than two (2) free-standing signs per public road. The maximum permitted sign area shall be determined as one (1) square foot for each (1) linear foot of building, which faces one public street. The maximum area for each free-standing sign shall be sixty (60) square feet.
- (2) In the AG District, two (2) non-illuminated signs not to exceed sixty (60) square feet in area each are permitted.
- (3) In the R-1 District, two (2) non-illuminated freestanding sign not to exceed six (6) square feet in area each are permitted for each low or medium density residential

dwelling. The maximum size of a freestanding sign shall be an area of (6) square feet. In addition, one (1) non-illuminated freestanding sign is allowed at each point of ingress or egress to or from a low or medium density residential subdivision or development not to exceed an area of fifty (50) square feet and a height of twelve (12) feet. The freestanding sign shall be located on a landscaped island or lawn area protected from vehicular contact and shall not impede visibility of oncoming traffic.

## **Section 7.15 Wall Signs**

### **A. General Requirements.**

- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.
- (2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws, and in accordance with the Building Code.
- (3) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

B. Allowable Sign Message Area. In all Districts, the sign area for an attached exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business not to exceed a total of sixty (60) square feet. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.

C. Wall Signs Requiring Special Land Use Approval. The Planning Commission may consider a sign that is greater than the maximum area requirement as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in this Ordinance and the following:

- (1) The standards set forth in this Section;
- (2) The size, shape and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs; and
- (4) The relationship to and visibility from the public street where the property is located.

## **Section 7.16 Temporary Signs**

A. Portable Signs. Portable signs are only permitted within the C-1 District. The following

provisions shall apply.

- (1) No more than one (1) portable sidewalk sign shall be permitted per business that is located on the ground floor.
- (2) The sign shall be removed when weather conditions create potentially hazardous conditions.
- (3) The maximum area of a portable sidewalk sign is six (6) square feet per side with no dimension greater than four (4) feet (not counted towards total sign area), with a maximum of two (2) faces per sign.
- (4) The sign shall be located directly in front of the building it represents. The sign shall also be located on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area.
- (5) The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.
- (6) The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. The lettering may be permanent or temporary.
- (7) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. No glass, breakable materials, or attached illumination shall be allowed.
- (8) Portable signs shall be removed daily at the close of business hours.
- (9) Portable signs within the road right-of-way shall require approval by the applicable agency.

B. Temporary Wall or Window Signs.

- (1) In all districts, the Zoning Administrator may allow two (2) temporary wall or window signs for up to a forty-five (45) day period, not more than three (3) times per year. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- (2) All temporary wall or window signs which are not properly maintained shall be removed at the order of the Zoning Administrator.

C. Temporary Ground Signs.

- (1) In all districts one (1) non-illuminated temporary ground sign shall be permitted per ten (10) feet of road frontage. The maximum sign area for each temporary ground sign shall be four (4) square feet. The minimum setback for any temporary ground sign from any property line or public right of way shall be three (3) feet. A sign permit is not required to display a temporary ground sign.
- (2) All permitted temporary ground signs may be displayed for no more than one hundred and twenty (120) days. Following the expiration of the one hundred and twenty (120) day period, the landowner shall remove the temporary ground sign. Failure to timely remove a temporary ground sign constitutes a violation of this Section.
- (3) No temporary ground sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed.
- (4) All permitted temporary ground signs shall otherwise comply with all other standards for freestanding signs set forth in this Section.

**Section 7.17 Billboards.**

A. Where Permitted. Billboards are only permitted on interstate and state truck lines within the Commercial Districts. Permitted billboards are subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended. Billboards shall be considered a principal use on the property.

B. Spacing.

- (1) Not more than three (3) billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of Leslie Township where the particular highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two (2) billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2) below.

- (2) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
  - (3) No billboard shall be located within three hundred (300) feet of a residential zoning district and/or existing residence, church or school. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
  - (4) No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- C. Height. The height of a billboard shall not exceed thirty (30) feet above the level of the road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) roads having different levels, the height of the billboard shall be measured from the higher road.
- D. Surface Area. The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.
- E. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- F. Construction and Maintenance.
- (1) No billboard shall be on top of, cantilevered or otherwise suspended above the roof any building.
  - (2) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

**Section 7.18 Changeable Copy Signs** As part of a permitted ground sign or wall sign, a changeable copy sign may be installed. The changeable copy sign shall not exceed fifty (50) percent of allowable area of the ground sign or wall sign. The changeable copy sign shall not exceed ten (10) feet in height when installed as a part of a ground sign for a single occupant or tenant building. The changeable copy sign shall not exceed sixteen (16) feet in height if part of the ground sign is for a multiple occupant or tenant building. A changeable copy sign that is a part of wall sign shall not be installed higher than the wall of the building. The message or display on a changeable copy sign shall not be changed more than eight times in any twenty-four (24) hour

time period. Changeable copy signs may be internally illuminated.

### **Section 7.19 Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags**

#### **A. Flagpoles and Flags.**

In all districts, up to three flagpoles not exceeding fifty (50) feet in height may be installed, and up to two (2) flags may be displayed per flagpole.

#### **(a) Flag Brackets, Flag Stanchions, and Flags.**

In all districts, one flag bracket or stanchion may be attached or placed for the display of one flag on each structure. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty- four (24) square feet in size. A sign permit is not needed to display a flag on a flag bracket or stanchion. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

**Section 7.20 Door Signs.** Door signs are permitted in all zoning districts provided that the door sign does not cover more than twenty-five percent (25%) of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.

**Section 7.21 Ingress and Egress Signs.** For safety purposes and traffic circulation purposes, up to four (4) permanent ingress and egress signs to a parcel are permitted provided the same do not exceed four (4) square feet in size and no more than (3) feet in height.

**Section 7.22 Street Address Signs.** For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety and to serve as visible street address for delivery of mail and official governmental notification.

- A. For a parcel in residential use, the street address sign shall not exceed two (2) square feet in sign area.
- B. For a parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.
- C. The street address sign in a residential use may be externally illuminated and in a non-residential use may be externally or internally illuminated.

**Section 7.23 Window Signs.** Window signs are permitted in all zoning districts provided that the window sign does not cover more than twenty-five percent (25%) of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.

**Section 7.24 Noncommercial Onsite Parking Space Signs.** A parking space sign shall not exceed two (2) square feet of sign face per sign. Parking space signs shall be allowed on each parcel having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or an attached parking space sign shall be six (6) feet.

### **Section 7.25 Violations and Removal of Signs.**

- A. The Zoning Administrator may order the removal of any sign erected or maintained in violation of this Ordinance. The sign owner or property owner will be given a written notice providing thirty (30) days to remove the sign or bring the sign into compliance. Upon failure to comply with the notice, the Zoning Administrator may remove the sign. The Zoning Administrator may also remove the sign immediately and without notice if it reasonably appears the condition of the sign presents an immediate threat to public safety or if the sign is located within the road right of way. Temporary signs violating this Ordinance may be removed by the Zoning Administrator without written notice. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
  
- B. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within ninety (90) days after the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator may remove it in accordance with this Ordinance.



## CHAPTER 8 – SITE PLAN REVIEW

**Section 8.01 Site Plan Review.** It is the intent of this chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development.

**Section 8.02 General Standards.** Applications for Site Plan Review that meet the following standards in the judgment of the Planning Commission shall be approved:

- A. Ordinance Requirements. The proposed site plan shall fully conform with the requirements of this Ordinance.
- B. Surface Water Drainage. The proposed Site Plan shall fully comply with the published surface water drainage standards of the Eaton County Drain Commissioner.
- C. Driveway and Traffic Safety. The proposed Site Plan shall fully conform with the driveway and traffic safety standards of the Michigan Department of Transportation and the County Road Commission.
- D. Fire Safety and Emergency. The proposed Site Plan shall comply with the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or any local Fire Code having jurisdiction.
- E. Soil Erosion and Sedimentation: The proposed Site Plan shall be in compliance with the Soil Erosion and Sedimentation Control Ordinance of Eaton County.
- F. Public Health: The proposed Site Plan shall comply with the applicable requirements of the Michigan Department of Public Health and the Barry-Eaton District Health Department.
- G. Water/Sewer/Waste Removal: The proposed Site Plan comply with all applicable local ordinances including but not limited to ordinances governing the use of public water, sanitary sewage, and solid waste removal.
- H. State and Federal Statutes: The proposed Site Plan shall conform with all applicable State and Federal statutes
- I. Meets the minimum parcel width required in this Ordinance;
- J. Meets the minimum parcel size required in this Ordinance;
- K. Is accessible by a public road, private road, easement or other similar means;

Does not exceed the maximum number of divisions for the parent parcel, or the number of re-divisions for the division;

L. Has adequate easements for public utilities from the parcel to existing public utility facilities;

M. Does not result in land-locking a cemetery; and

N. Does not have any unpaid property taxes and/or special assessments due for the last five years.

**Section 8.03 Uses Subject to Site Plan Review:** The Planning Commission shall conduct site plan reviews for the following:

A. Uses permitted by right in all districts, excluding single-family dwellings in any district.

B. Conditional uses in all Zoning Districts.

C. Subdivisions of land and site condominium developments in all districts.

D. Any change in a use subject to site plan review.

**Section 8.04 Site Plan Review.** Applications for site plan approval shall consist of the following:

A. An application form supplied by the Township.

B. A review fee as determined by resolution of the Township Board based upon the cost of processing the review. Such resolution shall be on file with the Township Clerk for public information.

C. One (1) PDF copy and three (3) hard copies of the site plan documents prepared and sealed by a licensed professional in the State of Michigan at a scale of not less than one (1) inch equals one hundred (100) feet for properties more than three (3) acres and not less than one (1) inch equals twenty (20) feet for parcels less than or equal to three (3) acres with the following minimum information:

i. The seal, name and firm address of the professional responsible for the preparation of the site plan.

ii. The name and address of the property owner or petitioner.

iii. A location map.

- iv. Legal description of the subject property.
- v. The existing zoning and use of all properties abutting the subject property.
- vi. Dimensions of property and of the total site area.
- vii. Locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
- viii. Required and proposed building setbacks.
- ix. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing rights-of-way and pavement widths.
- x. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, streams, ponds, floodplains, hills and similar natural assets.
- xi. Location, screening, dimensions, and heights of existing and proposed buildings, structures, trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof.
- xii. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
- xiii. Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
- xiv. The location and size of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
- xv. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
- xvi. The location and size of all surface water drainage facilities.
- xvii. Proposed common open spaces and recreational facilities, if applicable.
- xviii. Signs, including location, height, and sizes.

- xix. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs, or devices, and service drives.
  - xx. Exterior lighting photometric plan showing area of illumination and indicating the type of fixture to be used.
  - xxi. Elevation drawings of proposed buildings, along with a general description of materials and colors to be used.
- D. Traffic Impact Assessment, Traffic Impact Study: The Planning Commission or regulating road authority may require an applicant to submit (and pay for) either a Traffic Impact Assessment or Traffic Impact Study as part of any site plan review process. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below:
- i. Traffic Impact Assessment: A Traffic Impact Assessment shall be required for projects expected to generate either between fifty (50) to ninety-nine (99) directional trips during peak hour traffic or five hundred (500) to seven hundred fifty (750) directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
  - ii. Traffic Impact Study: A Traffic Impact Study shall be required for projects expected to generate either one hundred (100) or more directional trips in the peak hour or over seven hundred fifty (750) trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.
- E. Development plans for residential projects, such as multiple family developments, mobile home subdivisions, and mobile home parks. The plans shall include the following additional information:
- i. Minimum floor area of the dwelling units.
  - ii. Total number of units proposed.

- iii. Number of bedrooms per unit in multiple-family developments.
- iv. Areas to be used for open space and recreation.
- v. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.

**Section 8.05 Validity of Site Plans.** Approval of the site plan is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during the period, the approval of the site plan shall be null and void.

**Section 8.06 Extension.** Upon written application that must be filed prior to the termination of the one (1) year review period, the Zoning Administrator may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension. If neither of the aforementioned provisions are fulfilled or the one (1) year extension has expired prior to construction commencing, the site plan approval shall be null and void.

**Section 8.07 Standards for Site Plan Approval.** In addition to the other requirements in this Ordinance, the Planning Commission shall require that the following standards be satisfied before approving the site plan:

- A. Adequate ingress and egress to public right of ways.
- B. Landscaping, landscape buffers and green belts shall be provided and designed in accordance with the provisions of the Zoning Ordinance.
- C. All elements of the site plan shall be designed to take into account the sites topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in rights-of-way, possible future rights-of-way, or potential building sites.

- E. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
- F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
- G. The proposed use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. To demonstrate compliance with this standard, applicant shall obtain approval from Michigan Department of Transportation or the Eaton County Road Commission, as applicable.
- H. There shall be provided a pedestrian circulation system that is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses that generate a considerable amount of pedestrian traffic.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives that are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required by the Eaton County Road Commission.
- J. All streets and driveways shall be developed in accordance with the Eaton County Road Commission, or Michigan Department of Transportation (MDOT) specifications and requirements, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or MDOT with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- K. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. The proposed plan shall comply with soil erosion and sedimentation control requirements and groundwater management provisions of Local, State, and Federal laws.

- L. All loading and unloading areas and outside storage areas, including areas for the storage of trash that face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- M. Exterior lighting shall be arranged so 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. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- N. For proposed uses in recreational districts, no building or structure shall be constructed within one hundred (100) feet of road rights-of-way or property lines.
- O. Landscaping buffers and greenbelts shall be required where a non-residential use is adjacent to residential use.
- P. Waiver from Landscaping and Screening Requirements: The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved provides adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking areas, landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria that shall be used when considering a waiver shall include, but shall not be limited to:
  - i. Existing natural vegetation;
  - ii. Topography;
  - iii. Existing wetland, floodplain, and poor soil areas;
  - iv. Existing and proposed building placement;
  - v. Building heights;
  - vi. Adjacent land uses;
  - vii. Distance between land uses;
  - viii. Dimensional conditions unique to the parcel;
  - ix. Visual, noise and air pollution levels; and
  - x. Health, safety and welfare of the township.
- Q. Site plans shall conform to all applicable requirements of County, State, Federal and Township statutes and ordinances. Approval may be conditional on the applicant receiving necessary County, State, Federal and Township permits before final site plan approval is granted.

- R. All provisions of the Township Zoning Ordinance must be complied with unless an appropriate variance has been previously granted by the Zoning Board of Appeals.

**Section 8.08 Conditions of Approval.**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- C. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- D. A record of conditions imposed shall be maintained. The conditions shall remain unchanged, unless an amendment to the site plan is approved.
- E. Additional Fees. If the Planning Commission determines the need for a professional opinion, monies for the services requested shall be provided by the applicant.

**Section 8.09 Decision.** The Planning Commission shall approve the site plan; or approve the site plan subject to conditions; or deny the site plan. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

**Section 8.10 Amendments to Approved Site Plans.** Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan.

- A. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original site plan approval. Minor changes shall include the following:
  - i. Change in the building size, up to five percent (5%) in total floor area.
  - ii. Movement of buildings or other structures by no more than ten (10) feet.
  - iii. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - iv. Changes in building materials to a comparable or higher quality.



- v. Changes in floor plans which do not alter the character of the use.
  - vi. Changes required or requested by the Township, Eaton County Road Commission, or other County, State or Federal regulatory agency in order to conform to other laws or regulations.
- B. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

**Section 8.11 Appeals.** Any person aggrieved by the decision of the Planning Commission in granting or denying of a site plan or with conditions required, shall have the right to appeal the decision to the Zoning Board of Appeals. Conditional uses and Planned Unit Developments, including the site plans for such discretionary uses, are not appealable to the Zoning Board of Appeals, and can only be appealed to the Circuit Court of Eaton County.

**Section 8.12 Conformity and Compliance.** The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate said approval following a public hearing. The change of use for an existing building shall be first approved by the building department.

**Section 8.13 Strict Compliance.** Property that is the subject of site plan approval must be developed in the strict compliance with the approved site plan and any amendments thereto that have received the appropriate approval. If construction and development does not conform to the approved plan, the approval thereof shall be revoked by the Township Zoning Administrator, by written notice of such revocation posted upon the premises involved and shall be mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than activities related to purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of this Ordinance.

## CHAPTER 9 – MANUFACTURED AND MOBILE HOMES

**9.1 Intent and Purpose.** It is the intent of this article to establish regulations under which manufactured homes may be used as a single family dwelling on parcel located outside of a manufactured home community. It is recognized that the modern manufactured home dwelling compares favorably with existing site constructed dwellings provided that such manufactured homes are similar in appearance, design and construction with existing residential development in the vicinity. It is the purpose of this article to provide standards for construction, installation, and appearance of manufactured homes to be placed on its own individual lot in order to ensure compatibility with existing dwellings located in the surrounding area.

### **9.2 Definitions.**

**9.2.1 Manufactured Home:** A manufactured home is a structure transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with a permanent foundation, when connected to required utilities and including plumbing, heating and electrical systems contained herein.

**9.2.2 Approved New Single-Wide Manufactured Home:** An approved new single-wide manufactured home is a manufactured home as defined above which contains at least seven-hundred twenty (720) square feet in floor area, measures between twelve (12) and sixteen (16) body feet in width at the narrowest point and is certified to be in compliance with the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (Code of Federal Regulations, Part 3280). Certification to be determined by examining the mobile home title which shows that the date of manufacture and examination of certification of compliance with the above standards attached to the manufactured home by the manufacturer.

**9.2.3 Approved New Wide Body Manufactured Home:** An approved wide body manufactured home is a manufactured home as defined above which is transported in two (2) or more sections and assembled on the site. An approved wide body manufactured home contains at least seven-hundred twenty (720) square feet in floor area and is more than sixteen (16) feet in body width at the narrowest point and is certified to be in compliance with the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (Code of Federal Regulations, Part 3280). Certification to be verified as specified in Section 16.2.2.

**9.2.4 Approved Used Manufactured Home:** An approved used manufactured home is one that is proposed to be moved from a manufactured home community to private property or from a private property to another private property. In addition, to ensure public health and safety, an inspection report from a licensed Housing and Urban Development (HUD) Inspector or an Architect or Engineer licensed to do business in the State of Michigan shall be submitted. The report shall ensure the manufactured home meets the standards listed above and is capable of meeting the

standards in Code of Federal Regulations, Part 3285, Model Manufactured Home Installation Standards and the standards of this Ordinance.

**9.3 Standards for Approval.** The Zoning Administrator shall render a decision based solely on the following requirements and criteria. Applications which comply with the requirements listed below shall be approved. Applications which fail to comply shall be denied. No Administrative Variances shall be granted by the Zoning Administrator from the standards and requirements contained in this section of the Ordinance.

- A. Site Development Requirements: The proposed lot and location of the manufactured home on said lot shall comply with the Site Development Requirements for the particular Land Development District in which it is located.
- B. Present Condition Standards: Manufactured Homes shall be of an approved type consistent with this Ordinance and shall be in a present condition consistent with the requirements of the certification program under which the manufactured home was manufactured. In addition, the manufactured home shall be watertight, free of exterior damage and oxidation and free of openings which would allow entry by insects and vermin. Electrical and mechanical systems shall be fire-safe, and plumbing pipes and fixtures shall be operable and free of leaks or damage.
- C. Compatibility Criteria: The Zoning Administrator or designee shall examine the proposed manufactured home site and surrounding area to determine whether or not the application is compatible with the surrounding district.
- D. The number of site constructed dwellings, State Construction Code Commission approved pre-manufactured dwellings, or wide body manufactured homes currently located within a one-thousand three-hundred twenty (1,320) foot radius of the proposed site property as specified in the application.

**9.4 Installation Requirements.** Manufactured homes shall be installed according to the Manufacturer's written instructions for the specific unit to be installed or at a minimum comply with the following specifications when the manufacturers instructions are not available.

- A. Code of Federal Regulations: All manufactured homes are required to meet the Code of Federal Regulations, Part 3280, Manufactured Home Construction and Safety Standards and Part 3285 Model Manufactured Homes Installation Standards.
- B. Site Built Alterations and Additions to Manufactured Homes: Any landing, deck, stair, handrail, guardrail, crawl space, basement, roof overs, additions, etc., shall comply with the current Michigan Building Code as adopted by the State of Michigan.

- C. Pre-Manufactured Additions: Pre-manufactured expand, add-a-room, tag-a-long additions shall comply with the standards for construction. Separate wide-body manufactured homes and single-wide manufactured homes shall not be used as additions to the principle dwelling structure.

**9.5 Appeals.** Any person aggrieved by the decision of the Zoning Administrator may have that decision reviewed by the Zoning Board of Appeals at their next regular meeting or special meeting called for that purpose. The Zoning Board of Appeals shall review the matter based on standards contained in this Ordinance and shall give written justification for any decision pursuant to this Ordinance.

## CHAPTER 10 – PLANNED USE DEVELOPMENTS

**Section 10.01. Intent and Purpose:** It is the intent of this Chapter to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; encourage useful open spaces; achieve economy and efficiency in the use of lands, natural resources, energy and the provisions of public services and utilities; and to provide housing, employment, and shopping opportunities that conform to the Township's Master Plan, regulations, or guidelines, while departing from strict application of use, setbacks, height and minimum lot size requirements of zoning districts in order to: permit valuable and beneficial land development; enhance the appearance of the neighborhood through the preservation of natural features, the provision of utilities and the provision of recreational areas and planned open space; and provide for efficient use of land that will be compatible with surrounding land uses and character.

**Section 10.02. Qualifying Conditions.** Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District.

1. The PUD site contain fully contiguous property not separated by a public street, railroad right-of-way, or other such feature if no residential land uses are proposed.
2. The PUD site shall contain the following minimum size requirements based on proposed uses:
  - A. For non-residential land uses: a minimum of three (3) acres.
  - B. For residential land uses: a minimum of ten (10) acres.
  - C. For mixed-uses including residential and non-residential land uses: a minimum of twelve (12) acres.
3. Public water and sanitary sewer shall be available to service the site or the proposed development shall include a community water and wastewater system designed and built to ultimately connect to the public systems.
4. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
5. The proposed uses of the PUD must be substantially consistent with the Township Master Plan descriptions for the subject property.
6. The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.
7. The PUD should provide for coordinated and innovative architectural styles, building forms and building relationships.

8. The PUD should provide for enhanced landscaping efforts by the development. Examples include efforts to preserve the natural landscape, providing for tree lined streets, decorative landscaping around structures and focal landscape areas.

**Section 10.03 Uses Permitted.** PUD development may be permitted by the Planning Commission in any zoning district in accordance with this Chapter.

**Section 10.04 Application and Processing.** The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.

**Section 10.05 Pre-Application Conference.** The applicant/property owner must attend a pre-application conference to be coordinated by the Township. This meeting must include at a minimum two of the following individuals: Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, consultants hired by the Township or other officials to discuss the project. A request for a pre-application conference shall be made to the Zoning Administrator.

**Section 10.06 Application Materials.** As part of the pre-application conference, the applicant shall submit copies of a conceptual plan, at a reasonable time period in advance of the pre-application conference, which shows the following:

- A. Legal Description of the property;
- B. Property location and total number of acres to be included in the project;
- C. Statement of the approximate number of residential units and/or approximate number, type, and square footage of non-residential units;
- D. Departures from the regulations of this Ordinance which may be requested;
- E. The total acres to be preserved as open or recreation space;
- F. Significant natural features, existing topographic character and natural resources;
- G. Existing flood plains, bodies of water and other unbuildable areas, if any;
- H. Vehicular and pedestrian circulation; and
- I. Land use for the entire site.

**Section 10.07. Minimum Requirement Approval.** The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township and whether it qualifies under the minimum requirements. No formal action will be taken at a pre-application conference nor will statements made at the pre-application conference be considered legally binding commitments.

**Section 10.08. Escrow Deposit.** The Township may require the applicant to make a cash or letter-of-credit escrow deposit to cover the Township's anticipated costs incurred for such a meeting and review of materials submitted. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

**Section 10.09 Application Process.** The procedure for application, review and approval of the PUD shall be a two (2) part process.

- A. The first part shall be application and approval of the Preliminary Development Plan, which shall require amending the Zoning Map so as to reclassify the property to PUD zoning. Such action shall confer upon the applicant the preliminary approval for a twelve (12) month period following the Township's approval of the PUD.
- B. The second part of the review and approval process shall be the application for approval of the Final Development Plan for the entire project or for any one or more phases of the project. Final Development Plan approval shall require the granting of Site Plan approval by the Planning Commission using the standards for Site Plan approval in accordance with this Ordinance.

**Section 10.10 Map Re-Zoning.** The approval of a PUD rezoning application shall require an amendment to the Zoning Map constituting part of this Ordinance. An approval granted under this Chapter including all aspects of the Final Site Development Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance and a unique zoning district incorporating the provisions of the Final Site Development Plan. Each approved PUD district will be assigned a unique identification number by the Township Assessor, which shall be used to reference the standards, restrictions, uses and all other aspects of the particular PUD District.

**Section 10.11 Preliminary Development Plan Submission Requirements.** Following the pre-application conference or conferences, three (3) hard-copy and one (1) electronic PDF copy of the preliminary development plan and an application for PUD rezoning request shall be submitted to the Zoning Administrator. The Zoning Administrator shall forward it to the Planning Commission for consideration at the next regularly scheduled Planning Commission Meeting. The plan shall be prepared by a licensed Professional in the State of Michigan and shall be accompanied by a completed application form and fee as determined by the Township Board. The preliminary site development plan shall contain the following information unless specifically waived by the Zoning Administrator:

- A. Name, address, and phone number of the applicant;
- B. The name, address, phone number and seal of the licensed professional in the State of Michigan that prepared the plan;
- C. Date, north arrow and scale which shall not be more than 1" = 100';
- D. Location map of site in relation to the adjacent area;

- E. Legal description of the property including common street address;
- F. Size of parcel and total acres;
- G. All lot or property lines with dimensions;
- H. General location of all buildings within one hundred (100) feet of the property lines;
- I. General location and size of all existing structures on the site;
- J. General location and size of all proposed structures on the site;
- K. General location and dimensions of all existing and proposed streets, driveways within three hundred (300) feet of the property, parking areas, including total number of spaces and typical dimensions, and drive aisles with typical dimensions;
- L. General size and location of all areas devoted to open space, including total acres of this space;
- M. Location of existing vegetation and general location and size of proposed landscaped areas;
- N. All areas within the 100-year floodplain, wetland areas, or bodies of water;
- O. Designation of any project phases or stages;
- P. Specific listing of all departures from the regulations of the Ordinance which are requested: and
- Q. A narrative describing the following:
  - i. The nature and concept of the project;
  - ii. The proposed density, number and types of dwelling units if residential use is proposed as part of the PUD;
  - iii. A statement describing how the proposed project meets the objections of the PUD including the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site;
  - iv. A detailed description of the legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed; and
  - v. A statement from the registered professional describing how the proposed project will be served by public water, sanitary sewer and storm drainage. In the event a private water and/or wastewater system is proposed, the applicant shall submit documentation that the Barry-Eaton Health Department or the jurisdiction in which the project is located will accept responsibility for operation and maintenance of such systems, in the event the developer and any successors thereto fail to perform the required activities. The terms of such acceptance of responsibility for the operation and maintenance of such systems shall be



established in an agreement between the applicant and the County or the jurisdiction in which the project is located. Said agreement shall provide for a performance bond, letter of credit or other mechanism acceptable to Planning Commission, in an amount sufficient to assure the proper continued operation of such systems.

- R. A narrative description of the phasing or staging plan (if applicable).

**Section 10.12 Notice.** Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**Section 10.13 Public Hearing.** The Planning Commission shall hold a public hearing on the application(s).

**Section 10.14 Standards and Burden.** Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial or approval with stipulations of the PUD rezoning request and Preliminary Development Plan. The Applicant shall have the burden of proof. In making its recommendation, the Planning Commission shall be governed by the following principles and standards:

- A. Whether all required information has been provided and fees paid.
- B. Whether the purpose of this Chapter would be served by the proposed uses.
- C. Whether the PUD is consistent with the objectives and goals of the Master Plan.
- D. Whether the proposed PUD will adversely affect neighboring lands.
- E. Whether the proposed PUD is compatible with and will not adversely affect the natural environment or change the essential character of the surrounding area.
- F. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.

**Section 10.15 Final Site Development Plan.** Within twelve (12) months from the date the Township Board approves the PUD preliminary development plan, the applicant shall submit a PUD Final plan application, and PUD Final Development Plan. If a Final Development Plan is not submitted by the applicant for final approval within twelve (12) months, then the preliminary development plan and PUD rezoning classification is null and void. An extension of time by which to submit a PUD Final Development Plan may be granted by the Planning Commission upon good cause shown if the request is made to the Planning Commission prior to the twelve (12) month period. An application shall be submitted at least thirty (30) days prior to the date of the next

regularly scheduled Planning Commission meeting and shall be accompanied, at a minimum, by the following:

- A. An application fee as established by the Township Board.
- B. A final site plan meeting the requirements of this Ordinance. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. The final site plan review, including any public hearings, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary development plan.
- C. The same information as required for the Preliminary Development Plan above, the information required for Site Plan Review in this Ordinance, and any additional information specifically requested by the Planning Commission in its review of the Preliminary Development Plan and the following information:
  - i. Location and size of all water, sanitary sewer, and storm sewer lines serving the development and each of the buildings and units within the project.
  - ii. Proposed landscaping materials including type, number, size, botanical and common name and planting recommendations and details of proposed plant materials.
  - iii. Location of signs and exterior lighting.
  - iv. Location of sidewalk, foot paths, or other pedestrian walkways.
  - v. Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
  - vi. Exterior architectural drawings noting building materials, height and area of buildings, accessory structures and fencing.
  - vii. Approximate date of commencement of construction.
  - viii. Stage or phases in which the project will be built including the expected start and completion of each phase.
  - ix. Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.

**Section 10.16 Notice.** Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**Section 10.17 Public Hearing:** The Planning Commission shall hold a public hearing on the application(s).

**Section 10.18 Standards for PUD Final Development Plan.** Following the public hearing, the Planning Commission shall either approve, deny, or approve with stipulations the Final

Development Plan. In making its decision, the Planning Commission shall find that the proposed PUD meets the intent of the PUD District and the following standards:

- A. The Site Plan Approval Standards of this Ordinance except where specific deviations have been authorized pursuant to the approved PUD Preliminary Development Plan have been met.
- B. The proposal is consistent with the Township's Master Plan.
- C. The qualifying conditions and permitted uses for the PUD.
- D. The proposal is consistent with the public health, safety, and welfare of the Township.
- E. The proposal minimizes any negative environmental impact on the subject site or surround areas.

**Section 10.19 PUD Development Agreement.** The terms of the final approved PUD shall be incorporated in a Development Agreement to be executed by the applicant and the authorized representative of the Township. Said Agreement shall reference all approved application materials, plans, specifications, and related documents and shall be recorded by the applicant with the Register of Deeds to run with the land. The Development Agreement shall be executed prior to any building permits or commencement of construction on any portion of the PUD. The Agreement should also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the property. All costs for preparation and recording of the Development Agreement shall be paid by the applicant.

**Section 10.20 Commencement of Construction.** Each approved PUD must be under construction within twelve (12) months after the date of approval of the PUD Final Development Plan, except the Township may grant one (1) extension of up to an additional twelve (12) month period from the expiration date of the PUD or phase of the PUD if the applicant applies to the Planning Commission for an extension prior to the date of the expiration of the PUD or PUD Phase and provided that:

- A. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
- B. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.

**Section 10.21 Changes to an Approved PUD:** Changes to an approval final PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD Final Development Plan shall notify the Planning Commission of any desired change to the approved PUD.
- B. Minor changes to the PUD Final Development Plan may be approved by mutual agreement of the applicant or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other County regulations or State Law. Minor changes include:
  - i. All matters that were approved by the Planning Commission in the Final Development Plan that were not part of the Preliminary Development Plan.
  - ii. The relocation of structures, roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved in the Preliminary Development Plan, as determined by the Planning Commission.
  - iii. Reduction of the size of any building and/or sign.
  - iv. Changes in floor plans, of up to five percent (5%) of the total floor area, which do not alter the character of the use or increase the amount of required parking.
- C. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to the following:
  - i. Increase in density or number of dwelling units.
  - ii. Increase in land area or building size, except as noted above.
  - iii. Changes in, or addition of other uses not authorized by the original PUD approval.

**Section 10.21 Voiding the PUD.** Should any of the provisions above be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval. Should the PUD district become null and void, then the Township Board has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). If the property is to be rezoned, then the subject property remains zoned as a PUD, but the preliminary and file PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to submit plans for preliminary and final PUD site plan approval as stated in this Chapter but would not require PUD rezoning action from the Township Board.

## CHAPTER 11 – TEMPORARY HOUSING AND BUILDINGS

**Section 11.01 Prohibition on Non-Conforming Dwellings.** No building or structure hereafter erected or moved upon a lot, and which does not meet the requirements of this Ordinance, shall be used or occupied as a dwelling. No garage, barn, or accessory buildings, camping or recreational units, whether fixed or portable, shall be used or occupied as a dwelling for a period of time greater than thirty (30) consecutive days within a one (1) year period. The Zoning Administrator may issue temporary permits subject to the following procedures and limitations:

- A. Temporary Housing and Buildings: Shall not be located within the area required for the front yard setback pursuant to this Ordinance and shall be no closer than ten (10) feet from other buildings or any lot line.
- B. Temporary Housing During Construction: The Zoning Administrator may grant thirty (30) day permits to reside in a temporary dwelling such as a travel trailer, motor home, cellar, garage, barn, or accessory structure when the occupant is actively constructing a site-built single family dwelling, provided that the temporary accommodations meet requirements of public health and construction code. These permits shall not exceed three-hundred-sixty (360) consecutive or nonconsecutive days during the construction of the dwelling. The temporary dwelling permit shall not be granted nor extended if construction ceases or the property is found in violation of any Local, State or Federal regulations.
- C. Temporary Housing for Emergency Reasons: When a dwelling is destroyed by fire, collapse, explosion, acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy as determined by the Building Official, a Temporary Housing Permit for an approved single-wide mobile home as defined in this Ordinance shall be issued by the Zoning Administrator upon the request of the owner at the time of destruction. The Temporary Housing/Emergency Housing permit may be granted for not more than one (1) year.
- D. Temporary Housing for Medical Reasons: A person(s) may make application to the Zoning Administrator to occupy an approved single wide mobile home an accessory dwelling unit as an accessory use to the principal dwelling, or a travel trailer, fifth wheel trailer or motorhome if a medical condition exists such that said occupant requires continued supervision. Such medical conditions shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. The Zoning Administrator shall act on all such applications and either grant with certain restrictions or deny the same. A Temporary Housing Permit may be granted if the Zoning Administrator finds adequate evidence of the need for supervision, that the proposed location of use will not be detrimental to property in the immediate vicinity, and the Barry-Eaton Health Department has approved the water supply and sanitary facilities. Economic hardship or considerations shall not in itself be grounds for authorization of a temporary housing permit. The temporary housing permit is issued

to the party with the medical condition and is for the applicant's use only and not transferable to any other owner or occupant. The Temporary Housing Permit shall state that the temporary house shall be removed within one hundred eighty (180) days after the recovery, relocation or death of the applicant. Temporary houses shall be located within two-hundred (200) linear feet of the dwelling occupied by the person providing the continued supervision.

## CHAPTER 12 – NON-CONFORMING USES

**Section 12.01 Intent and Purpose.** It is the intent of this Chapter to provide for the continuance of lawful uses of land or structures which existed before the enactment of this Ordinance, or before the effective date of an amendment to this Ordinance, governing an otherwise lawful existing use of land or structures. Such non-conformities are permitted to continue under the conditions specified in this Chapter which are intended to minimize the disharmony and incompatibility between uses of land and provide for either the eventual discontinuance or conversion of non-conformities.

**Section 12.02 Illegal Non-conformity.** Any use of land or structure which has been established in violation of the provisions of this Ordinance or a previous valid County Zoning Ordinance, having jurisdiction at the time said use of land or structure was established, and any use of land or structure which has been lawfully established under this Ordinance or a previous valid County Zoning Ordinance and subsequently violates the terms of the permit under which it was established shall be termed an illegal non-conformity, except when said illegal non-conformity is in full compliance with the provisions of this Ordinance.

**Section 12.03 Legal Non-Conformity.** An existing use of land, lot, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance, or a previously valid County Zoning Ordinance, and remains in compliance with the terms of a permit issued at that time.

**Section 12.04- Legal Nonconforming Lots of Record.** In any district, principal structures and accessory buildings may be erected on any nonconforming lot that was a lot of record at the time of adoption of this Ordinance, provided that permits for construction of a well and septic system are granted by the Barry-Eaton District Health Department, and variances to yard requirements any other applicable regulations are obtained through approval of the Zoning Board of Appeals. If any nonconforming lot or lots are of continuous frontage with other lots under the same ownership, the owner shall be required to combine such lots to provide parcels that shall meet at least the minimum requirements for the district in which they are located.

**Section 12.05- Legal Nonconforming Structure.** Whenever the use of a structure shall become nonconforming through a change in the zoning regulations or in the district boundaries, such use may be continued and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification; provided that no such nonconforming structure shall be enlarged or extended. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. Whenever a nonconforming use of a structure or portion thereof is discontinued for a continuous period of one-hundred eighty (180) days, such nonconforming use shall be deemed to be abandoned, and any future use of such structure or portion thereof, shall be in conformity with the regulations of the district in which such structure is located.

**Section 12.06- Legal Nonconforming Uses of Land.** A nonconforming use of land existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of one-hundred eighty (180) days, such discontinuation shall be presumed to be an abandonment of the nonconforming use, and any future use of such land shall be in conformity with the provisions of this Ordinance.

**Section 12.07- Alterations, Changes, and Extensions.** A nonconforming use shall not be enlarged or extended except by specific approval of the Zoning Board of Appeals. Where the nonconforming use is a residential structure, and nonconforming due to setbacks only, the Zoning Administrator may approve enlargement of the structure, providing the enlargement meets all requirements of the zone in which the structure is located. Nonconforming use of any parcel of land, building, or structure shall not be changed to any other nonconforming use after such use has been changed to a conforming use.

**Section 12.08 Repair, Alteration, and Rehabilitation of Damaged Legal Nonconforming Structures.** A nonconforming structure that has been damaged to the extent of more than fifty percent (50%) of its assessed value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than fifty percent (50%) of its assessed value, a nonconforming structure may be repaired or reconstructed and used as before the time of damages provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

**Section 12.09 Abandonment and Discontinuance.** If the nonconforming use of any structure, land, or premises or part thereof is discontinued or abandoned through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, act of God, public enemy, or otherwise damaged to an extent of fifty percent (50%) its assessed valuation for a continuous period of one-hundred eighty (180) days, then any further use of said structure, land, or premises shall conform in its entirety to the provisions of this Ordinance; provided, however, the Zoning Board of Appeals may, upon application within thirty (30) days of termination of said period, permit the resumption of such nonconforming use; provided that, (a) such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use or (b) that circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

**Section 12.10. Questionable Cases:** Any questionable case involving whether certain accessories, or structures do or do not conform to the provisions of this Ordinance shall be determined by the Township Zoning Administrator and, if necessary, appealed to the Zoning Board of Appeals.



## CHAPTER 13 – LIGHTING

**Section 13.01 Intent and Purpose.** The Purpose of this section is to reduce unwanted light pollution.

**Section 13.02 Unnatural Light.** Unnatural lighting sources shall be installed so as to contain the light on the property upon which it is installed, except that waterfront dwelling units are allowed to spill lighting onto the water in front of the owner's property only.

**Section 13.03 Spill Lighting.** Spill lighting onto adjacent properties shall not exceed 0.2-foot candles at the property line of adjacent properties.

**Section 13.04 General Prohibition.** No lighting sources shall shine upon or illuminate the windows or doors of adjacent dwellings.

## CHAPTER 14 – KEEPING OF ANIMALS

**14.01 Intent and Purpose.** The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of permitted residential uses, subject to the requirements in this Section.

**14.02 Kennel.** Any land, building, or structure where four (4) or more cats or dogs six (6) months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel. Kennels shall only be permitted after approval as a Special Land Use on the lot or parcel on which it is proposed if provided for in that zoning district.

**14.03 Permissions.** Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the provisions of this Chapter.

**14.04 Pen Requirements.** Any pen, building or structure housing these animals shall be a minimum of fifty (50) feet from any property line or road right-of-way and a minimum of one hundred fifty (150) feet from any dwelling unit.

### 14.05 Lot Requirements

- A. On lots on one-half (1/2) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family.
- B. On lots of greater than one (1) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises.
- C. On lots of greater than two (2) acres the uses permitted by paragraph 2, above: and one (1) horse, or one (1) cow, or one (1) goat, or one (1) sheep) or one (1) pig for each full acre over two (2).

**14.08 Fence Requirement.** Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence shall be provided and regularly maintained that will keep any animals from leaving the premises at will.

**14.09 Measurements.** Measures must be taken to ensure that all animal by-products, noxious odors, noises and all other nuisance factors created by the raising, caring, keeping of animals must be contained within the boundaries of the property. Additional visual screening, addition noise inhibitors, air filtration system, etc. may be necessary to comply with this requirement.

**Section 14.10 Screening:** Dust collectors, trash receptacles, and similar equipment shall be screened from view from any abutting residential zoning district.

## CHAPTER 15 – SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following regulations:

**Section 15.01- Intent and Purpose:** The intent and purpose of this Article is to identify modifications, additions, exceptions and/or limitations to the requirements set forth in the other sections of this Ordinance.

**Section 15.02- Corner Lots:** Structures on corner lots shall comply with front yard setback requirements along both abutting rights-of-way.

**Section 15.03 Additional Yard Requirements:** Every lot on which a building or structure is erected shall have a front yard not less than fifty (50) feet in depth from the right-of-way and side yards of not less than ten (10) feet in width and a rear yard of no less than twenty-five (25) feet. Side yards of lots of record created before October 1968 may be reduced to eight (8) feet, provided the lots are less than sixty-five (65) feet in width.

**Section 15.04 Bodies of Water.** When a parcel fronts on a body of water, the dwelling shall be not less than fifty (50) feet from the normal high-water mark at the point where the water line is nearest to the dwelling.

**Section 15.05- Skirting:** All structures without a continuous perimeter foundation shall be skirted with a suitable building material before electrical service is approved for connection.

**Section 15.06- Compliance with Land Division Ordinance:** No building permit will be issued if the parcel involved is in violation of a Land Division Ordinance adopted by the Township. If compliance with the Land Division Ordinance is questioned, the landowner must supply proof to the Township Ordinance Enforcement Officer or Zoning Administrator that his/her property is in compliance.

**Section 15.07- Roads and Streets:** Public and private streets and roads shall comply with all the following:

- A. A road or street shall have at least sixty-six (66) feet of right-of-way width.
- B. Each road or street shall be provided with one (1) safe exit and one (1) safe entrance from a public thoroughfare. Such exit and entrance may be combined or provided separately. Approval for location of such exit and entrance shall be obtained from the Eaton County Road Commission or MDOT, which shall also approve the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.
- C. A road or street shall be centered in the rights-of-way.

- D. The travelled portion of a road or street shall be a minimum twenty (20) feet in width, with a minimum twelve (12) feet overhead clearance to allow access for emergency vehicles.
- E. All public and private roads and streets must be reviewed by the Township Fire and Rescue Department to ensure that the Township's equipment can readily traverse the road and or street at least to a point within one-hundred (100) feet of the structure served by the roadway.

**Section 15.08 Private Driveways:** All private driveways shall be subject to the following standards and requirements:

- A. The driveway shall have a minimum clear and passable area at least fourteen (14) feet in width for the entire length of the driveway. "Clear and passable" shall mean that the area is free of roots, brush shrubs, trees, obstructions or any other debris.
- B. The driveway shall have a minimum clear and passable area of at least twelve (12) feet in height for the entire length of the driveway.
- C. The driveway shall have an aggregate base course of compacted gravel, crushed concrete, slag, or similar material that is at least six (6) inches in depth and at least ten (10) feet in width for the entire length of the driveway.
- D. Driveways that exceed one-hundred (100) feet in length or have turns must be reviewed by the Township Fire and Rescue Department to ensure that the Township's public safety equipment can readily traverse the driveway at least to a point within one-hundred (100) feet of the structure served by the driveway. The Township Fire Chief shall have the discretion to deny approval of any proposed driveway that cannot be readily traversed by the equipment of the Township Fire and Rescue Department due to severity of turns or inadequate radius of the turns in the proposed driveway.
- E. Site plans must depict driveways and specify dimensions of the driveways.

**Section 15.08 Fences.**

- A. Fences may be constructed of wood, masonry, woven wire, and/or chain link.
- B. Fences may be constructed on a property line as long as no right-of-way is physically or visually obstructed.
- C. Fence composition shall be of uniform design and material. No fence shall be constructed of material that impairs the character of the neighborhood.

- D. Fences constructed within twenty-five (25) feet of the road right of way must be open fencing that provides a clear view and shall not exceed four (4) feet in height.
- E. On lots adjacent to waterways, fences constructed in the space between the water's edge and the dwelling must be open fencing that provides a clear view and shall not exceed four (4) feet in height.

**Section 15.09 Greenbelts and Landscaping**

- A. A landscaped greenbelt may be required by the Township to be installed on a nonresidential site or District in order to provide protective screening for nearby or adjacent Residential Districts or uses. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with shrubs, bushes, or evergreens, such as spruce, pines, or firs at least five (5) feet in height at time of planting, or a hedge of evergreens at least four (4) feet in height at the time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance.
- B. Any shrubs, bushes, or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

**Section 15.10- Clear Vision Areas:**

- A. No planting, such as, but not limited to, trees and crops, fencing, or other structures shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of a street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.
- B. No vegetation or structure shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from the vehicles entering or leaving the site from driveways or adjacent roadways.

**Section 15.11 Storage.**

- A. Vehicles. No vehicles shall be parked on public right-of-way or public property for more than three consecutive days in any calendar year. No vehicle parts shall be placed on public right-of-way or public property. Permitted vehicles, trailers, travel trailers and motor homes that are parked on private property shall be duly licensed vehicles and/or registered and operable with substantially all main component parts attached. Duly licensed vehicles that are temporarily inoperable because of minor mechanical failure can be placed outside

of a fully enclosed building for a period not exceeding thirty (30) days in any calendar year. No limit is placed on vehicles or parts stored inside a completely enclosed building.

- B. Public Right-of-Way. Private property shall not be stored on public rights-of-way.
- C. Boat. No boats shall be parked on a public right-of-way or public property for more than three consecutive days in any calendar year. No boat parts shall be stored on public-right-of-way or public property. Boats maintained on their owners' private property shall be duly licensed and/or registered boats and operable with substantially all main component parts attached. Duly licensed and/or registered boats that are temporarily inoperable because of minor mechanical failure may be placed outside of a fully enclosed building for no more than thirty (30) days during any calendar year. No limit is placed on boats or parts stored inside a completely enclosed building.
- D. Manufactured Home (mobile home). The storage of mobile homes is not allowed.
- E. No outdoor storage shall be permitted unless it is part of an approved site plan.
- F. Storage Containers as storage buildings prohibited.

**Section 15.12 Water Supply and Sanitary Sewage Facilities:** Required water supply and sanitary sewage facilities shall conform to the standards, regulations and requirements of the Barry-Eaton District Health Department.

**Section 15.14 Unsafe Structures:** Buildings and structures shall not be allowed to degenerate to the point where they constitute a public nuisance or endanger the public health, safety, or welfare.

**Section 15.15 Ponds.** Ponds created by excavations shall be subject to setbacks applicable to accessory buildings in accordance with this Ordinance.

- A. The edge of the pond shall be considered the point at which excavations begin.
- B. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical.

**Section 15.16 Swimming Pools.** Pools used for swimming or bathing shall conform with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except where the pool is permanently equipped with a water recirculating system or involve structural materials.

- A. A swimming pool or appurtenances thereto shall not be considered, installed, enlarged or altered until a building permit has been obtained by the Township Department.

- B. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- C. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. This enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- D. All swimming pool installations shall comply with any applicable Construction Codes and all other standard codes referred to therein.

## **CHAPTER 16 – OFF STREET PARKING**

**Section 16.01 Intent and Purpose:** In all Zoning Districts, off-street parking facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the building's hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

**Section 16.02 Location of Parking.** The off-street parking required by this Section shall be provided in accordance with the following requirements.

- A. **Single and Two-Family Dwellings:** The off-street parking facilities required for single and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. **Multiple-Family Dwellings:** The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. In no event shall any uncovered parking space for any multiple family dwelling be located within ten (10) feet of any main building.
- C. **Manufactured Home Parks:** The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.
- D. **Other Land Uses:** The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of a readily accessible entrance.

### **Section 16.03 Parking Lot Requirements:**

- A. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two-family dwellings outside manufactured home parks) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the area, and shall be completely constructed prior to fully occupying the building.
- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.



- C. All lighting for parking lots, whether building mounted or pole mounted shall be cutoff fixtures, as defined by the Illuminating Engineering Society of North America and shall be shielded as appropriate to deflect light away from adjacent residential areas and roadways.
- D. Lighting intensity shall be reduced during non-business hours.
- E. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than twenty (20) feet above the parking lot surface.
- F. At no point shall illumination levels exceed five (5) foot-candles on the parking lot surface. The uniformity ratio on the parking lot surface shall be no greater than 5:1. In complying with these requirements the maximum light loss factor may be used is 0.72.
- G. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which the parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provisions of this Ordinance.
- H. Required nonresidential parking lot abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent at least four (4) feet in height and obscuring.
- I. Adequate ingress and egress to the parking lot, by means of clearly defined drives, shall be provided for all vehicles. Access drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways. Each entrance and exit shall be at least twenty-five (25) feet from any adjacent residential district of use.
- J. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot of setback lines, if curb and gutter is not being provided. Wheel stops shall be securely anchored into the parking lot to ensure that they remain stationary.
- K. Plans for the layout of off-street parking facilities shall be in accordance with the Parking Space Dimensions of this Chapter.

#### **Section 16.04 Parking Lot Plans.**

- A. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and construction shall be completed and approved

by the Zoning Administrator before actual use of the property as a parking lot and before the building is fully occupied.

- B. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage patterns, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared by a licensed professional in the State of Michigan competent in that work.
- C. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of the property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying a vehicle for sale, except in approved and licensed car sales lots.
- D. After the effective date of this Ordinance, it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes on an overnight basis. Provided, however, that the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm. In addition, equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction.
- E. No vehicle storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

**Section 16.05 Off-Street Parking Requirements.** When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

**Section 16.06 Off- Street Parking Application.** Upon application, The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

- A. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance

with the standards of this Ordinance for parking area design and other site development requirements.

- B. The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Planning Commission whenever the use is practical and satisfactory to each of the uses intended to be served and when all requirements for the location, design and construction can be satisfied.
  - i. **Computing Capacities:** In computing capacities for any joint use, the total space requirements are the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of the off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  - ii. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the Eaton County Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.
  - iii. The Zoning Administrator shall be immediately notified of any changes to the agreement, including notifications of new owners of the properties involved.
- C. **Maximum Parking Requirement:**
  - i. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Off-Street Parking Requirements of this section. Except as may be approved by the Planning Commission.
  - ii. The Planning Commission upon application may grant additional spaces beyond those permitted in (i.) above. In granting the additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.
- D. Required off-street parking spaces are noted in Table 16.06. below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be accord with a use which the Zoning Administrator considers similar in type.

**Table 16.06: Off-Street Parking Requirements by Use**

USE	PARKING SPACE PER UNIT OF MEASUREMNET
<b>RESIDENTIAL</b>	
Single-family dwellings	2 for each dwelling unit.
Two-family dwellings	2 for each dwelling unit.
Multiple family dwellings	2 for each dwelling unit, plus 1 additional for each 2 units.
<b>INSTITUTIONAL</b>	
Group day care homes and group foster care homes	1 space for each 4 clients.
Churches, theaters, assembly areas, auditoriums, gymnasiums	The greater of 1 space for each 4 seats or each 8-feet of pew length OR 1 space for each 8 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating.
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1-1/2 spaces for each classroom, plus amount required for auditorium and/or gymnasium seating.
Libraries, museums, post offices	1 space for every 800 square feet of floor area plus 1 space for every 4 employees.
<b>COMMERCIAL</b>	
Vehicle wash establishments (self-service our automatic)	1 space for each 5 stalls.
Beauty/barber shop	3 spaces for each chair.
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use.
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Restaurants – without drive-through facilities	The greater of 1 space for each 100 square feet of UFA OR 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Restaurants with drive-through facilities	The greater of 1 space for each 100 square feet of UFA OR 1 space for each 1-1/2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Vehicle Service Stations	1 space for each service stall, plus 1 space for each pump island.

Personal service establishments not otherwise specified	1 space for each 50 square feet UFA.
Furniture, appliance and household goods retails sales	1 space for each 1,000 square feet of UFA.
Funeral homes and mortuary establishments	1 space for each 50 square feet of UFA.
Open air businesses and storage	1 space for each 200 square feet of indoor UFA plus 1 space for each 1,000 square feet of outdoor display area.
Retail stores not otherwise specified	1 space for each 300 square feet of UFA.
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses.
Private golf clubs, swimming clubs, tennis clubs, or other similar uses	1 space for every 2 member families or individuals.
Public Golf Course	4 spaces for each golf hole plus 1 space for each employee on the peak shift.
Commercial Garage	1 space for each service bay, and 1 for each 2 employees, and no more than 16 vehicles stored at any one time. Parking or storage of inoperable vehicles must be surrounded by sight proof fencing minimum 6-feet in height.
Construction Contractors Establishment and Storage of Heavy Equipment	1 space plus 1 for each employee not to include spaces designated for the outdoor storage of equipment, vehicles, trailers, materials, and machinery associated with the operation of the business.
Dance halls, pool and billiard rooms, exhibition halls, roller rinks	1 space for each 100 square feet of floor area used for dancing or other assembly.
Convenience Commercial Establishment	1 space for each 500 square feet of UFA.
New/Used Vehicle, Boat, Farm Implement Dealer	1 space for each 600 square feet of indoor area used for the business plus 1 for every 6 display vehicles.
Rental Storage Building	1 space for each 6 rental units within the buildings.
<b>OFFICES</b>	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 square feet UFA plus 4 spaces for each non-drive through automatic teller machine.
Offices not otherwise specified	1 space for each 300 square feet UFA.
Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area.

<b>INDUSTRIAL</b>	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 square feet of GFA plus those spaces required for offices located on the premises.
Warehouses and wholesale establishments	1 space for each 2,000 square feet GFA plus those spaces required for offices located on the premises.
Surface Mine	1 space for every 4 employees working on the largest working shift.

**Section 16.07 Site Development Requirements.** All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards:

- A. **Surfacing:** All parking areas with ten (10) or more spaces required that are located in the Commercial (C) and Industrial (I) district shall provide adequate storm drainage facilities and provided with a smooth, durable, dustless surface consisting of bituminous asphalt or concrete. Parking lots consisting of ten (10) or fewer spaces and not otherwise required by the ordinance may utilize an aggregate stone or gravel surface properly graded for storm drainage. Said surface shall be maintained and replaced, if necessary, during the period of occupancy of the building it serves.
- B. **Parking Space Minimum Dimensions:** A minimum area of two hundred (200) square feet consisting of ten (10) feet in width and twenty (20) feet in depth shall be provided for each vehicle parking space.
- C. **Barrier-Free Parking:** Off-street barrier free parking facilities shall be provided in accordance with Table. 16.06.3 below:

**Table 16.07**

Total Parking Spaces	Required Barrier-Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus 1 for each 100 over 1,000

- D. For parking angles from 75-degrees to 90-degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
- E. For parking angles from 54-degrees to 74-degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
- F. For parking angles from 30-degrees to 53-degrees, the maneuvering lane width shall be a minimum of twelve (12) feet.
- G. For parallel parking, the maneuvering land width shall be a minimum of twelve (12) feet.
- H. Access to Public Street: Ingress and egress to parking areas shall be provided by means of clearly limited and defined drives. All parking areas must have direct access to a public or private street. Those areas providing more than ten (10) parking spaces with an entry/exit drive may have a drive of not less than twenty (20) feet in width. When one-way drives or boulevards are utilized, the minimum width of each lane shall be twelve (12) feet. All parking areas providing ten (10) or more spaces shall be designed so as to not make it necessary for vehicles to back directly onto a street and parking shall not be permitted within ten (10) feet of the edge of the public right-of-way.
- I. Landscaping and Snow Storage: All parking lots consisting of more than ten (10) area for snow storage with an area equivalent to fifteen percent (15%) of the parking area and maneuvering lanes. For example, a parking lot with twenty (20) parking spaces, each consisting of one hundred-eighty (180) square feet and a maneuvering lane of one-hundred (100) feet long and twenty-four (24) feet wide, would encompass six thousand (6,000) square feet of parking area and maneuvering lane. Therefore, a landscaped area of at least nine hundred (900) square feet, fifteen percent (15%) must be provided for snow storage. Landscaping and planting materials used in such area shall be of a variety that is suitable for the location and hardy to the climate.
- J. Storm Water Drainage: All parking lots of more than ten (10) spaces shall provide for storm water management structures to prevent off-site run-off except as approved by the Eaton County Drain Commissioner, or a designated representative of the office of the Eaton County Drain Commissioner.

- K. Building additions and Change of Use: Whenever a building, structure, or use is modified, expanded, or changed in use and such activity requires a permit pursuant to this Ordinance, the parking space requirements shall be reviewed and the facilities shall be made to comply with the standards of this Ordinance.

**Section 16.08 Off-Street Loading Requirements**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials, or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. Loading spaces for non-residential uses in Residential Districts shall not be facing or visible from the street.
- C. In nonresidential districts, loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- D. All dedicated loading spaces shall be provided with pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- E. All loading spaces for semi-truck deliveries shall be at least ten (10) feet by fifty (50) feet, or a minimum of five hundred (500) square feet in area and shall have a minimum of fourteen (14) foot clearance height. All other loading spaces shall be a minimum of twelve (12) feet in width, twenty-five (25) feet in length and provide a minimum of fourteen (14) feet in clearance height.
- F. Loading Spaces shall be provided in accordance with the following schedule:

GFA (sq. ft.)	Loading and Unloading Spaces Required by Building Square Footage
0-2,000	None
2,000-20,000	1 space
20,000-100,000	1 space plus 1 space for each 20,000 sf in excess of 20,000 sf
100,000-500,000	5spaces plus 1 space for each 40,000 sf in excess of 100,000 sf

- G. Loading Area Deferment: Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a parking lot plan can be approved designating portions of required loading spaces and paving reserved for



future use. Likewise, a loading deferment may be imposed upon a finding that the standard loading requirements would be initially excessive.

The approval shall include conditions under which the reserved loading areas must be provided. Alterations to the deferred loading area to add loading spaces may be initiated by the Owner or required by the Zoning Administrator, based on loading needs, and shall require the submission and approval of an amended site plan.

The Zoning Administrator may require construction of additional loading within the deferred loading area if a change of use occurs for the building or property for which the deferred loading was approved.

## CHAPTER 17 – ZONING BOARD OF APPEALS

**Section 17.01 Intent and Purpose:** The intent and purpose of this section is to create a Zoning Board of Appeals and identify the duties of this body, and the appeals process for challenges to zoning decisions.

**Section 17.02 Authority.** A Zoning Board of Appeals is hereby created in conformance with and shall perform its duties and exercise its powers and jurisdiction as provided by, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals powers and duties are those authorized by the Michigan Zoning Enabling Act and as follows:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination, made by Hamlin Township and/or its officers, representatives or agents in the administration or enforcement of this Ordinance, except in the decision on any Conditional Use Permit or Planned Unit Development.
2. To hear and decide appeals from the action of the Zoning Administrator or Ordinance Enforcement Officer when a Zoning Compliance Permit has been refused or the construction or use of a building or premises stopped because of the failure of such building, or use, to comply with the provisions of this Ordinance, where such appeal is based on unusual conditions that cause practical difficulties or unnecessary or unintended hardship in the application of the strict letter of this Ordinance to the case under appeal.
3. To hear and interpret provisions of this Ordinance, when ambiguities arise.
4. To authorize variances only if the Zoning Board of Appeals finds from reasonable evidence that all the following facts and conditions exist:
  - A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district and are not the result of self-induced hardship.
  - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not itself be deemed sufficient to warrant a variance.
  - C. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.
  - D. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a

nature as to require the formulation of a general regulation for such condition or situation.

5. The Zoning Board of Appeals shall not have the authority to grant a use variance.
6. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the application of any dimensional provisions of this Ordinance. The Zoning Board of Appeals shall make such order, requirement, decision or determination as in its opinion ought to be made on the property. The Zoning Board of Appeals shall notify the Township and/or its officers, representatives or agents in writing of any such action taken and such action shall not be valid until such notice shall have been delivered to the office of the Zoning Administrator or Ordinance Enforcement Officer within fourteen (14) days after the Zoning Board of Appeals decision is made.
7. The Zoning Board of Appeals may require the posting of a performance bond to ensure compliance of all conditions associated with the issuance of a variance. The bond must be deposited with the Township Clerk before a variance is issued. Bond may be by cash, certified check, irrevocable letter of credit, or a surety bond, acceptable to the Township Board.
8. Upon application or petition and the filing of the appropriate fees asset by the Township Board, the Zoning Board of Appeals is authorized to interpret any ambiguity in the administration of this Ordinance. Such ambiguities shall include, but are not limited to:
  - A. The precise location of the boundary lines between zoning districts when there is a question about the exact location;
  - B. Interpretations of the provisions of this Ordinance when it is alleged certain provisions are not clear or have more than one meaning;
  - C. A provision of this Ordinance, the meaning, intent, or purpose of which cannot be clearly determined by the Zoning Administrator, Planning Commission, or Township Board.
  - D. The classification of any use which is not specifically mentioned in any district regulations as a permitted principal use or a conditional Use . In classifying an unlisted use, the Zoning Board of Appeals shall base its decision and any accompanying restrictions on listed uses that are consistent with and similar to the unclassified use.
  - E. A determination of the off-street parking and loading space requirements for any use or activity not classified under this Ordinance.

**Section 17.03 Membership.** The Zoning Board of Appeals shall have three (3) regular members. A member of the Planning Commission shall serve on the Zoning Board of Appeals but shall not serve as chairperson of the Zoning Board of Appeals. The Township Board shall always have one

of its members serve as the second member of the Zoning Board of Appeals, but such Township Board member shall not serve as chairperson of the Zoning Board of Appeals. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be appointed by the Township Board. The members appointed shall be selected from and be representative of the population distribution and the various interests in the Township.

The Township Board also may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified 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 may not serve for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

**Section 17.04 Removal.** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**Section 17.05. Terms.** The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) calendar month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

**Section 17.06 Vacancy.** Any vacancy shall be filled for any unexpired term in the same manner as provided for in the initial appointment and each member shall serve until his or her successor has been appointed.

**Section 17.07 Elections.** The members of the Zoning Board of Appeals shall elect one (1) member to serve as Chairman and another to serve as Secretary.

**Section 17.08 Pay.** The members of the Zoning Board of Appeals shall be paid per diem as established by the Township Board plus expenses actually incurred in the discharge of their duties.

**Section 17.09 Rules of Procedure:**

1. The Zoning Board of Appeals shall fix the rules and regulations to govern its procedure when acting upon appeals. It shall hear and decide appeals and review any order, requirement, decision or determination made by the Zoning Administrator or Ordinance Enforcement Officer.

2. All meetings of the Zoning Board of Appeals shall be open to the public.
3. A record of the proceedings shall be maintained and a copy of each proceeding shall be filed in the office of the Township Clerk for public record.

**Section 17.10 Jurisdiction:**

1. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order requirements, decision, or determination appealed from, excepting here from any denials, requirements, decision, or determination as in its opinion ought to be made in the premises. To that end, the Zoning Board of Appeals shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; including but not limited to matters, where it is alleged by an appellant that there is error or misinterpretation by the Ordinance Enforcement Officer or Zoning Administrator or other administrative officer's order, requirement, decisions, grant, or refusal, except as related to conditional Use permits.
2. The Zoning Board of Appeals may also classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or conditional Use , in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

**Section 17.11 Appeal Requirements:**

1. Appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals or by general rule, by filing with the Township Clerk within such time as the Zoning Board of Appeals provides from when the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Township Clerk shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action for appeal was taken.
2. The applicant must supply the following written information to the Township Clerk before the case will be heard:
  - A. Applicant's name, address, phone number, and legal property description.
  - B. A copy of written Zoning Compliance Permit application denial from the Ordinance Enforcement Officer or Zoning Administrator. The denial should state the reason for denial.
  - C. Written request for an appeal hearing.

- D. An accurate plan of property showing location, size, and use of all existing and proposed structures, street right-of-way, structures on adjoining property, surface drainage patterns, lot dimensions, yard setbacks, and other pertinent data.
  - E. Names and addresses of all adjoining property owners within three-hundred (300) feet of the subject property.
3. A notice of the Public Hearing shall be mailed to the chairperson of the Planning Commission.
  4. The Zoning Board of Appeals may waive portions of the data required.

**Section 17.12 Hearings and Decisions Upon Appeals.**

1. Upon receipt of a complete appeal, the Zoning Board of Appeals shall fix a time for the hearing of the appeal, which shall occur no later than ninety (90) calendar days following the date of the appeal, and provide due notice thereof, in accordance with the Michigan Zoning Enabling Act.
2. The hearing shall be conducted in accordance with the Michigan Zoning Enabling Act. Any person may appear in person or by agent or his attorney at the hearing.
3. The concurring vote of two (2) members of the Zoning Board of Appeals shall be necessary to reverse the order, decision, or determination of the Zoning Administrator or Ordinance Enforcement Officer, or to decide in favor of the applicant in the matter on which the Zoning Board of Appeals is required to pass under this Ordinance. A tie vote is considered a “non-vote” and the issue will be placed on the agenda for the next meeting. In the event of a tie vote, a meeting will be arranged in a timely fashion.

**Section 17.13 Stay.** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In the latter case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court, on notice to the Zoning Administrator or Ordinance Enforcement Officer and on due cause shown.

**Section 17.14. Appeals from Zoning Board of Appeals.** Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Eaton County Circuit Court. An appeal shall be filed within the time provided for by law.

## **CHAPTER 18 – ADMINISTRATION AND ENFORCEMENT**

**Section 18.01 Zoning Administrator ; Zoning Administrator.** The provisions of this Ordinance shall be administered by the Zoning Administrator or the Ordinance Enforcement Officer, who shall be appointed by the Township Board for such term and subject to such conditions and employed at such rate of compensation, as said board shall determine. The rights, duties, and obligations of Zoning Administrator and/or the Zoning Administrator shall be those defined by the Township Board. If no Zoning Administrator or Ordinance Enforcement officer is appointed by the Township Board or the position(s) otherwise become vacant, the Township Supervisor shall be vested with all the powers of the Zoning Administrator or Ordinance Enforcement officer under this Ordinance.

### **Section 18.02 Zoning Compliance Permit, Duration, and Extension.**

4. Except as otherwise provided, any building or structure over two hundred (200) square feet hereafter erected or altered shall require a Zoning Compliance Permit.
5. Zoning Compliance permits shall be issued for one-year (1-year) duration.
6. Extensions for up to one year (1-year) may be obtained from the Zoning Administrator. To qualify for an extension, the exterior of the building under construction must be completed, including roofing and siding, and the yard shall be free from waste materials.

**Section 18.04 Zoning Ordinance Review.** This Zoning Ordinance, including the Zoning Map, shall be reviewed by the Township Planning Commission at least once every five (5) years.

**Section 18.05 Fees.** All fees for administration or implementation of any section of this Ordinance, including permit fees and escrow fees, shall be authorized from time-to-time as needed by resolution of the Township Board. Permit and application fees shall be fixed, non-refundable amounts. Escrow fees will vary, are set on a case-by-case basis, and unused portions of an escrow fee shall be refunded.

### **Section 18.06 Development Agreements.**

- A. Zoning Administrator in conjunction with the Planning Commission, shall draft development agreements when necessary to ensure that the provisions of applicable federal and state statutes, local ordinances, rules, regulations, and conditions are adhered to by the owner of the land and/or developer of the project. Such agreements shall be reviewed by the Planning Commission and approved, approved with revisions or disapproved.
- B. As a condition to the grant of authority under this Ordinance, the owner and developer may be required to enter into a development agreement. The development

agreement shall embody the parties' intent with respect to the project. The agreement may include the following provisions:

- i. Posting of funds with the Township to ensure that the costs incurred by the Township with respect to the subject property are borne by the owner and/or developer and not the Township.
  - ii. Installation of specified improvements at the expense of the developer in accordance with federal, state and local requirements and standards and, if applicable, to provide for the conveyance of such improvements to the Township by deed, easement, bill of sale or other means.
  - iii. Depiction of all dedicated open spaces, common areas, conservation easements and improvements on the site plan, together with a statement that specifies the use(s) that may be made of such areas.
  - iv. Set forth conditions to a site plan review; to a conditional Use ; or to a planned unit development.
  - v. Specify the authorized use(s) on the subject property.
  - vi. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.
  - vii. Posting certificates of insurance and hold harmless provisions.
  - viii. Provisions to ensure maintaining improvements in perpetuity.
  - ix. Construction completion date(s).
  - x. Such other and further provisions as come within the scope of authority granted to the Township that have a reasonable relationship to the subject property.
- C. The Development Agreement, among other things, is intended to assure that the improvements depicted on the site plan are properly installed and that the costs associated with the project are borne by the owner and/or developer (not the Township) of the project. The Development Agreement shall become part of any subsequent permit issued by the Township, such as (but not limited to) certificates of zoning compliance and certificates of occupancy. The Development Agreement may be amended with the mutual consent of the parties to the Agreement or their successors in interest.



- D. The Development Agreement, at the expense of the owner/developer, shall be recorded with the Eaton County Register of Deeds and bind successors in interest. Any transfer of responsibility under the agreement from one developer to another shall require the approval of the Township Board that shall not be unreasonably withheld, but may require the posting of additional financial assurances.

**Section 18.07 Performance Guarantees:**

1. To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.
2. As used in this Section, “improvements” means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include principal buildings, but may include accessory buildings or common elements.
3. The Township Board, Planning Commission, Zoning Board of Appeals, and Zoning Administrator are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.
  - A. The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.
  - B. The letter of credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within not more than fifty (50) miles of the Township or transmitted by facsimile or email.
  - C. The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; those conditions are met; that all materials, debris and equipment are removed from the site; and those actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not by the Township).

- D. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be covered by the performance guarantee, such estimate shall be verified as to the amount by the Zoning Administrator. The exact amount of the performance guarantee shall be determined by the Zoning Administrator.
- E. If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite, provided that each phase of the development must be able to stand on its own without regard for improvements in other phases, or otherwise all improvements necessary to sustain that phase must be covered by financial guarantees.
- F. If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning Administrator may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.
- G. As the contingencies covered by the performance guarantee diminish, the Zoning Administrator, upon direction of the Township Board, may decrease the amount.
- H. The amount of a performance guarantee may be reduced to an amount not less than ten percent (10%) when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials; replace dead or dying landscape materials; ensure proper grading; and the actual costs incurred by the Township related to the project are fully paid by the owner/developer.
- I. For improvements under the zoning jurisdiction of the Township, “satisfactorily completed” means the Zoning Administrator has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, “satisfactorily completed” means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.

- J. The performance guarantee shall fully terminate one (1) year after ninety percent (90%) of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.
- K. The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days prior to the date of termination, then the Township may call the existing performance guarantee due and payable.
- L. Upon failure to comply with a requirement of this Ordinance, approved site plan, development agreement, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs and attorney fees, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

**Section 18.08 Right of Entry.** The filing of an application for a certificate of zoning compliance, temporary certificate of occupancy, certificate of occupancy or any other application signed by the owner or the applicant's agent shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Ordinance.

**Section 18.09 Compliance with Plan and Application.** Certificates of zoning compliance issued on the basis of plans and applications approved by the Planning Commission or Township Board authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different from that authorized shall be deemed a violation of this Ordinance.

**Section 18.10 Violation Declared a Nuisance Per Se:** Any building or structure that is erected, constructed, reconstructed, altered, converted, maintained or used, or any use of, and or premises that is begun, maintained or changed in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

**Section 18.11 Municipal Civil Infraction; Sanctions.**

- 1. Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct and indirect expenses, including attorney fees, to which the Township has been put in connection with the violation. In addition, any violation of this ordinance is hereby declared to be

a public nuisance per se which may be abated in District or Circuit Court in lieu of or in addition to other civil sanctions. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

2. Each violation of a specific provision of this Ordinance and each act of violation shall be considered a separate municipal civil infraction.
3. Every day that any such violation occurs, continues or remains shall constitute a separate offense and civil infraction.
4. The Supervisor, Zoning Administrator, or any other authorized Township officer or employee or police officer or sheriff deputy may issue a municipal civil infraction notice or municipal civil infraction citation for violations of this Ordinance.