

LAKE TOWNSHIP ZONING ORDINANCE

Ordinance No. 2020-4

**Adopted
November 16, 2020**

***As Amended Through
Ord. #2024-4 / October 21, 2024***

**Lake Township
Huron County, Michigan**

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Lake Township Zoning Ordinance Summary Table of Amendments Through October 21, 2024 / Ord. 2024-4

This table summarizes amendments to the Lake Township Zoning Ordinance, Ordinance No. 2020-4, adopted on November 16, 2020.

The adoption date of ordinances amending portions of the Zoning Ordinance are listed in parenthesis at the end of the respective amended Section in the Zoning Ordinance, and again at the end of each affected Article. These adoption date references are inserted periodically after the master file for the Zoning Ordinance is updated to insert the applicable amended portions. An amendment ordinance providing for the substantial redrafting of an entire Article is noted at the beginning and end of the respective Article.

This Summary Table of Amendments and the amendments referenced in parentheses in each Article are editorial notes only for the reader. This table and amendment references have no regulatory effect.

Ordinance # and Adoption Date	Affected Section(s)	Amendment Subject and Summary
2023-2 Sept. 18, 2023	2.12	Insert definition of "Short-Term Rentals." (Definition misplaced in Sec. 2.12 and to be relocated to Article 21, Sec. 21.2, as part of future amendment.)
	Table 3-3	Short-term rentals authorized in RB and B-1 Districts as "By Right"(BR) use.
	20.31	New section addressing short-term rentals.
2023-4 Nov. 20, 2023	16.6(C)(3)(b)	Increased variance expiration period from 6 months to 1 year.
2024-1 July 5, 2024	Table 3-2	Footnote 3 revised to restrict wind energy systems in the south ½ of Sec. 35 and be at least 1 mile from Pinnebog River and 3 miles from shoreline.
	7.27	Subsection (G) inserted addressing PA 233 wind energy systems.
2024-2 July 5, 2024	Table 3-3	Authorization of utility-scale battery energy storage systems as a special land use in the I-1 District.
	7.29	Sec. 7.29 inserted, addressing utility-scale battery energy storage systems.
	Article 21	Inserted terms/definitions for battery management system, utility-scale battery energy storage facilities, utility-scale battery energy storage system.
2024-3 July 5, 2024	3.1	Inserted Renewable Energy Overlay Area under "Other Districts."
	Zoning Map	Inserted Renewable Energy Overlay Area.
	Table 3-2	Authorized ground mounted private solar energy systems in the AG District by special land use approval.
	7.30	Inserted Sec. 7.30 addressing solar energy systems.
	Article 21	Inserted terms/definitions for abandonment, building integrated photovoltaics, commercial solar energy system, ground mounted solar energy system, private solar energy system, roof or building mounted solar energy system, solar energy system.
2024-4 Oct. 21, 2024	Table 3-4 Footnote 5B	Inserted subs. (1) permitting front yard setback averaging in R-1 District.
	Table 3-4 Footnote 7B	Revised to decrease R-1/R-2 rear yard setback for non-lakefront lots to 10' in all cases.
	20.22	Revised to modify minimum clear vision distances and insertion of diagram.
	20.29	Revised conditions requiring additional frontage for lots on lakes/streams.

End of Summary Table of Amendments

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Lake Township County of Huron, State of Michigan

ORDINANCE NO. 2020-4

ZONING ORDINANCE

An Ordinance enacted by Lake Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, to regulate the use and development of land and provide for the establishment of Districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

THE LAKE TOWNSHIP BOARD ORDAINS:

Article 1 TITLE and PURPOSE

Section 1.1 Title

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

Section 1.2 Purpose

- A.** It is the purpose of this Zoning Ordinance to:
1. Regulate the use of land, structures and buildings to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability.
 2. Ensure that the use of land is situated in appropriate locations and relationships.
 3. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
 4. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
 5. Promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources.
 6. Implement the goals, objectives and policies of the Lake Township Master Plan adopted pursuant to the Township Planning Act, Public Act 168 of 1959, as amended, and as may be revised or replaced pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended.
 7. Advance all other purposes as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and other Michigan laws and statutes.

End of Article 1

Article 2

GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 2.1 Purpose

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a zoning permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a zoning permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a building permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Building Code.

Section 2.2 Zoning Permit Required

A. When a Zoning Permit is Required: Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies that the proposed buildings and structures comply with the Building Code through the issuance of a building permit:

1. Grading or excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, building and structure.
3. The use of any land, building or structures, or change in the use of any land, building or structure, as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use.

B. Zoning Permit Form / Approval: A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, the proposed buildings and structures, and any conditions made part of such permit. No zoning permit shall be issued for any building, structure, or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance or any other Township ordinance or code. See Section 2.4 regarding application review procedures.

C. Zoning Permit Exemption: A zoning permit shall not be required for the following or as provided elsewhere in this Ordinance, but the following shall still be subject to the standards and other requirements of this Ordinance:

1. The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A building permit may be necessary for such an alteration pursuant to the Building Code.
2. Grading and/or excavation to a depth no greater than twelve (12) inches in association with ground care, landscaping or agricultural field contouring.
3. Paved surfaces such as sidewalks but excluding driveways. See Section 13.3 regarding private driveways and Section 13.4 regarding private roads.

D. Conditions: The designated approving body for a permit application may attach reasonable conditions to such zoning permit application approval.

Section 2.3 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator shall be the sole body authorized to accept permit applications, and issue permits upon action by the designated approving body for such permit application. The Zoning Administrator may simultaneously serve as the Building Inspector.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in or to this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Provision of Application Forms: The Zoning Administrator shall make available forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Accept, Forward and Review Applications: The Zoning Administrator shall be the sole body authorized

- to accept permit applications and forward such applications to the designated review and approval bodies. The Zoning Administrator shall undertake the review of zoning permit applications and other applications made under this Ordinance for conformance to this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
3. Issue Zoning Permits: The Zoning Administrator shall issue zoning permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the designated body or official, including in association with plot plans, site plans, special land uses and variances.
 4. Issue Zoning Permit Denials: The Zoning Administrator shall issue zoning permit denial correspondence, including notifying an applicant of such action and the basis for the denial.
 5. File of Applications: The Zoning Administrator shall maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits or approvals.
 6. Inspections and Violations: The Zoning Administrator shall investigate or assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning Administrator is authorized to issue notices of violations and municipal civil infractions.
 7. Record of Complaints: The Zoning Administrator shall maintain a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
 8. Maintain a Record of Official Ordinance Interpretations: The Zoning Administrator shall keep a record of any official interpretation of any aspect of this Ordinance by the Zoning Administrator or as rendered by the Zoning Board of Appeals according to Article 16.
 9. Disburse Public Information: The Zoning Administrator shall make available to officials and the public copies of this Ordinance as the need may arise or as may be requested, and provide other Ordinance information as the need or requests may arise.
 10. Reports/Meetings: The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Township Board on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested.

Section 2.4 Zoning Permit Application and Review Procedures and Permit Withholding, Revocation and Expiration

A. General Application and Review Procedures: An application form for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.

1. Agricultural Buildings, Single-Family Dwellings and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for an agricultural building, single-family dwelling or two-family dwelling, and accessory uses, buildings and structures thereto, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator upon completion of the approval process specific to the application in question which, in the case of a use requiring site plan approval or a special land use application, shall first require final action by the Township Board after receipt of a Planning Commission recommendation.
3. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for agricultural buildings, single family dwellings, and two-family dwellings, and accessory buildings and structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, buildings and structures and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.

5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a zoning permit, until action on the variance request has first been acted upon by the Zoning Board of Appeals.
6. Incomplete Applications: If zoning permit application materials are not complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a zoning permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.6.
8. Permit Refusal or Denial in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused or denied, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and denial motion containing such reasons.

B. Agricultural Buildings, Single Family Dwellings and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a zoning permit for agricultural buildings, single family dwellings and two-family dwellings, including alterations and accessory buildings and structures thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted to the Township and shall consist of:
 - a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway permits, and state wetland permits.
 - b. An accurate, readable, drawing of scale not less than 1" = 50', constituting a plot plan, identifying:
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator or Building Inspector may require a sealed property survey, or partial survey specific to one (1) or more property lines, prepared by a Michigan-licensed surveyor or engineer, where conditions are present that necessitate a greater level of detail or accuracy regarding the location of property lines and/or buildings and the determination of conformance to this Ordinance including setback standards. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.
 - 3) The location and footprint of existing buildings and structures, and the location, height, footprint and scaled floor plans of proposed buildings and structures to be erected, altered, or moved on the lot.
 - 4) Distances of buildings and structures from lot lines.
 - 5) A description of proposed use(s) of the building(s), land and structures.
 - 6) Configuration of the driveway and parking areas.
 - 7) Existing public and private right-of-ways and easements.
 - 8) Existing and/or proposed location of septic drain field and potable water well.
 - 9) In the case of a corner lot, the designated side and rear yard.
 - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Application Review: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance. The Zoning Administrator may refer a plot plan to the Planning Commission for advisory comments, as the Zoning Administrator may find beneficial, due to the particular nature of the proposal.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. A plot plan shall be approved if it contains the information required by and is in compliance with this Ordinance.

4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions thereto, shall be maintained as part of the Township's records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

C. Permit or Approval Withholding or Denial, Revocation and Expiration

1. Withholding Permit: A designated approving body or official, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
2. Revocation: A body or official that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may also issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.
3. Misrepresentation or Falsehood. If the applicant, landowner or developer has made a substantial and material misrepresentation (in writing or orally) pursuant to its application or to the Zoning Administrator, building inspector or the Township body involved in the zoning reviewing and approval process, then the Township may revoke and terminate any resulting Township zoning, building permit or other Township approval.
4. Construction Time Limits. Once construction or installation has begun regarding a building or structure, such building or structure shall be finished and an occupancy permit shall be issued in accordance with all other applicable Township ordinances.
5. Expiration of Permit:
 - a. **Permit Expiration Period**: A zoning permit or approval, including the approved plot plan or site plan upon which the permit or approval is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of the granting such permit or approval unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector within one year.
 - 1) Where a zoning permit or approval does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit or approval shall become null and void after one (1) year from the date of the granting such permit or approval unless for a development the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit or approval shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
 - b. **Extension of Permit Expiration Period**: The body or official that granted a zoning permit or approval may waive or extend the period of time in which the permit or approval is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is demonstrating a good faith intention to proceed with the use or construction and even though the permit or approval and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit or approval. In the case of a multi-phased project, the expiration of a zoning permit or approval for a specific phase shall similarly result in the expiration of all zoning permits or approvals previously granted for subsequent phases.
 - 1) In the case where the original zoning permit or approval is to expire more than three (3) years following the initial issuance of the permit or approval, no extension shall be granted unless the body that approved the permit or approval finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is demonstrating a good faith intention to proceed with the use or construction.
 - c. **Reapplication**: Should a zoning permit or approval expire, such use, building and/or activity shall not be initiated or continued except upon reapplication and re-approval, subject to the provisions of all ordinances in effect at the time of reapplication. Upon the expiration of the zoning permit or approval, failure to terminate the use for which the permit or approval was issued is declared to be a nuisance per se and a violation of this Ordinance.

Section 2.5 Building Permit / Permit of Occupancy Required

- A. Building Permit:** No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit and, where required by state law, the Building Inspector certifies that the proposed buildings and structures comply with the Building Code through the issuance of a Building Permit.
- B. Occupancy Permit:** No structure, building or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Building Code.

Section 2.6 Performance Guarantee

- A. Authority, Purpose, and Timing:** To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body or official for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, conditions or other matters be deposited with the Township to ensure faithful completion of the improvements, conditions or other matters. The performance guarantee shall be deposited at the time of the issuance of the zoning permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.
- B. Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roads, lighting, utilities, sidewalks, screening and drainage.
- C. Return of Performance Guarantee:** For the return of a performance guarantee or portion thereof involving improvements, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board. Where approval or partial approval is granted, the Township shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.
- D. Lack of full Completion:** Should installation of improvements fail to meet full completion based on the approved permit application or approval, the Township may complete the necessary improvements itself or by contract with an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any deficiency shall be paid by the applicant. Any balance remaining shall be returned to the applicant.

Section 2.7 The Rule of Non-estoppel; Nonwaiver

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, board, or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this Ordinance, and it is determined that any such opinion, interpretation, approval, action or inaction was done in error or in an *ultra vires* or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law "rule of municipal non-estoppel" shall benefit the Township, as well as its officials, officers, bodies and commissions.

Section 2.8 Application Fees

A. Application Fees Required: Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections, other matters under this Ordinance and the issuance of permits required under this Ordinance shall be deposited with the Township in advance of processing any application. The amount of such fees shall be established by the Township Board and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township including costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

B. Professional Review and Escrow Fees: In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing the acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expense to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. If insufficient monies are deposited by the applicant or property owner with the Township to cover the Township's reasonable costs and expenses (as mentioned above), the applicant or property owner shall fully reimburse the Township for all such reasonable costs and expenses at any and all times demanded by the Township, whether during the zoning review process or after the process has been completed. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

C. Incurring Expenses: The Zoning Administrator shall not incur significant time nor expense to the Township unless and until the property owner, applicant or developer involved has filed a formal and complete zoning application with the Township and paid any and all applicable fees.

Section 2.9 Site Inspections

A. Inspections Authorized: The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator may seek an administrative search warrant in the event a property owner refuses access to a property in order to make an inspection.

1. Rejection of an Application: If an applicant refuses access to the Zoning Administrator to property that is the subject of a current application, the Zoning Administrator may return the application as incomplete and rejected.

B. Required Inspections:

1. Zoning Administrator / Building Foundation Staking: No construction shall be continued beyond the staking of proposed foundation walls until the Zoning Administrator has approved in writing such staking, upon finding that the staked foundation walls are in compliance with the approved plot plan or site plan and this Ordinance.
2. Building Inspector / Construction Code: No construction shall be continued beyond any point where, prior to such construction, a site inspection is required by the Building Inspector according to the Michigan Construction Code including inspections required after footings and foundation forms are in place prior to the pouring of concrete and inspections required prior to the covering of structural members.

Section 2.10 Violations, Penalties and Remedies

A. Violations in general and also as a Nuisance Per Se:

1. **Activity/Use:** Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, used, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance (or permit or approval pursuant to this Ordinance) is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. **Persons:** Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, or condition thereof, or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance and is hereby declared to be maintaining a nuisance *per se* subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

B. Violations Are Municipal Civil Infractions / Penalties

1. A violation of this Ordinance or permit or approval pursuant to this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine in accordance with the Lake Township Civil Infractions Ordinance, Ordinance #2013-01 or successor ordinance.

C. Other Remedies: In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

Section 2.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a property tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the project subject to the request, and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located in Lake Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property.
 - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure and such person shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the District or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice

of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date of the public hearing involved, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, administrative appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

Section 2.12 Stop Work Orders

A. Halting of Use/Work: Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance or any Township code, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U. S. mail to the owner of the property involved at the owner's last known address or at the address that is shown for the owner in the current Township property tax assessment roll.

B. Penalties: Any person who shall continue to work in or about a structure, land or building or use it after a stop work order has been posted on the land or at the site shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 and the cost of prosecution, or shall be imprisoned in the county jail for not more than 90 days, or both such fine and imprisonment in the discretion of the court.

Short-Term Rental ("STR"): A dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time.

(Section amended 9-18-23, Ord. #2023-2. Above definition misplaced in Section 2.12 and to be relocated to Article 21, Sec. 21.2, as part of future amendment)

Section 2.13 Proof of Ownership

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before issuance of a zoning compliance permit or a building permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a building permit, variances, special use requests, site plan review, zoning permits, and any other zoning or building code action.

Section 2.14 Advisory Opinions

Neither the Township Board, Planning Commission nor ZBA should give advisory, hypothetical or informal zoning opinions or interpretations. The ZBA may decide a zoning interpretation or determination only if pursuant to a formal written appeal to the ZBA by an aggrieved party, with the proper hearing notices and hearing, based upon a formal zoning determination/interpretation made by the Zoning Administrator.

End of Article 2

(Article amended 9-18-23, Ord. #2023-2)

Article 3

ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.1 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which may be referred to as “Districts”, and which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Agricultural Districts

AG Agricultural District

Residential Districts

RR Rural Residential District
R-1 Single-Family Residential District
R-2 Single-Family Residential District
R-MF Multiple Family Residential District
R-MHC Manufactured Housing Community District
RB Residential Business District

Business Districts

B-1 Local Business District

Industrial Districts

I-1 Light Industrial District

Other Districts

C Conservation District
PUD Planned Unit Development District
REOA Renewable Energy Overlay Area

(Section amended 7-5-24, Ord. #2024-3)

Section 3.2 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled “LAKE TOWNSHIP ZONING MAP,” which is an integral part of this Ordinance and is incorporated herein by reference. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

B. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Lake Township Zoning Ordinance adopted on the 16th day of November, 2020.* If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall also be made on the Official Zoning Map.

C. The Official Zoning Map shall be located at the official office of the Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and from time to time.

Section 3.3 Purposes of Zoning Districts

See Table 3-1 of this Ordinance.

Section 3.4 Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following roads or highways shall be construed as following the

- center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
 3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
 4. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
 5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines except that the boundaries shall be deemed to go to the center of a lake. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
 6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the land in question shall be construed as being located in the more restrictive District. The "more restrictive District" shall be the District that places greater restrictions on development based on such factors as the intensity of authorized uses, setbacks, lot coverage, and related development standards.

Section 3.5 Permitted Uses in Zoning Districts

A. Compliance with Zoning Regulations: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, 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 that are applicable in the zoning district in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

B. Uses Permitted in Each Zoning District: Tables 3-2 and 3-3 identify the principal land uses permitted in each of the Districts enumerated in Section 3.1. No land use shall be established on a lot except in conformance with Tables 3-2 and 3-3 or as may be provided elsewhere in this Ordinance. In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses, buildings and structures specified for which the District has been established, and are subject to plot plan or site plan approval except where provided otherwise.
2. Special Land Uses: Special land uses are uses, buildings and structures that have been generally accepted as reasonably compatible with the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses, buildings and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and/or to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Procedures for Special Land Uses.

C. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses that are clearly incidental to, subordinate to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.8 (Accessory Uses, Buildings and Structures). Examples of such accessory uses include, but are not limited to, household gardening in association with a dwelling, a private stable in association with a dwelling, the repair of vehicles in association with a vehicle dealership, and a parking lot serving an office building on the same lot. Except in the case of an approved home occupation or as may be expressly authorized elsewhere by this Ordinance, no retail sales, repair or the servicing of items shall be construed as an accessory use to the principal residential use of a lot.

D. Prohibited Uses:

1. Use Not Listed is Prohibited: Any use of land not specifically permitted under this Ordinance is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board adopts such an ordinance amendment according to Article 17, then an application can be submitted for that use. See Section 17.2 regarding

- the initiation of amendments.
2. Non-Compliance with Local, County, State or Federal Law: Land uses, activities, buildings, structures, enterprises or purposes that are contrary to or which violate federal or state laws, county ordinances, this Ordinance or other Township ordinances are prohibited
 3. Approvals/Permits: No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use, activity, enterprise, structure or building that is illegal under Michigan law or federal law.

Section 3.6 Site Development Requirements of Zoning Districts

A. Compliance: All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3-4, in addition to all other applicable site development and other provisions of this Ordinance including, but not limited to:

1. Article 7: Standards and Regulations for Specific Land Uses.
2. Article 9: Signs.
3. Article 10: Off-Street Parking and Loading.
4. Article 11: Landscaping and Screening.
5. Article 12: Environmental Standards.
6. Article 13: Access and Private Roads.
7. Article 20: Supplemental Provisions.

B. Shared Compliance Prohibited: No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

C. Setback and Lot Reductions: No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimension, frontage or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including area, frontage and lot width. No lot shall be divided, split, or subdivided unless said action meets this Ordinance and all other applicable Township ordinances.

D. Lot Modifications: No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, alteration, or sale, shall conform to all of the requirements established herein. No lot or other area shall be further reduced if already less than the minimum requirement. See also Section 20.24.

E. Submerged Lands: Property and bottomlands located under a lake or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this Ordinance.

F. Land in Right-Of-Ways and Easements: Lands located within a public street right-of-way, private road easement or access easement or right-of-way shall be excluded from lot area or lot dimensions for purposes of determining minimum lot area, lot frontage, lot width and other dimension requirements of this Ordinance.

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

Section 3.7 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Labor and Economic Growth and all other agencies pursuant to the Manufactured Housing Commission Act.

B. Conservation District (C)

1. Permitted Principal Uses: Permitted principal uses in the Conservation District are as follows:
 - a. Areas set aside or used for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.
 - b. Campgrounds owned and operated by the State of Michigan, Huron County, or Lake Township.
 - c. Facilities dedicated to outdoor non-motorized passive recreation not otherwise included in (a) or (b), operated by the State of Michigan, Huron County, or Lake Township.
 - d. Unroofed decks and similar unroofed outdoor leisure areas, no greater than six (6) inches above the ground below, on a lot that is under same ownership and adjacent to a separate lot on which a dwelling is present and such vacant lot serves the dwelling in an accessory capacity. "Adjacent" shall include lots under same ownership and separated by a road right-of-way where such lots would have a shared lot line or portion thereof in the absence of such road right-of-way. Subsection (d) shall not be construed as authorizing buildings.
2. Development Standards: All lots and buildings in the Conservation District shall comply with the regulations and requirements of this Ordinance and the following:
 - a. Minimum Lot Area: Twelve thousand (12,000) sq. ft.
 - b. Minimum Lot Width: One-hundred (100) feet.
 - c. Minimum Front, Side and Rear Yard Setback for All Structures: Twenty (20) feet.
 - d. Maximum Building Height: Twenty (20) feet.
 - e. Maximum Building Coverage: Five (5) percent.
 - f. Maximum Lot Coverage: Five (5) percent.

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Table 3-1
PURPOSES of ZONING DISTRICTS

Table 3-1 identifies the principal purposes of the Districts of this Ordinance.

DISTRICTS	PURPOSE
<u>ALL DISTRICTS (except where provided otherwise)</u>	
All Districts	<ol style="list-style-type: none"> 1) Uses shall protect environmental resources including wetlands, woodlands and water courses. 2) Districts shall be located in coordination with the Lake Township Master Plan. 3) Uses shall minimize negative impacts on surrounding land uses. 4) Commercial, industrial and other non-residential uses are to complement the community's character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting. 5) Uses shall facilitate safe and efficient vehicular and non-motorized travel. 6) Uses shall be served by adequate facilities and services including sewage disposal, potable water, fire protection, and roads.
<u>AGRICULTURAL DISTRICTS</u>	
AG Agricultural	<ol style="list-style-type: none"> 1) Provide opportunities for and encourage agriculture. 2) Retain land areas that are well suited for production of plants and animals useful to humans, due to soil, topographic and other conditions, or which support nearby agricultural operations such as wetlands and woodland stands. 3) Provide opportunities for low density residential lifestyles. 4) See also the "All Districts" purpose statement above.
<u>RESIDENTIAL DISTRICTS</u>	
RR Rural Residential	<ol style="list-style-type: none"> 1) Provide opportunities for single and/or two-family residences of incrementally decreasing lot sizes and increasing density, to accommodate varying rural and suburban lifestyles. 2) Meet the varied housing needs of current and future residents. 3) In the case of the R-1 District, provide opportunities for lakefront residential development that preserves the environmental and visual character of Lake Huron. 4) Ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services. 5) See also the "All Districts" purpose statement above.
R-1 Single-Family Residential	
R-2 Single-Family Residential	
R-MF Multiple Family	
R-MHC Manufactured Housing Community	
RB Residential Business	<ol style="list-style-type: none"> 1) To provide opportunities for commercial lodging facilities of a single-family dwelling character. 2) See also the "All Districts" purpose statement above.

Table 3-1 Continued on Next Page

Table 3-1 Continued (Purposes of Zoning Districts):

DISTRICTS	PURPOSE
<u>BUSINESS DISTRICTS</u>	
B-1 Local Business	<ol style="list-style-type: none"> 1) To provide opportunities for commercial uses that primarily address the local day-to-day retail and service needs of Township residents, visitors and the highway traveler. 2) Accommodate and encourage the planned unified and integrated grouping of commercial uses on a single lot and in coordination with surrounding lots. 3) Facilitate safe, convenient and efficient vehicular circulation and pedestrian and other non-motorized modes of travel within the development, including linkages to neighboring commercial uses. 4) Facilitate development is of a character that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting. 5) See also the "All Districts" purpose statement above.
<u>INDUSTRIAL DISTRICTS</u>	
I-1 Light Industrial	<ol style="list-style-type: none"> 1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects. 2) Development is of a character that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting. 3) See also the "All Districts" purpose statement above.
<u>OTHER DISTRICTS</u>	
PUD Planned Unit Development	See Section 4.1, Planned Unit Development (PUD) District.
C Conservation	<ol style="list-style-type: none"> 1) Encourage the conservation of woodlands; wetlands; stream, river and lake environments including shorelines and natural corridors; and other important open spaces. 2) Protect open spaces that do not lend themselves to environmentally prudent development practices.

End of Table 3-1

Table 3-2
Permitted Principal Uses in AG, RR, R-1, R-2, R-MF, and R-MHC Districts¹

See Section 3.7(B) for uses permitted in the Conservation (C) District.

BR = Use Permitted By Right S = Special Land Use¹ – = Prohibited Use

PRINCIPAL USES ¹		ZONING DISTRICTS					
		AG	RR	R-1	R-2	R-MF	R-MHC
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character						
1	Agriculture including hunt clubs.	BR	BR	–	–	–	–
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	BR	–	–
3	Extraction operations.	S	S	S	S	S	S
4	Public and private facilities dedicated principally to outdoor non-motorized recreation including parks, boat liveries, campgrounds, golf courses and country clubs.	S	S	–	S	–	–
5	Marinas	–	–	S	–	–	–
6	Shooting ranges and hunt clubs.	S	–	–	–	–	–
	Uses of a Primarily Residential Character						
1	Assisted living facilities, nursing homes and convalescent homes.	S	S	–	S	S	S
2	Manufactured housing communities.	–	–	–	–	–	BR
3	Multiple family dwellings.	–	–	–	–	BR	–
4	Single family dwellings.	BR	BR	BR	BR	–	–
5	State licensed family home day care and foster care family home facilities.	BR	BR	BR	BR	–	–
6	State licensed group home day care.	S	S	S	S	S	–
7	Two family dwellings.	–	–	–	BR	–	–
	Uses of a Primarily Commercial, Business or Industrial Character						
1	Agricultural service establishments.	S	–	–	–	–	–
2	Agritourism.	S	–	–	–	–	–
3	Bed and breakfast/tourist home.	S	S	–	–	–	–
4	Boarding houses.	–	–	–	–	S	–
5	Contractor's yard.	S	–	–	–	–	–
6	Day care centers.	–	S	–	–	S	S
7	Equestrian centers.	S	S	–	–	–	–
8	Kennels.	S	S	–	–	–	–
9	Mobile home sales, including as an accessory use to a manufactured housing community.	–	–	–	–	–	S
10	Outdoor commercial recreation.	S	–	–	–	–	–
11	Radio and television communication towers.	S	–	–	–	–	–
12	Recycling centers.	S	–	–	–	–	–
13	Resorts and conference centers.	S	S	–	–	–	–
14	Retail and wholesale sales of trees, shrubs, flowers and other plant material.	S	S	–	–	–	–
15	Veterinarian clinics.	S	–	–	–	–	–
16	Wireless communication facilities ²	S	S	–	–	–	–

Table 3-2 Continued Next Page. See End of Table for Footnotes.

(Table 3-2 continued)

PRINCIPAL USES ¹		ZONING DISTRICTS					
		AG	RR	R-1	R-2	R-MF	R-MHC
	Other Uses Not Listed Above						
1	Clubs.	S	S	–	–	–	–
2	Private cemeteries.	S	S	S	S	–	–
3	Public facilities owned by Lake Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.	BR	BR	BR	BR	BR	BR
4	Public facilities owned by other than Lake Township not otherwise addressed in this Table above, including public schools and library facilities.	S	S	–	S	S	S
5	Schools, churches, libraries, museums and other similar institutions and semi-public facilities not otherwise addressed in this Table.	S	S	S	S	S	S
6	Utility substations for gas and electric services.	S	S	S	S	S	S
7	Wind energy systems (WES) comprised of on-site WES, MET towers, utility scale WES, and wind energy generation facilities (WEGF). ³	S	–	–	–	–	–
8	Ground Mounted Private Solar Energy System.	S	–	–	–	–	–

Table 3-2 Footnotes:

- Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
 - Any use that exceeds a single building of 10,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding agricultural buildings utilized for agricultural purposes on lots devoted principally to agriculture, and dwellings and accessory buildings thereto on lots devoted principally to residential and/or agricultural use.
 - Any use that serves alcohol for consumption on the lot of sale.
 - The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
- Wireless communication facilities are permitted in the AG and RR Districts by special land use approval, and only if located with Sections 25 through 36. See Article 7 regarding exceptions to the classification of wireless communication towers as “special land uses (S)” or “prohibited uses (–)”.
- See Sec. 7.27 for definitions pertaining to wind energy systems (WES) and applicable regulations. Wind energy systems are permitted only in the south one-half of Section 35 of the Township and must be located at least one mile from Pinnebog River and three miles from the shoreline.

End of Table 3-2

(Table amended 7-5-24, Ord. #2024-1; Table amended 7-5-24, Ord. #2024-3)

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Table 3-3
Permitted Principal Uses in RB, B-1 and I-1 Districts¹

BR = Use Permitted By Right¹ S= Special Land Use¹ – = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICT		
		RB	B-1	I-1
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character¹			
1	Miniature golf.	–	S	–
	Uses of a Primarily Residential Character			
1	Dwellings when located entirely on a second and/or third story above a business.	–	BR	–
2	Cottage resort.	BR	–	–
	Uses of a Primarily Commercial Character¹			
1	Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building such as groceries, packaged liquor, furniture, clothing, dry goods, books, flowers, jewelry and hardware, but excluding sexually oriented businesses.	–	BR	–
2	Building material sales yard, including lumber yards and incidental millwork, and storage facilities for building materials including sand, stone, lumber, and contractor's equipment.	–	S	BR
3	Contractor's yard.	–	–	S
4	Day care center.	–	S	–
5	Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.	–	S	–
6	Health clubs and spas.	–	S	–
7	Hospitals.	–	S	–
8	Hotels and motels including conference centers.	–	S	–
9	Indoor commercial recreation such as theaters, concert halls, bowling alleys, arcades, skating rinks, indoor shooting ranges, and similar uses.	–	S	–
10	Kennels.	–	S	–
11	Landscaping services.	–	S	–
12	Lumber mill.	–	–	S
13	Medical clinics.	–	BR	–
14	Mini-storage.	–	S	S
15	Offices and showrooms of plumbers, electricians, decorators, and similar trades where not more than 25% of the building floor area occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	–	BR	–
16	Offices and showrooms of plumbers, electricians, decorators, and similar trades where more than 25% of the building floor area occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	–	S	S
17	Offices which perform professional services on the premises including but not limited to accountants, doctors, lawyers, insurers, financial institutions, consultants, architects, real estate, artist offices and galleries, and similar office uses.	–	BR	–
18	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	–	BR	–
19	Personal service establishments that perform services on or off the premises such as appliance repair, shoe repair, upholstery repair, hair salons, photographic studios, laundry and dry cleaners, plumbing and electrical services, printing and reproduction, pet groomers and similar services.	–	BR	–
20	Restaurants, excluding drive-in, drive-through, and food-truck restaurants.	–	BR	–
21	Restaurants, limited to drive-in, drive-through and food-truck restaurants.	–	S	–
22	Sale and rental of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow, and accessory maintenance and repair services.	–	S	–
23	Service stations.	–	S	S
24	Sexually oriented businesses.	–	S	S
25	Taverns.	–	S	–
26	Tourist homes/bed and breakfasts.	–	S	–
27	Vehicle / car wash facility.	–	S	–
28	Vehicle service and repair shops.	–	S	–

Table 3-3 Continued Next Page. See End of Table for Footnotes.

(Table 3-3 continued)

BR = Use Permitted By Right¹ S= Special Land Use¹ – = Prohibited Use

PRINCIPAL USES		ZONING DISTRICT		
		RB	B-1	I-1
Uses of a Primarily Commercial Character¹				
29	Veterinarian clinics.	–	BR	–
30	Wireless communication facilities ²	S ²	S ²	S ²
31	Short-Term Rentals	BR	BR	–
Uses of a Primarily Industrial Character¹				
1	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of computer components.	–	–	BR
2	Junkyards and salvage yards.	–	–	S
3	Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. “Previously prepared materials” are materials processed, manufactured or created at another location and transported to the lot in this District for assembly into new products.	–	–	BR
4	Manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, and hardware, but excluding food products.	–	–	S
5	Plastic molding and extrusion.	–	–	S
6	Printing and publishing.	–	–	BR
7	Production, processing or testing utilized in product prototyping.	–	–	BR
8	Recycling center.	–	–	S
9	Research and testing laboratories.	–	–	BR
10	Sheet metal fabrication.	–	–	BR
11	Tool and die manufacturing.	–	–	BR
Other Uses Not Listed Above¹				
1	Clubs.	–	S	S
2	Public facilities owned by Lake Township including, but not limited to, township offices, fire stations, police facilities, cemeteries, and parks.	BR	BR	BR
3	Public facilities owned by other than Lake Township not otherwise addressed in this Table.	–	S	–
4	Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed in this Table above.	–	S	–
5	Utility substations for gas and electric services.	–	S	S
6	Utility-scale battery energy storage system.	–	–	S

Table 3-3 Footnotes:

- Irrespective of the labeling of a cell in this table, the following are classified as a Special Land Use (S):
 - Any use that exceeds a single building of 10,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding farm and residential buildings.
 - Any use that serves alcohol for consumption on the lot of sale.
 - The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
 - Outdoor areas associated with a restaurant that are used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, when such outdoor areas exceed eight hundred (800) square feet in area or where more than thirty (30) persons are permitted to occupy such area.
- See Article 7 regarding exceptions to the classification of wireless communication facilities as “special land uses (S)” or “prohibited (P).”

End of Table 3-3

(Table amended 9-18-23, Ord. #2023-2; Table amended 7-5-24, Ord. #2024-2)

Table 3-4¹
SITE DEVELOPMENT REQUIREMENTS¹

All principal land uses and principal buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See Footnote (1).

See **Section 3.7(A)** for development requirements for the Manufactured Housing Community District (R-MHC).

See **Section 3.7(B)** for development requirements for the Conservation District (C).

See **Section 12.2 and 12.3** for development standards in association with natural resource areas.

See **Section 20.8** for development standards for accessory buildings and structures

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Maximum Building Coverage (BC) Maximum Lot Coverage (LC)	Minimum Yard Setback		
					Front	Side	Rear
AG Agricultural	1.5 acres	150 ft. ²	35 ft. ³	BC: 25%, but not less than 1,200 sq. ft. LC: 30% ⁸	50 ft. ⁵	25 ft. ⁶ each	25 ft. ⁷
RR Rural Residential	1.5 acres	150 ft. ²	35 ft. ³	BC: 25%, but not less than 1,200 sq. ft. LC: 30% ⁸	25 ft. ⁵	10 ft. ⁶ each	25 ft. ⁷
R-1 Single-Family Residential	12,000 SF	100 ft. ²	35 ft. ³	BC: 35%, but not less than 1,200 sq. ft. LC: 50% ⁸	25 ft. ⁵	6 ft. ⁶ for one yard, and minimum combined 16' total.	35 ft. ⁷
R-2 Single-Family Residential	12,000 SF ⁴ except 24,000 sq. ft. for a two-family dwelling.	100 ft. ² except 150 ft. for a two-family dwelling.	35 ft. ³	BC: 35%, but not less than 1,200 sq. ft. LC: 50% ⁸	25 ft. ⁵	6 ft. ⁶ for one yard, and minimum combined 16' total.	10 ft. ⁷
R-MF Multiple Family	12,000 SF ⁴	100 ft. ²	35 ft. ³	BC: 35% LC: 65%	40 ft. ⁵	15 ft. ⁶ each	25 ft. ⁷
RB Residential Business	12,000 SF ⁴	100 ft. ²	35 ft. ³	BC: 35% LC: 50%	25 ft. ⁵	10 ft. ⁶ each	20 ft. ⁷
B-1 Local Commercial	20,000 SF	100 ft. ²	35 ft. ³	BC: 35% LC: 70%	40 ft. ⁵	25 ft. ⁶ each	25 ft. ⁷
I-1 Light Industrial	1.0 acres	150 ft. ²	35 ft. ³	BC: 50% LC: 70%	40 ft. ⁵	25 ft. ⁶ each	25 ft. ⁷

See following pages for Table 3-4 Footnotes.

Footnotes for Table 3-4 – Site Development Requirements

- 1. Other Standards and Regulations:** All uses shall comply with the site development requirements in Table 3-4, unless specified otherwise by this Ordinance. See also Article 7 - Standards and Regulations for Specific Land Uses, Article 9 - Signs, Article 10 - Off-Street Parking and Loading, Article 11 - Landscaping and Screening, Article 12 - Environmental Protection, Article 13 - Access and Private Roads, Article 20 - Supplemental Provisions (including provisions addressing accessory buildings/structures), and other Articles.
- 2. Lot Depth, Width and Frontage:** All lots shall conform to the following:
 - A. Depth/Width Ratio:** The depth of a lot shall not exceed four (4) times its width. See Article 21 regarding the definition of lot width and lot depth.
 - B. Frontage/Lot Width:** The minimum lot frontage/width dimension shall be as required by Table 3-4, or as required elsewhere by this Ordinance.
 - 1) The minimum lot width required by Table 3-4, or as required elsewhere by this Ordinance, shall be maintained across the entire length/depth of the lot. Reduced frontages and widths may be approved where the front lot line abuts an unusually curvilinear road segment such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area or would otherwise result in irregular or impractical configurations. Reduced frontages and widths shall be approved only upon a determination by the approving body that such reductions and resulting lots shall not be substantially contrary to the overall lot configurations and sizes in the immediate area and shall not unreasonably impact traffic safety. No reduction shall result in frontage or width of less than thirty-three (33) feet and the minimum front yard setback line, and rear yard setback line in the case of a waterfront lot, shall be increased to the line at which there is compliance with the normally required frontage/width standard and the minimum lot width standard shall be met at such adjusted setback line.
 - 2) In the case of a lakefront lot and any lot abutting or having frontage on a lake or stream, the minimum lot frontage/width requirement shall apply to both the front and rear lot line.
 - 3) Where property is located on opposite sides of a public road right-of-way and is in common ownership, the property shall not be considered to be one lot but shall be deemed separate lots and any such individual lot on either side of the public road shall meet all applicable requirements specified by this Ordinance for an individual lot including width, frontage and area.
- 3. Building Height**
 - A. Special Provisions for R-1 and R-2 Districts:** The following provisions shall apply to all buildings erected within fifty (50) feet of the M-25 right-of-way.
 - 1) ***Measurement of Building Height:*** The maximum building height shall be measured as the vertical distance from the lowest finished ground surface elevation along the entire perimeter of the building to the highest point of the roof surface.
 - 2) ***Filling:*** In no case shall land be filled or otherwise increased in elevation in a manner so as to facilitate a building floor elevation greater than would otherwise be permitted according to this Section. This restriction shall not prohibit the shaping and/or leveling of land after the issuance of a zoning permit and building permit provided such leveling shall not result in an increase in ground elevation greater than one (1) foot.
 - B. Building Height Exceptions:**
 - 1) Agricultural buildings and structures are exempt from the height limitations of Table 3-4 provided the building or structure is setback from all lot lines an additional one (1) foot for each two (2) feet that the building or structure exceeds the height limitation of Table 3-4, provided the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration and in no case shall such a building or structure exceed seventy-five (75) feet in height.
 - 2) Flag poles not exceeding thirty-five (35) feet in height but in no case shall such pole be more than fifteen (15) feet above the peak of the principal building on the lot.
 - 3) The following height exemptions apply except where otherwise regulated by this Ordinance, provided no portion of the building or structure exceeding the District's height limitation may be used for human occupancy, the exemption shall conform to Federal Communications Commission and Civil Aeronautics Administration rules and regulations, and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
 - a. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers; parapet walls not part of a residential building or structure and no greater than four (4) feet in height; and similar features, provided such features occupy no

more than ten percent (10%) of the structure's gross roof area and provided such features are located a minimum distance from any adjoining lot equal to their height measured from the ground below.

- b. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water towers, elevator and stairwell structures, ventilators, and transmission structures, but not to exceed one hundred (100) feet in height above the ground surface below and provided such features are located a minimum distance from any adjoining lot equal to their height measured from the ground below.
- c. Public utility structures.
- d. Electrical transmission towers, television and radio reception and transmission antennas and towers, cellular communication facilities, and similar facilities, provided communications receiving antenna serving a dwelling on the same lot shall not exceed a height of forty-five (45) feet above the ground surface below.

4. Minimum Lot Area

- A. R-2 and R-B Districts: The minimum lot area for a lot created after the effective date of this Ordinance shall be twenty thousand (20,000) sq. ft. except that in the case of a two-family dwelling in the R-2 District, the minimum lot area shall be thirty thousand (30,000) sq. ft.
- B. R-MF District: The minimum lot area for a lot created after the effective date of this Ordinance shall be twenty thousand (20,000) sq. ft. plus an additional two thousand (2,000) sq. ft. for each additional dwelling unit beyond the first unit.

5. Front Yard Setback Measurements

- A. All Districts: In all Districts, the front yard setback shall be measured from the road right-of-way line.
- B. R-1 and R-2 Districts: The front yard of a lakefront lot is that yard adjacent to the road from which it gains access not otherwise comprising a side yard.
 - 1. The normally required minimum front yard setback of twenty-five (25) feet for a specific lot in the R-1 District may be decreased to the average of the front yard setbacks for existing dwellings along the same side of the road within Two Hundred Fifty (250) feet of each side of the subject lot, where one or more such yards is less than the normally required minimum twenty-five (25) feet front yard setback, but in no case shall the resulting required front yard setback for the subject lot be less than Eighteen (18) feet.
- C. B-1 District: The minimum front yard setback in the B-1 District shall be forty (40) feet except that where there exists two or more principal buildings along the same frontage and within one hundred (100) feet of the lot, the front yard setback for such lot shall be equal to the average setback established by such buildings. The site plan approving body may waive or modify this requirement where it finds that such modification or waiving will result in a more advantageous overall form or pattern of development, as depicted in a site plan, taking into consideration such factors as the encouragement of continuous storefronts, beneficial pedestrian circulation and spaces, pedestrian and vehicular safety, visibility, and orderly development.

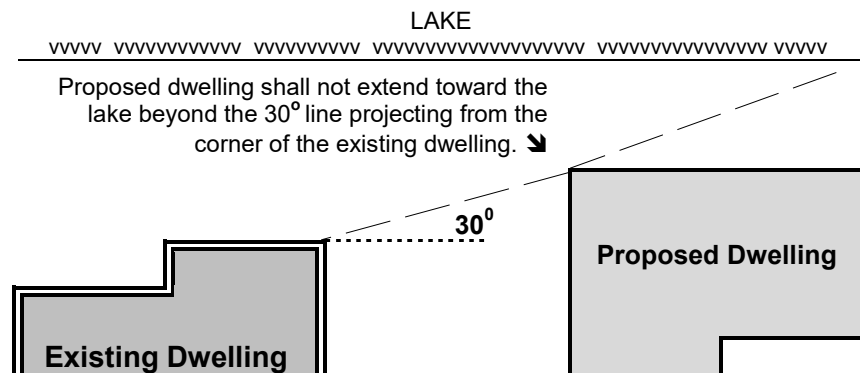
6. Side Yard Setbacks

- A. Corner Lot: For a corner lot, the minimum required front yard setback shall apply to both yards abutting a road right-of-way/easement, except that this side yard setback may be reduced the minimum amount necessary to ensure a twenty (20) foot buildable lot width at the required front yard setback. However, in no case shall such setback be less than twenty (20) feet.
- B. Lakefront Lots: In the case of a lakefront lot, the side yard setback from a side lot line along the water shall be measured from the ordinary high water mark as defined herein.
- C. R-1 and R-2 Districts: See Footnote 3(A)(1)(d)(i) regarding additional side yard setback provisions in the R-1 and R-2 Districts, and Section 20.23 regarding side yard wall configurations.
- D. B-1 District: The minimum side yard setback shall be 6' along the segment of the side lot line that abuts another lot in the B-1 District.
- E. I-1 District: The minimum side yard setback shall be 40' along the segment of the side lot line that abuts a Residential District.

7. Rear Yard Setbacks

A. Lakefront Lots:

- 1) **Setback Measurement/Averaging:** In the case of a lakefront lot, the rear yard setback shall be measured from the ordinary high water mark as defined herein. Where there exists one (1) or more principal buildings on lakefront lots located on one (1) or both sides of another lakefront lot subject to a permit application to erect or modify a building or structure, and where such existing buildings are within five hundred (500) feet of such lakefront lot, the required setback for the lot subject to a permit application shall be the average setback of such existing buildings measured from the ordinary high water mark as defined herein, provided that in no case shall the building be located closer than thirty-five (35) feet from the ordinary high water mark. Nothing in this Footnote shall be construed as authorizing a building or structure or any portion thereof to be erected outside of the legally recorded rear lot line for the lot.
- 2) **30° View Setback:** In addition to subsection (1), in no case shall a proposed building, structure, tree or other plant material be located on a lakefront lot so as to extend toward the lake a distance beyond an imaginary line extending at a 30° angle from the corner of the dwelling on an adjacent lot. The “corner of the dwelling” shall be that corner of the building nearest to the shared lot line that is part of a building wall oriented toward the lake. This subsection (2) shall not apply to features no greater than four (4) feet in height from the ground below, and shall not apply where the existing dwelling is set back from the rear lot line more than one hundred (100) feet. See figure below.



- B. **Non-Lakefront Lot in R-1 and R-2 Districts:** The minimum rear yard setback for a non-lakefront lot created prior to the effective date of this Ordinance in the R-1 District and R-2 District shall be ten (10) feet.
 - C. **B-1 District:** The minimum rear yard setback shall be ten (10) feet along the segment of the rear lot line that abuts another lot in the B-1 District.
 - D. **I-1 District:** The minimum rear yard setback shall be fifty (50) feet along the segment of the rear lot line that abuts a Residential District.
8. **Lot Coverage:** Calculation of lot coverage shall exclude those portions of driveways serving single-family and two-family dwellings that are no greater than ten (10) feet in width.

End of Article 3

(Article amended 9-18-23, Ord. #2023-2; 7-5-24, Ord. #2024-1; 7-5-24, Ord. #2024-2; 7-5-24, Ord. #2024-3; 10-21-24, Ord. 2024-4)

Article 4

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 4.1 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of buildings and structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; and encourage useful open space, and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township according to the Lake Township Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 4.2 PUD Is A Separate District

A PUD constitutes a separate zoning district and only when determined to be in compliance with the provisions of this Article. The approval of a PUD shall require an amendment of the Official Zoning Map constituting a part of this Ordinance so as to designate the property "PUD," and the PUD shall be subject to the approved PUD application including the approved site plan.

Section 4.3 Minimum Eligibility Criteria

- A.** The following minimum eligibility criteria shall be met in order for PUD approval:
1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
 2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
 3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Lake Township Master Plan.
 4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of Section 4.1.
 5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
 6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

Section 4.4 Use and Design Standards

A. Permitted Uses and Mix of Uses:

1. Scope of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Lake Township Master Plan.
2. Non-Residential Uses in a Residential Development: Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of the PUD provided that the residential component shall be predominant. The determination of the predominance of the residential component shall take into account the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

B. General Site Development Standards and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a more beneficial development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the District that most closely characterizes the dominant character of the PUD development as determined by the Township Board.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 7, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.5 Approval Standards

A. Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and also the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

Section 4.6 Procedure for Review and Approval

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting shall be to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the development being contemplated by the applicant. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference(s), the applicant may present a general sketch plan of the proposed PUD that provides an overview of the proposed project.

B. Preliminary Site Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Zoning Administrator a minimum of twenty (20) copies of a preliminary site plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission, Township Board and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, and County Road Commission. The preliminary site plan shall comply with the requirements of Section 14.3(B)(1) and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.
3. Following the public hearing provided under Article 17 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary site plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Township Board shall consider the applicable requirements of this Article and Ordinance including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative

decision. The effect of Township Board approval of the preliminary PUD application and site plan shall be:

- a. To authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
- b. To authorize a change on the Zoning Map to classify the subject property as "PUD".

C. Final Plan and Permit Issuance

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator a minimum of twenty (20) copies of a final PUD site plan, or phase one of a final site plan, in conformance with Section 14.3(C) and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission, Township Board and other entities from which the Township desires review comments such as but not necessarily limited to Township departments and staff, consultants, County Drain Commissioner, and County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final PUD site plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.
 - a. An approved final site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Township Board may extend such approval time for multiple periods of no greater than one (1) year per period. No extension shall be granted unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Township Board may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved shall not undermine the public health, safety and welfare including the project's impact on surrounding land uses.

Section 4.7 Phasing of Mixed Uses

A. Residential PUDs: In developments that are to be predominantly residential in character but include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

B. Non-Residential PUDs: In developments that are not to be predominantly residential in character, the Township Board may require a phasing plan to ensure that certain uses or components of the PUD be constructed prior to or concurrently with other uses or components to ensure the intended dominant character of the PUD.

End of Article 4

Article 5
(RESERVED for FUTURE USE)

End of Article 5

Article 6 NONCONFORMING LOTS, USES and STRUCTURES

Section 6.1 Purpose

It is recognized that there exists lots, buildings, structures and uses within the Districts of this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, buildings, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair, but not their expansion, enlargement, extension or other alteration which in any way increases or intensifies nonconformity, except as otherwise expressly provided by this Article.

Section 6.2 Nonconforming Lots

A. Use of Nonconforming Lots: Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory buildings and structures may be conducted or erected on any single lot of record lawfully in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized “use permitted by right” in said District according to Tables 3-2 and 3-3 of Article 3, even though such lot fails to meet the requirements for area, width, dimension and/or frontage that are applicable in the District. The following additional provisions shall apply:

1. **Compliance with Standards:** All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the District in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals according to Article 16. This subsection (1) shall not be construed to approve or authorize any instances of noncompliance with area, dimension, width and/or frontage standards except existing nonconforming conditions.
2. **Multiple Nonconforming Lots:** If two or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all, part or some of the lots do not meet the requirements established for area, dimension, width, and/or frontage, the lands involved shall be deemed automatically combined and shall be considered to be an undivided lot for the purposes of this Ordinance. No portion of said lot shall be used or divided in a manner that diminishes compliance with the area, dimension, width and frontage requirements of this Ordinance.

Section 6.3 Nonconforming Uses

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

1. **Enlargement or Increase:** No nonconforming use shall be changed, enlarged or increased in intensity or in area or bulk or in the number of buildings and structures, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance.
 - a. Subsection (1) above shall not prohibit the extension of a nonconforming use throughout any portion of a building in which it is located irrespective of whether such portion was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, provided there is compliance with all other requirements of this Ordinance including lot coverage and setback limitations and parking and loading/unloading regulations. No such building shall be enlarged or expanded.
2. **Change of Tenancy/Ownership:** A change or intensity of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use, except as may be authorized according to subsection (1).
3. **Re-establishment of a Nonconforming Use:** A lot occupied by a nonconforming use of land, building or structure, or combination thereof, that is subsequently occupied by a permitted use, shall thereafter conform to the regulations for the District in which such use is located and a nonconforming use may not thereafter be resumed or otherwise established.
4. **Cessation/Destruction:** If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than one (1) year, or where the use is destroyed to an extent of more than 50% of its replacement value, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District.

Conditions that shall be considered in determining the cessation or abandonment of a nonconforming use shall include, but need not be limited to, disconnection of utilities, the property has fallen into a state of disrepair, the removal of signage associated with the use, and the removal of equipment necessary for such use.

5. Substitution: No nonconforming use may be changed to another nonconforming use except upon approval of the Township Board, after receiving a recommendation from the Planning Commission, upon finding that such change in use will be as or more conforming to the intent of the District in which it is located than the existing nonconforming use, and will be more compatible with surrounding conditions. In making such a determination, factors to be considered shall include the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, anticipated noise levels, and other aspects of the proposed use. Such change in use shall be subject to plot plan or site plan approval according to Section 14.2.
6. Nonconforming Use and Structure in Combination: In the case where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, all subsequent uses and structures on the land shall conform to the respective District regulations.
7. Abandonment: Once a nonconforming use is abandoned, the uses of the lot shall conform to this Ordinance.

Section 6.4 Nonconforming Structures

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

1. Enlargement/Alteration: No nonconforming structure or building may be enlarged, changed or altered so as to increase its nonconformity such as in the case of an increase in the height of a roof that currently exceeds the permitted height, an increase in the cubic area or size of a building that encroaches into a required setback, and an increase in the number of stories encroaching into a required setback area.
 - a. This subsection (1) shall not apply in the case where a single story is to be added above a one-story dwelling provided all the following requirements are met:
 - 1) The one-story dwelling complies with the District's height standards.
 - 2) The addition of a second story will maintain compliance with the District's height standards.
 - 3) All walls of the second story addition, and any dormers that are part of such addition, shall comply with the setback standards of the District.
 - 4) Any sloped roof area generally extending from the first story to a wall of the second story shall not exceed a slope of 12:12 (vertical: horizontal).
 - b. This subsection (1) shall not apply in the case where a dwelling that encroaches into a required side yard setback is to be expanded so as to cause additional floor area to encroach into the same required setback provided the following conditions are met:
 - 1) The expansion area that is to encroach into the required setback shall not exceed one (1) story in height.
 - 2) The expansion area shall not exceed a height of ten (10) feet, measured from the surrounding ground elevation to the highest point of the roof that is located within the required setback.
 - 3) The expanded floor area shall not exceed an area greater than fifty percent (50%) of the floor area that currently encroaches into the required setback area but in no case shall such expanded floor area exceed one-hundred fifty (150) sq. ft., and the expansion area shall not exceed a height of ten (10) feet measured from the surrounding ground elevation to the highest point of the roof that is located within the required setback.
 - 4) No wall of the expansion area shall extend beyond the existing wall encroaching into the required setback so as to be closer to the lot line than the existing nonconforming wall, and in no case shall the expansion area setback be less than fifty percent (50%) of the required District setback.
 - 5) The total first story floor area of the expanded dwelling shall not exceed the maximum allowable first story floor area according to the buildable area of the specific lot in question, based on required setbacks, building/lot coverage limitations, and other applicable standards of this Ordinance.

2. **Destruction:** Should a nonconforming structure or building be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in full conformity with all of the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure or building, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion. The limitations of this subsection (2) shall not apply when all of the following conditions are met:
 - a. The walls of the replacement structure or building shall not extend beyond the foundation and plane of the previous structure or building.
 - b. The replacement structure or building shall be set back from all lot lines a minimum distance equal to fifty percent (50%) of the District's setback standards.
 - c. A building permit for the erection of the replacement structure or building is issued within one (1) year of the previous destruction, and the replacement structure or building is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction.
 - d. The replacement structure or building is no more nonconforming than the previous structure or building except as may be permitted according to subsection (1) above.
3. **Relocation:** Should a nonconforming structure or building be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. **Minor Repairs:** A nonconforming structure or building may undergo ordinary non-structural repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, provided there is compliance with subsections (a) and (b) below unless otherwise permitted according to subsection (1), above. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.
 - a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased or intensified, including the cubic area of any nonconforming portion of such structure or building.
 - b. No structural alterations shall be undertaken, as in the case of the relocation of load-bearing walls.

Section 6.5 District Changes

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District, the provisions of this Article shall also apply to any existing lots, uses, structures and buildings that become nonconforming as a result of the boundary change.

Section 6.6 Illegal Nonconformities

Nonconforming lots, uses, structures and buildings existing on the effective date of this Ordinance or amendment thereto, that were established illegally or without the lawfully required procedures, permits and approvals applying at such time of establishment, shall be declared to be illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

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End of Article 6

Article 7

Standards and Regulations for Specific Land Uses

Section 7.1 Purpose and Applicability

- A. Purpose:** The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, encourage orderly development in coordination with surrounding conditions and in the development site itself, and to support the purposes of this Ordinance.
- B. Applicability:**
1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located according to Table 3-4 of Article 3.
 2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply.
 3. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review, unless specified otherwise.
 4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements of other ordinances and laws.

Section 7.2 Religious Institutions

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.
1. The lot shall comply with the minimum lot area requirement of Table 3-4 except in no case shall the lot area be less than one (1) acre in area.
 2. All buildings shall be set back a minimum distance of fifty (50) feet from all lot lines.
 3. The maximum height of self-standing bell towers, crosses, statuary or other symbolic icons and figurines shall be fifteen (15) feet in Residential Districts and twenty (20) feet in other Districts.

Section 7.3 Cemeteries

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.
1. The lot shall be a minimum of ten (10) acres in area.
 2. All buildings shall be set back a minimum distance of fifty (50) feet from all lot lines, except that in no case shall a crematory be located within three hundred (300) feet of any lot line.
- B. Additional Standards and Requirements:**
1. Access drives within a cemetery shall be set back a minimum distance of twenty (20) feet from side and rear lot lines.
 2. No burial plot shall be located within fifty (50) feet of any lot line, stream, or other water course or water body.
 3. No crematory shall be established as part of a cemetery unless expressly approved for crematory use.

Section 7.4 Private Landing Strips

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:
1. Runways, hangers, maintenance buildings, and any other structures and buildings associated with the landing strip shall be located a minimum of one-hundred fifty (150) feet from all lot lines.
- B. Additional Standards and Requirements:**
1. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of ten thousand (10,000) feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra-light" aircraft.
 2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

Section 7.5 Hospitals

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.

1. The lot shall be a minimum of five (5) acres in area.
2. All buildings shall be set back a minimum distance of fifty (50) feet from a public road right-of-way and an Agricultural and Residential District.

B. Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. Ambulance and emergency entrance areas shall be visually screened from adjacent residential uses and residentially-zoned land by a structure or masonry wall of six (6) feet or more in height.

Section 7.6 Equestrian Centers

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. An equestrian center that is to be used for horse shows or horse competitions, at which more than fifty (50) persons are to be permitted to observe, shall be located on a lot not less than ten (10) acres in area and three-hundred thirty (330) feet in width.
3. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.

B. Additional Standards and Requirements:

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.

Section 7.7 Mini/Self Storage Facilities

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
2. There shall be a minimum of thirty (30) feet between storage buildings for driveway, parking, and fire lane purposes. Where no parking for loading or unloading is permitted within the building separation areas, said building separation need only be twenty-two (22) feet. Traffic direction and parking shall be designated by signaling, signs and/or painting.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted.
4. Storage units shall not contain more than five hundred (500) square feet each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet of a side or rear lot line.

Section 7.8 Motels and Hotels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary services such as maid service, linen service, and telephone and/or desk service.
3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. A caretaker's residence may be established within the motel only.

Section 7.9 Bed and Breakfasts/Tourist Homes

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the buildings.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the building shall be of a single family dwelling character.
3. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
4. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling. All guest bedrooms shall be a minimum of 100 sq. ft., with an additional thirty (30) sq. ft. for each bedroom occupant beyond the first two (2), and no bedroom shall be occupied by more than four (4) guests.
5. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) bathroom for each two (2) bedrooms available for rent.
7. All parking areas for guests shall be set back a minimum distance of twenty (20) feet from all lot lines and screened to minimize impacts on neighboring properties.
8. The outdoor storage of solid waste shall not exceed fifty (50) sq. ft.
9. The sale or offer for sale of goods is permitted provided such sales area does not exceed fifty (50) square feet in floor area.

Section 7.10 Convalescent, Nursing Homes and Assisted Living Facilities

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. The lot shall have frontage on M-25 and/or at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. There shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per patient bed according to design capacity, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated outdoor area shall be less than 1,000 square feet in area.
3. Dwelling units in multiple family buildings need not comply with the minimum floor area requirements of Section 7.20.
4. Retail sales and support services are permitted provided such sales and services are clearly accessory in character and are located or otherwise designed to discourage use by persons other than patients and residents of the facility and visitors of such facility.
5. In the case where a lot is to have multiple buildings, all buildings shall be of a reasonably similar architectural character and appearance so as to reflect a unified and coordinated development plan.

Section 7.11 Day Care Centers

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet.

B. Additional Standards and Requirements:

1. A child drop-off area shall be provided outside of any road right-of-way or easement.
2. A day care center shall provide a minimum of one-hundred (100) sq. ft. of outdoor play area per child cared for, but shall not be less than 1,000 sq. ft.
3. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.

4. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

Section 7.12 Day Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet..

B. Additional Standards and Requirements:

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
 - a. Another group home day care facility licensed by the State of Michigan.
 - b. An adult foster care group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. All outdoor play areas shall be enclosed with fencing, a minimum of five (5) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

Section 7.13 Foster Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet.

B. Additional Standards and Requirements:

1. A group home foster care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
 - a. Another foster care group home facility licensed by the State of Michigan.
 - b. A group home day care facility licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
3. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

Section 7.14 Vehicle Repair Shops and Service Stations

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be 20,000 sq. ft.
2. All buildings shall be setback a minimum distance of fifty (50) feet from road right-of-way lines and any shared lot line segment in a Residential District.
3. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be setback a minimum distance of twenty-five (25) feet from all lot lines. Setbacks for canopies shall be measured from the edge of the canopy.

B. Additional Standards and Requirements:

1. The lot shall have frontage on a paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. No more than one (1) access drive shall be provided along each road frontage except upon a determination by the site plan approving body that anticipated traffic levels warrant additional drives and the frontage is of adequate length to safely accommodate an additional driveway and anticipated turning patterns.
3. No driveway shall exceed thirty-five (35) feet in width, and in the case of a corner lot, a driveway shall be set back from the intersection of the two roads as far as reasonably practical.
4. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed building, excluding air and water hoses, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such building.
5. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than fifteen (15) days. Such vehicles shall be parked or stored in a building, or behind a fully screened area in a side or rear yard and with no less than a six (6) foot high fence, wall and/or berm. Such fence or wall shall be set back a minimum of twenty (20) feet from side and rear lot lines.
6. There shall be no outdoor storage of fenders, mechanical or engine parts, tires or other vehicle parts or materials, and there shall be no outdoor storage of equipment, supplies, or other materials except as provided by subsection (5) in the case of inoperative vehicles.
7. All lighting mounted to the underside of a canopy shall be fully recessed.
8. A solid wall, fence and/or berm, of a minimum height of six (6) feet, shall be erected to screen views from lots in Agricultural and Residential Districts.
9. The application shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.

Section 7.15 Vehicle / Car Wash Establishment

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. The facility shall have frontage on and gain direct access from a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Outdoor vacuuming activities shall be set back a minimum of one hundred (100) feet from an Agricultural or Residential District. Self-service bays shall be located a minimum of fifty (50) feet from an Agricultural or Residential District.
4. Maneuvering lanes and stacking lanes shall be provided to ensure sufficient room to avoid waiting cars encroaching into a road right-of-way. In the case of self-service washing bays, a minimum of two (2) stacking spaces shall be provided for accessing each bay and one (1) space shall be provided upon exiting each bay.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Self-service washing bays shall be arranged, to the greatest extent practical, so as not to face upon an adjacent public road, or otherwise be screened to minimize views of such bays.
7. Trash containers shall be provided and emptied as necessary to prohibit litter.

Section 7.16 Junkyards

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The lot shall have a minimum area of ten (10) acres and a minimum width of three-hundred thirty (330) feet.
2. Minimum setbacks from lot lines for all buildings and structures shall be seventy-five (75) feet.

B. Additional Standards and Requirements:

1. A solid fence, wall and/or berm enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be set back from all lot lines a minimum distance of fifty (50) feet. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
2. There shall be no storing, dismantling, or other work on junk within two-hundred (200) feet of a church, school, public building, park, cemetery, Residential District, or lot used for residential purposes.
3. No junkyard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
4. Outdoor burning is prohibited.
5. Between the hours of 5:00 p.m. and 8:00 a.m., all processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust, and shall be maintained free of debris and refuse.
7. The operation shall be licensed by the Michigan Secretary of State.
8. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
10. All junk material shall be fully removed from the site prior to the termination of said use.
11. The lot shall have frontage on M-25 and/or at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
12. A management office within a building shall be maintained on the lot and occupied at all times that the facility is operational or otherwise accessible by the public.
13. An application for a junkyard shall specify the type of salvage material to be received and/or collected, methods of separation and/or recycling, the destination of waste or recycled materials, and a site maintenance program.

Section 7.17 Veterinarian Clinics

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.

B. Additional Standards and Requirements:

1. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care. No boarding other than for animals receiving medical treatment shall be permitted, except where approval has been granted for a kennel.
2. All activities shall be conducted within a totally enclosed building except that this limitation shall not apply to designated outdoor dog run areas for dogs receiving medical care, or paddocks associated with the keeping of animals in excess of three-hundred (300) pounds.
3. No animals receiving overnight medical care shall be permitted outdoors between the hours of 10:00 p.m. and 7:00 a.m., except in the case of paddocks associated with the keeping of animals in excess of three-hundred (300) pounds provided such paddocks are set back a minimum distance of one hundred (100) feet from all lot lines.

4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

Section 7.18 Kennels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The lot shall be a minimum of ten (10) acres in area and three-hundred (300) feet in width.
2. Buildings where animals are kept, runs, and group exercise areas shall not be located closer than one hundred (100) feet to any lot line.

B. Additional Standards and Requirements:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies or other insects, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals must be currently licensed as provided by law and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable county, township, state and federal regulations.
3. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Outdoor runs, pens or exercise yards shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

Section 7.19 Marinas

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as provided below:

1. All buildings, boat storage areas, repair and service areas, docks, and parking areas shall be set back a minimum distance of fifty (50) feet from all lot lines.

B. Additional Standards and Requirements:

1. Marinas shall be located where topographic conditions minimize the necessity to excavate upland areas to create the necessary basin and where dredging will have minimal impact on wetlands, submerged aquatic plant beds, and rare, threatened or endangered species.
2. Marinas shall be located and designed to maximize the flushing and circulation of the basin area.
3. Parking, storage or locating of any boat on land for periods in excess of seven (7) days shall occur within a completely enclosed building.
4. All aspects of a marina shall be located and designed to minimize disturbances to neighboring properties including lighting, noise, parking, restroom facilities, boat launches, and picnic and other open space areas.
5. There shall be no storage of fuels or other hazardous materials except where expressly authorized by the approving body. In such case, the application shall provide documentation of the marina's capability to respond rapidly and effectively to contain any spills of fuels and other hazardous materials.
6. The total area devoted to retail sales, including the sale of fuel, shall not exceed four-hundred (400) sq. ft. All retail sales, storage and display shall be within a building, excluding outdoor fueling stations.

Section 7.20 Multiple Family Developments

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The portion of a building within fifty (50) feet of a lot line shall not exceed twenty-five (25) feet in height.
2. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lots and access drives not otherwise comprising a road right-of-way.

B. Additional Standards and Requirements:

1. No building shall be more than one hundred (100) feet in length.
2. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
3. There shall be provided easily accessible and usable open space in an amount of ten percent (10%) or more of the lot area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than one thousand (1,000) square feet in area. Such open space shall be available for recreation and leisure, and may be located on an adjacent lot where part of a unified development plan.
4. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
5. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community recreation buildings.
6. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
7. The minimum floor area for multiple family dwelling units shall be as follows:
 - a. Efficiencies: 550 sq. ft. of heated living area.
 - b. One bedroom units: 720 sq. ft. of heated living area.
 - c. Two bedroom units: 840 sq. ft. of heated living area.
 - d. Three bedroom units: 960 sq. ft. of heated living area.
 - e. Four or more bedroom units: 1,200 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

Section 7.21 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

B. Additional Standards and Requirements:

1. All outdoor sales, storage or display areas shall include a building of more than two hundred (200) square feet in area, which functions in association with the business and includes potable water and sewage disposal facilities in compliance with the County Health Department.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
4. Outdoor broadcasting of voice or music is prohibited.
5. There shall be provided a fence or wall, a minimum of six (6) feet in height, around all outdoor storage and sales areas, except at ingress/egress points and where such areas are bounded by buildings, so as to effectively prohibit wind-blown trash and other debris from travelling beyond such areas. This requirement may be waived by the site plan approving body where the nature of the use does not generate trash and/or other debris, but in no case shall litter or other debris be permitted to accumulate or otherwise travel beyond such storage or sales areas.
6. In the case of vehicle sales or service, the following shall apply:
 - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance such as tire and wiper replacement but excluding oil changes.
 - b. All vehicle display and storage areas shall be asphalt or concrete paved except where the site plan approving body determines such paving is not necessary due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.

Section 7.22 Open Space Preservation Communities (OSPC)

A. Purpose: It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

B. Compliance with Table 3-4 and Additional Standards and Requirements: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except where this subsection (B) provides otherwise.

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings including recreation areas, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent (25%).
3. Minimum Lot Area and Width
 - a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. However, in no case shall a lot be less than twenty thousand (20,000) sq. ft. in the absence of public sewer service and where public sewer service is provided, in no case shall a lot be less than thirty percent (30%) of the normally required lot area of the respective District.
 - b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than fifty (50) feet in width.
4. Setbacks
 - a. The following front, side and rear yard setbacks for buildings shall apply except that in no case shall a building be located within seventy-five (75) feet of the perimeter lot line of the OSPC development. Where the site plan approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the above referenced setbacks may be reduced by no greater than fifty percent (50%).
 - 1) Front yard: twenty-five (25) feet.
 - 2) Side yard: ten (10) feet.
 - 3) Rear yard: twenty (20) feet.
 - b. In addition to subsection (a) above, a minimum (75) foot building setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
 - c. Minimum setbacks for accessory structures not constituting buildings shall be as regulated by Section 20.8.
5. Building and Lot Coverage: The maximum building and lot coverage shall be as regulated according to Table 3-4 of Article 3, based on the District that most closely resembles the prevailing lot size of the OSPC. Where OSPC lot sizes exhibit a considerable range in size, the site plan approving body may prescribe varying maximum building and lot coverage standards according to lot size ranges.
6. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each

other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

a. The open space conveyance shall:

- 1) Indicate the proposed allowable use(s) of the dedicated open space.
- 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
- 3) Provide for maintenance to be undertaken by the Township, in the event that the dedicated open space is inadequately maintained or is determined by the Planning Commission to be a public nuisance, with the assessment of costs upon the property owners.

7. Open Space Preservation Area, Character, and Priorities

- a. A minimum of fifty percent (50%) of the OSPC site shall be designated as permanent open space. However, in no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
- b. Open space shall be located on the OSPA site to meet the following objectives:
 - 1) To preserve water courses and bodies, MDNRE-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic rural views.
 - 2) To promote the effective preservation of the existing character along the exterior public road frontages that the OSPC abuts.
 - 3) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of open space.

8. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a public water system, and in OSPCs that are generally characterized by lots of approximately twenty thousand (20,000) sq. ft. or less in size and are more than three (3) miles from the nearest municipal fire department. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

9. Vehicular and Pedestrian Access and Circulation

- a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
- b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
- c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
- d. All public roads shall conform to the requirements and standards of the County Road Commission. All private roads shall conform to the requirements and standards of this Ordinance.

C. Special Application and Approval Requirements: The following information shall be provided as part of an OSPC application In addition to the information required by Article 14, Site Plan Review:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project property according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width standards. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal according to subsection (B)(2).

- a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, buildings, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.
3. Recording of Approval Action/Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC for the construction of the OSPC, limited to general grading, roads, storm water management, signs, utilities and similar development features. The erection of a dwelling or other building and structures on any lot within the OSPC shall require an additional zoning permit according to the provisions of this Ordinance.

Section 7.23 Recreation Facilities, Outdoor

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Principal and accessory buildings shall be set back at least one-hundred (100) feet from all lot lines, unless otherwise specified herein.
2. See Subsections (B) – (G) for additional exceptions applicable to specific facility types.

B. Additional Standards and Requirements Applicable to All Outdoor Recreation Facilities:

1. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless the retail or commercial facility is identified as a permitted use in the District in which the facility is located.
2. In the case where the facility is to generate a daily average of more than two-hundred (200) vehicles arriving to the facility, the facility shall have frontage along and have direct access to a paved primary road and/or M-25.
3. Applications for outdoor recreation facilities shall include documentation demonstrating adequate liability insurance.
4. All outdoor facilities shall be maintained free of litter. Applications for outdoor recreation facilities shall identify trash and litter control measures including the size and location of trash receptacles.
6. In the case where ticket gates are used for controlled access, such ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity facilities; two (2) ticket gates for six hundred (600) car capacity facilities; three (3) ticket gates for eight hundred (800) car capacity facilities; and four (4) ticket gates for one thousand (1,000) car capacity facilities.
6. In the case where any portion of the facility is adjacent to a lot in an Agricultural or Residential District, all facility operations shall be located a minimum of one hundred (100) feet from such shared lot lines including buildings, other structures, trash containment areas, parking and areas devoted to the stacking of vehicles awaiting access to ticket gates.
7. The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation.

C. Additional Standards and Requirements Applicable to Race Tracks and Off-Road Vehicle Tracks:

1. A minimum of twenty (20) acres shall be required for such uses.
3. No portion of the race track surface, trail or area used by vehicles shall be within one-hundred (100) feet of a lot line, excluding ingress and egress areas and areas devoted to parking.
3. Off-street parking areas and ingress and egress drives associated with race tracks shall be set back from all property lines a minimum distance of fifty (50) feet.

D. Additional Standards and Requirements Applicable to Drive-In Theaters:

1. A minimum of twenty (20) acres shall be required for such uses.
2. No portion of a screen shall be within one-hundred (100) feet of a lot line.
3. Off-street parking areas and ingress and egress drives shall be set back from all property lines a minimum distance of fifty (50) feet.
4. A solid fence, wall and/or berm, of a minimum height of eight (8) feet, shall screen all off-street parking areas from view from adjacent properties and public roads.
5. The facility shall be designed to enable a minimum of thirty percent (30%) of the vehicle capacity of the theater to be located between the ticket gates and the right-of-way line of public roads providing access to the lot, for entry and exit from such gates.
6. Theater screens shall be oriented away from public roads and shall not be visible from the M-25 right-of-way.
7. Theater screens shall not exceed sixty-five (65) feet in length and forty (40) feet in height above the surrounding parking lot surface.

E. Additional Standards and Requirements Applicable to Campgrounds:

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of four-hundred (400) feet.
2. Buildings, structures, areas designated for camping, common play areas, and areas devoted to the storage of vehicles not set up for occupancy shall be located a minimum of one hundred (100) feet from all property lines.
3. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motor homes, trailers, and similar vehicles. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
4. Utilities serving the campground shall have sufficient capacity to serve the campground when in full use. Each campsite shall either be provided with individual water and sewer hookups approved by the County Health Department, or shall have convenient access to approved service buildings.
5. Campgrounds shall be for seasonal recreation use only, except that a residence for a year round manager or caretaker is permitted.
6. A seasonal convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines that the proposed location will significantly discourage use of the store by non-campers, and such use is expressly authorized as part of an approved campground application.
7. Each campsite shall be clearly identified by stakes or markers.
8. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.
9. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
10. Access roads shall be a minimum of twenty-two (22) feet in width and any dead-ended access drives shall be provided a minimum forty (40) foot diameter turn around.
11. The placement of tents and vehicles shall be prohibited within thirty (30) feet of the center line of an access road.
12. The storage of recreational vehicles, decks, sheds and other accessory items, not actively in use by a camper, is prohibited except upon approval for such storage according to an approved site plan that identifies such storage area and the items to be stored.
13. Campgrounds shall comply with all rules and regulations of the Michigan Department of Environmental Quality and County Health Department, including provisions pertaining to potable water, shower facilities, restrooms, and maximum capacity of persons per campsite.

F. Additional Standards and Requirements Applicable to Shooting Ranges:

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be twenty (20) acres for all other outdoor shooting activities including archery-only and paintball-only facilities.
2. Minimum lot frontage and width shall be 1,320' for outdoor firearm shooting facilities and shall be 660' for all other outdoor shooting activities including archery-only and paintball-only facilities.
3. An outdoor shooting range's boundaries shall be fenced with a minimum four (4) foot high fence with signs posted no less than fifty (50) feet apart along the fence stating "Danger Shooting Range" or similar warning. All vehicular access shall be controlled by locked gates.
4. A site plan for the range, whether indoor or outdoor, shall clearly indicate all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.
5. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and

Field Archery Association, as applicable, and shall comply with federal, state and county rules and regulations.

6. Outdoor shooting hours shall not begin prior to 8:00 a.m. and shall not extend past 8:00 p.m. Extended hours are permitted for governmental law enforcement agencies provided the Zoning Administrator is notified at least seven (7) days in advance of the date or dates for the extended hours.
7. Outdoor shooting ranges shall be configured to minimize the potential for lead to enter surface waters, ground water and wetlands. Application materials shall include a lead management plan that shall specify measures to address the containment, migration, removal and disposal of lead.
8. No firearm shall be discharged within 1,000' of a dwelling existing or under construction at the time of the approval of a shooting range application.
9. A facility manager shall be present at the facility at all times when a firearm is being discharged. No firearm shall be discharged in the absence of a facility manager at the facility.

G. Additional Standards and Requirements Applicable to Golf Courses, Country Clubs and Driving Ranges:

1. All principal and accessory buildings, and outdoor swimming pools and surrounding deck areas, shall be setback a minimum of one hundred (100) feet from all lot lines.
2. Golf courses and country clubs shall have direct access onto a paved public road.
3. No driving station shall be located within seventy-five (75) feet of any lot line. Where necessary, buffering conditions shall be in place to minimize the impact or safety threats upon adjacent land uses.
4. Fairways and driving ranges shall have sufficient width and shall be oriented and set back in such a manner to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, etc., a narrower fairway will not compromise safety. Fairways shall be designed so that existing or future dwelling units and campsites are located a minimum of two hundred (200) feet from the center of the fairway.
5. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the lot as an outdoor recreational facility.
6. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
7. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the County Health Department and local building codes.
8. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer licensed in Michigan or a hydrologist certified by the American Institute of Hydrology.
9. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township Clerk and local fire department. Plans for emergency containment and clean-up shall also be provided.
10. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone and/or brick.
11. Golf course and driving range boundaries shall be adequately marked to minimize unintended trespass and/or injury. Fencing may be required where the site plan approving body determines a more effective measure of protection is necessary.

Section 7.24 Sexually Oriented Businesses

A. Purpose: There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

B. Definitions: For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a "principal business purpose" of an establishment if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area or visible inventory within the establishment.
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. **Adult Live Entertainment Center:** A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
 - a. Persons who appear in the state of nudity.
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Motel:** A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
 - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
 - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. **Adult Motion Picture Theater:** A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
5. **Adult Sexual Paraphernalia Store:** An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
6. **Adult Theater:** A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. **Escort:** A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. **Manager's Station:** A designated area from which a premises is managed or supervised.

10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
 - a. Proof of graduation from a school of massage licensed by the State of Michigan.
 - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
 - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
 - d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
 - a. An educational institution funded, chartered, or recognized by the State of Michigan.
 - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
 - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
 - b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
 - a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - b. Sex acts, actual or simulated, including intercourse, masturbation, oral copulation or sodomy;
 - c. Masturbation, actual or simulated.
 - d. Human genitals in a state of sexual stimulation or arousal.
 - e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

C. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

D. Additional Standards and Requirements:

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from outside of the building containing such use including interior displays, decorations.
2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.
3. Separation Requirements
 - a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
 - 1) A church, synagogue or regular place of worship.
 - 2) A public or private elementary or secondary school.
 - 3) A Residential District.
 - 4) A dwelling irrespective of the District.
 - 5) A public park or other public recreation area.
 - 6) A licensed day-care center or preschool.
 - b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business.
 - c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures, buildings or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the building in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
 - d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (3)(a) and (c) above.
4. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
 - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
 - b. No alcoholic beverages of any type are permitted within the premises unless specifically authorized by a permit issued under this Ordinance and pursuant to a license duly issued by the Michigan Liquor Control Commission.
5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. A sexually oriented business that offers live entertainment shall provide all of the following:
 - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.

- c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six (6) feet from the nearest employee or patron.
- d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
- f. Rest rooms shall not contain any video reproduction equipment or images of specified anatomical areas or specified sexual activities.

E. Additional Application Requirements: In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

- 1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed fifty (50) square feet of floor area.
- 2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
- 3. Any portion of the premises in which patrons are not permitted.

Section 7.25 Extraction Operations

A. Additional Materials to be Submitted: In addition to the information required by Article 14 for site plan review, the following information shall be provided to the Township:

- 1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
- 2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
- 3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the planned progression of extraction across the site and corresponding time frames, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.
- 4. Proposed plans for fencing.
- 5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely.
- 6. Proposed side slopes and depths for all portions of the extracted area, including interim and final slopes.
- 7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
- 8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
- 9. A detailed reclamation plan that complies with all of the following:
 - a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site.
 - b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
 - c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use.
 - d. Final slopes no greater than a 3:1 (horizontal:vertical) ratio.
 - e. No noxious, flammable or toxic backfill and grading materials shall be used.

- f. Provides for the removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
- g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area, unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.

B. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

- 1. Minimum lot area shall be twenty (20) acres.
- 2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from a residence existing at the time an application is submitted.

C. Additional Standards and Requirements:

- 1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within one thousand (1,000) feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
- 2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
- 3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of an approval of the extraction operation.
- 4. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
- 5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the Michigan Department of Transportation and/or County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
- 6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 8:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays, Christmas Day, and Thanksgiving Day. A modification of these limitations may be made upon a finding that specific conditions are present or are to be established that support more lenient limitations.
- 7. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan.
- 8. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
- 9. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use provisions of Article 15.
- 10. Any performance bond that may be required according to Section 2.6 may cover anticipated yearly or other periodic inspections.
- 11. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: "Warning – Danger, Excavation in Progress."

D. Abandonment/Termination of Use:

1. An operator shall submit written notice to the Zoning Administrator of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Zoning Administrator determines that the extraction operation has been abandoned, the Zoning Administrator shall give the owner written notice of the intent to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, has not been abandoned.
3. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exist special or unique conditions that support a different time frame for completion.
4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

E. No Very Serious Consequence: When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

Section 7.26 Wireless Communication Facilities

A. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:

1. Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
2. Equipment Compound: An area surrounding or adjacent to the base of a 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 that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

6. **Class One Wireless Communication Facility:** Any wireless communication facility and modifications thereto that meet all of the following requirements:
 - a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
 - b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the municipality in which it is located.
 - d. The proposed collocation of equipment shall not do any of the following:
 - 1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
 - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3) Increase the area of the existing equipment compound to greater than twenty five hundred (2,500) square feet.
 - 4) Be in violation of the terms and conditions of any previous final approval of the support structure or equipment compound by the then-designated approving body.
7. **Class Two Wireless Communication Facility:** The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

B. Application, Review and Approval for Class One Wireless Communication Facility: A Class One Wireless Communication Facility constitutes a use permitted by right in any District, subject to site plan approval according to Article 14.

1. **Application Review Time Frame and Fees**

- a. After a Class One application for a wireless communication facility is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
- b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- c. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

C. Application, Review and Approval for Class Two Wireless Communication Facility: A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 14 (Site Plan Review), Article 15 (Special Land Uses), and the following provisions:

1. **Application Review Time Frame and Fees:** The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. **Additional Application Requirements:** In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
 - a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the

owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.

- b. Elevation drawings of the proposed tower and any other structures.
- c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential Districts and platted and similar neighborhood developments.
- d. Method of fencing and finished color and, if applicable, the method of camouflage.
- e. A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
- h. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

D. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower's height, including antennas, except where the application documents that the tower is designed to fall upon itself, in which case the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet. Setbacks shall be measured from the leading edge of the tower's base to the respective lot line.
3. No tower shall exceed one hundred ninety five (195) feet in height, measured from the base of the tower to the highest point of the tower including antennae, except if in the opinion of the site plan approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred ninety five (195) feet will reduce the total number of potential communication towers in the area and enables a geographic area to be served that would could not otherwise be served without an additional tower location. However in no case shall a tower exceed two-hundred fifty (250) feet in height. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.

E. Additional Standards:

1. Separation Distances: The following separation distances shall apply to Class Two wireless communication facilities except that the approving body may reduce the standard separation distance by no greater than twenty-five percent (25%) upon a finding that there exist on-site or surrounding conditions that mitigate the need for such separation distances and that the purpose of this Ordinance will be preserved. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted.

Off-Site Use or Designated Area	Separation Distance
The lot line of a lot occupied by a dwelling.	150 feet or 150% of the tower's height, whichever is greater.
Existing dwelling.	300 feet or 150% of the tower's height, whichever is greater.
Vacant land in any District that authorizes dwellings as a permitted use.	200 feet or 100% of the tower's height, whichever is greater.
Land in a Business or Industrial District, whether vacant or otherwise.	The setback standards of Table 3-4 or the tower's height, whichever is greater.
Another communication tower.	2 miles, measured by a straight line between the base of the existing and proposed tower.

2. Fencing and Lighting
 - a. The base of a tower shall be fenced with a minimum six (6) foot high fence with anti-climbing measures.
 - b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
3. Tower Construction
 - a. Towers shall be of monopole construction. Guy wires are prohibited.
 - b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
 - c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, Michigan Construction Code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance.
 - d. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.
4. Landscaping and Signage
 - a. Signage shall be limited to emergency information only except as may be required by law.
 - b. Trees shall be established, if not already present, that effectively screen the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than twenty (20) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.
5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical. Accessory structures shall not exceed six-hundred (600) sq. ft. of gross floor area.
7. Collocation
 - a. Requirement for Collocation: A permit for the construction and use of a Class Two communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - b. Feasibility of Collocation: Collocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
 - 1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements.
 - 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

8. Removal

- a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not be required until all users cease use of the tower for a continuous period of 365 days.
- b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.

9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 6, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

Section 7.27 Wind Energy Systems (WES)

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings.

1. Ambient: The sound pressure level that exists at least 90% of the time or L90.
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. dB(C): The sound pressure level in decibels of frequencies below 1k Hz. Refers to the “c” weighted scale defined by ANSI SI.43-1997.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. Horizontal Axis Wind Energy System: A wind turbine design in which the shaft is parallel to the ground and the blades are perpendicular to the ground.
7. Hub Height: The vertical distance measured from ground to the center of the turbine hub.
8. MET (meteorological) Tower: The structure and equipment used to determine the placement or potential placement of a WES, containing instrumentation such as anemometers designed to provide wind data.
9. Non-participating Parcel: Any property within the Township other than Participating Parcels.
10. On-Site Use Wind Energy System (“On-Site WES”): A WES with the purpose of providing energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or to adjacent properties with the consent of the owners of the property where the structure is located and the owners of the adjacent properties.
11. Participating Parcels: Any property or portion thereof in the Agricultural zoning district owned or under the control of any person by lease, easement or any other agreement, and proposed for the placement of an On-Site WES, the inclusion within a Wind Energy Conversion Facility, or the placement of a MET Tower, transmission line or any other Wind Energy System or easements which are directly or indirectly related to a Wind Energy Generation Facility.
12. Pre-Existing Sound Pressure Level: The amount of background sound at a given location prior to the installation of WES which may include, but shall not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The sound levels are to be measured on a dB(A) weighted scale as defined by the American National Standards Institute.
13. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.
14. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
15. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. Total Height: Vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy System (WES) whichever is greater.
17. Utility Scale Wind Energy System: A WES designed and constructed to provide electricity to the electric utility grid and occupied by a number of turbines that exceed combined total potential power output greater than a maximum of ten (10) kW.

18. Vertical Axis Wind Energy System: A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.
19. WES Rotor Diameter: The distance measured across the central potential swept area of a WES blade's pattern.
20. Wind Energy System (WES): Equipment that converts and then stores or transfers energy from the wind into forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the term "wind turbine" or "wind generator".
21. Wind Energy Generation Facilities (WEGF): Electricity generating facilities consisting of one or more Utility Scale wind turbines under common ownership or operational control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

B. On-Site WES or MET Towers, Application Requirements. In addition to the information required by Articles 14, Site plan Review, and Article 15, Special Land Uses, the following additional application information shall be provided:

1. Name of property owner(s), parcel identification number and address.
2. Zoning classifications of the participating parcel.
3. Proposed type, number and height of the On-Site WES or MET towers to be constructed including the manufacturer and model, product specifications regarding noise output (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities (including but not limited to tower design, color and wiring), and MSDS, Material Safety Data Sheets.
4. Evidence that the Michigan Public Service Commission, the subject utility company and regional transmission operator have been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved.
5. A map drawn to scale depicting the participating parcel's property lines, locations of existing roads and access drives, structures including above and below ground surface utility lines, public easements and existing mature vegetation.
6. The required setbacks shall be displayed upon the participating parcel's site plan, in addition to the information required by Article 14.
7. The location(s) of the On-Site WES or MET towers and its supporting electrical system's components including distances from existing structures, utility lines or any other possibly impacted items on site.
8. An engineered set of plans illustrating the proposed On-Site WES or MET towers must be prepared or reviewed by a registered engineer.
9. Standard drawings of any proposed equipment for review of the structural components of the On-Site WES or MET towers, including structures, towers, bases and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all local, state, and federal building, structural and electrical codes.

C. On-Site WES or MET Towers, Design Standards. The following standards and requirements shall apply in addition to all other provisions of this Ordinance.

1. Public Health, Safety and Welfare: Installation of the proposed On-Site WES or MET towers shall be consistent with the public health, safety and welfare of Lake Township.
2. MET Tower Duration: MET towers are specifically designed to gather data for located WES. Notwithstanding any other provision of this Zoning Ordinance to the contrary, the Township has determined that special use permits for such data gathering should not extend beyond two (2) years. Accordingly, as a condition of approval, no MET tower shall continue in operation for a period exceeding two (2) years after the MET tower is erected or becomes operational. The two (2) year special use permit expiration is an express condition to issuance of any special use permit whether or not such limitation is stated in the permit and violation of that condition shall subject the special use permit to revocation pursuant to Section 2.4.(C). See also Section 2.4(C) regarding permit expirations and extensions.
3. State, Federal and Local Regulations: On-Site WES and MET towers must comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No On-Site WES or MET towers shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.
4. Technological Obsolescence: The On-Site WES and MET towers must minimize the adverse impacts of technological obsolescence of such equipment.

5. Height: No On-Site WES shall exceed a total height of thirty-five (35) feet. No MET tower shall exceed a total height of one hundred seventy-five (175) feet.
6. Visual Appearance
 - a. On-Site WES and MET towers shall be required to be a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product.
 - b. On-Site WES and MET towers shall not be artificially lighted except to comply with the applicable FAA or other federal, state or local requirements, or to the extent necessary for the reasonable safety and security thereof.
 - c. No advertising is permitted upon an On-Site WES and MET tower. Additional items such as banners, streamers, flags and the similar items are prohibited from being attached to any On-Site WES and MET towers or their support structures.
 - d. Support structures, such as the tower and base, for an On-Site WES and MET tower may utilize guy wires. Guy wires must be clearly visible from ground level to a vertical height of six (6) feet via altered coloring, striping methods or other administratively approved methods of delineating or highlighting this part of the structure.
 - e. Any electrical system components related to the On-Site WES and MET tower, except necessary wiring from the base of the support structure to the turbine, are required to be placed underground within the boundary of each participating parcel at a depth as to accommodate the existing land use to maximum extent practical.
 - f. There shall be a minimal negative visual impact of On-Site WES and MET towers on neighborhoods, community landmarks, historic sites and buildings, naturally environmentally sensitive areas and public right of ways.
7. Ground Clearance
 - a. The horizontal axis of the On-Site WES must have a minimum distance of twenty (20) feet between the lowest extension of a rotational blade and the average ground surface elevation within a thirty-two (32) foot radius of the structure's base.
 - b. The vertical axis of the On-Site WES is exempt from a minimum height standard.
8. Sound: The sound pressure level generated by any On-Site WES or MET tower shall not exceed 35 dB(A) when measured at a habitable structure located on a non-participating parcel. Sound originating from any On-Site WES or MET tower may not exceed 40 dB(A) when measured at the property line of any non-participating parcel. During short-term weather events, including but not limited to severe wind, snow or rain storms, if the ambient sound pressure levels exceeds 40 dB(A), the sound originating from any On-Site WES or MET tower shall not exceed the ambient sound pressure level plus five (5) dB(A). However, in no event shall sound originating from any On-Site WES or MET tower exceed 55 dB(A) during short term weather events when measured at the property line of any non-participating parcel.
9. Parcel Size and Number of On-Site WES and MET Towers
 - a. No On-Site WES or MET towers shall be located on any parcel less than 1 ½ acres in size.
 - b. A participating parcel shall not be occupied by a number of On-Site WES exceeding a combined total of potential power output greater than ten (10) kW per hour nor shall the number of MET towers on a participating parcel exceed two (2) MET towers for each whole five (5) acres.
10. Safety
 - a. An On-Site WES shall have a governing, breaking, feathering or other fail-safe system designed by a certified engineer in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.
 - b. On-Site WES and MET towers must possess protection measures from lightning strikes.
 - c. A structural analysis must be provided demonstrating the structural integrity of the proposed On-Site WES and MET tower support system in the event of adverse weather conditions.
 - d. Anchor points for an On-Site WES and MET tower utilizing guy wires must not be located within the road right-of-way and must be anchored entirely upon the participating parcel.
11. Setbacks
 - a. On-Site WES
 - 1) Except as provided in subsection 11(a)(4) below, all setbacks required for On-Site WES towers shall be measured from the outside edge of the base of the tower which shall not be located closer than 1.5 times the total height of the proposed structure to the nearest adjacent property line of a non-participating parcel.
 - 2) The base location for any On-Site WES tower located on a participating parcel shall not be located within any other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
 - 3) A minimum separation distance equal to or greater than a one to one (1:1) ratio to total height is required between multiple On-Site WES or MET towers.

- 4) On-Site WES upon such structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the township's Zoning Administrator must determine which façade is the participating parcel's principal frontage and the On-Site WES tower shall be opposite of that façade. The location of any On-Site WES mounted to a residential building or residential accessory structure shall not be closer than fifty (50) feet to the nearest adjacent property line of a non-participating parcel.
- 5) All On-Site WES towers must maintain a one to one (1:1) total height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the participating parcel.

b. MET Towers

- 1) Except as provided in subsection 11(b)(7) below, all setbacks required for MET towers shall be measured from the outside edge of the base of the tower which shall not be located closer than 1.5 times the total height of the proposed structure to the nearest adjacent property line of a non-participating parcel.
- 2) The setback from a MET tower to the boundary of the Lake Huron shoreline shall be three (3) miles from the ordinary high water mark set forth in MCL 324.32502 as maintained by the Michigan Department of Environmental Quality and shall include, without limitation, all of sections 21 through 28 constituting the Rush Lake State Game Area and adjacent wetlands or other ecological and environmentally sensitive areas.
- 3) The setback from a MET tower to the boundary of the Pigeon and Pinnebog Rivers shall be a minimum of one (1) mile.
- 4) The base location for any MET tower located on a participating parcel shall not be located within any other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
- 5) A minimum separation distance equal to or greater than a one to one (1:1) ratio to total height is required between multiple On-Site WES or MET towers.
- 6) If a MET tower is mounted to any building or accessory structure, then the MET tower shall not be greater than thirty-five (35) feet in total height and placement of the MET tower upon such structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the township's Zoning Administrator must determine which façade is the participating parcel's principal frontage and the MET tower shall be opposite of that façade. The location of any MET tower mounted to any building or accessory structure shall not be closer than fifty (50) feet to the nearest adjacent property line of a non-participating parcel.
- 7) All MET towers must maintain a one to one (1:1) total height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the participating parcel.

12. Collocation: The location of any wireless communication facilities on any On-Site WES or MET towers or an equipment compound of any On-Site WES or MET towers is prohibited.

D. Utility Scale WES or Wind Energy Generation Facilities, Application requirements. In addition to the information required by Articles 14, Site plan Review, and Article 15, Special Land Uses, the following additional application information shall be provided:

1. Electromagnetic Interference and Signal Degradation

- a. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts to existing telephone (including cellular and land line), microwave, navigational, any wireless technology or radio reception within the township. The report required shall, at a minimum, include the cumulative impact of all proposed, existing and permitted utility scale WES or WEGF in Huron County to existing telephone (including cellular and land line), microwave, navigational, or radio reception within two and a half (2.5) miles of the utility scale WES or WEGF participating parcel boundaries.
- b. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts and degradation to the signal of any existing television provider and FCC licensed television station(s) whose DTV service area includes the location of the proposed utility scale WES or WEGF. The report required shall, at a minimum, include the cumulative impact of all proposed, existing and permitted utility scale WES or WEGF in Huron County to each station included in the report. If the report shows that a geographical area within the DTV service area(s) of an affected station(s) will lose the ability to receive a signal level of at least 35dBuV/m using a receive antenna height of ten (10) feet as result of the proposed turbines, an acceptable mitigation plan shall be submitted to restore coverage of that signal(s) to the residents in those areas.

2. Soil Conditions: The applicant must produce a soils analysis to research the geologic characteristics of the site based upon on site sampling and testing. This report must be certified by a registered professional engineer licensed in the State of Michigan.
3. Shadow Flicker: The applicant shall provide a detailed report from a qualified third party professional acceptable to the Township that includes without limitation, elevation drawings, computer and/or photographic simulations or other models and visual aids, illustrating the locations of any Utility Scale WES or WEGF potential shadow areas produced by the Utility Scale WES or WEGF, including a summation of the impacts of proposed Utility Scale WES or WEGF may have upon neighboring/adjacent properties and homes, including the number of hours per year of impact and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.
4. Sound: A report of the existing and expected audible and low frequency sound conditions related to the Utility Scale WES or WEGF participating parcels must be conducted to identify a baseline sound presence and expected compliance with the sound limits established by this ordinance prior to any installation of any Utility Scale WES or WEGF. The report must be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township and must include:
 - a. A description and map of the sound producing features of the Utility Scale WES or WEGF, including the range of decibel levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.
 - b. A description and map of the existing land uses and structures including any sound receptors, (i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers) within one (1) mile of the proposed Utility Scale WES or WEGF participating parcel boundaries. The description shall include the location of the structure/land use, distances from the proposed Utility Scale WES or WEGF and expected decibel readings for each receptor.
 - c. The pre-existing ambient sound (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the proposed participating parcel(s). Potential sensitive receptors at relatively less windy or quieter locations shall be emphasized and any problem areas identified.
 - d. A description of the project's proposed sound control features must be explained within the sound report, including specific measures to mitigate noise impacts for sensitive receptors to a level consistent with this ordinance.
5. Wind Resource Availability: The U.S. Department of Energy and National Renewable Energy Laboratory has adopted standards to measure and classify the wind based on several factors including wind speed and density. Prior to the application being accepted for a Utility Scale WES or WEGF, a through wind assessment study must be submitted to the Township. The study must indicate the viability of a potential development by assessing the potential participating parcel's wind resource within the U.S. Department of Energy National Renewable Energy Laboratory classification system.
6. Technical Documentation: The following information is to be assembled and submitted during review of a Utility Scale WES or WEGF Special Use Permit as a separate report from the final site plan to address the physical characteristics of the proposed Utility Scale WES or WEGF. The information will be placed on file with the Township for review purposes.
 - a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, and foundation type/dimensions.
 - b. Typical tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
 - c. Typical tower blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
 - d. Electrical schematic illustrating the proposed support infrastructure, wires, location, and depth of the Utility Scale WES or WEGF to the point of inter-connection with any other electrical transmission lines.
7. Fire Prevention and Emergency Response Plan Requirements
 - a. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
 - b. Designation of the specific agencies that would respond to potential fire or other emergencies.
 - c. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.

8. Environmental Impact Issues: Documentation demonstrating the expected ability to comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.)
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
 - d. Part 303 Wetlands (MCL 324.3030 1 et seq.)
 - e. Part 365 Endangered Species Protection (MCL 324.36501 et seq.)
9. Site Plan
 - a. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.
 - b. A map drawn to scale depicting the participating parcel's property lines, locations of existing roads and access drives, structures including above and below ground surface utility lines, public easements and existing mature vegetation.
 - c. The required setbacks for a Utility Scale WES or WEGF shall be displayed upon the participating parcel's site plan.
 - d. The location(s) of the Utility Scale WES or WEGF and its supporting electrical system's components including distances from existing structures and utility transmission.
 - e. Identification and location of the participating parcels on which the proposed Utility Scale WES or WEGF will be located, including distances from occupied structures on participating parcels. The applicant shall provide written documentation that will be recorded at the Register of Deeds from all property owners of participating parcels that provides evidence they agreed to be a participating parcel.
 - f. Identification and location of occupied structures on non-participating parcels and distances from property lines of non-participating parcels within a three quarter (3/4) mile of each participating parcel property line.
 - g. Illustrations, including without limitation, elevation drawings, computer and/or photographic simulations or other models and visual aids of the proposed Utility Scale WES or WEGF as they will appear from vantage points at various distances from north, south, east and west.
 - h. Proof of the applicant's liability insurance for the subject property(s).
 - i. A written description of decommissioning and reclamation plan, including initial contact information for the owner, those performing maintenance upon the structures, and operators of the development, and participating parcel owners.
 - j. The owner shall have a continuing obligation to provide the Township with up to date contact information.
 - k. A site grading, erosion control and storm water drainage plan must be submitted and approved by the Huron County Drain Commission prior to commencement of construction of a Utility Scale WES or WEGF.
 - l. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the development must be submitted to and approved by the Huron County Road Commission prior to commencement of construction of a Utility Scale WES or WEGF.
 - 1) The travel plan must include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any Utility Scale WES or WEGF related items. Any necessary post construction road repairs and reconstruction shall be the responsibility of the owner/operator of the Utility Scale WES or WEGF and such necessary road repairs or reconstruction must be performed in compliance all applicable requirements of the Huron County Road Commission.
 - m. A statement indicating what hazardous material will be used and stored on the site.
 - n. An anticipated construction schedule and project phasing plan shall be required prior to final site plan approval.
 - o. A statement certifying that every Utility Scale WES or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The Township shall be provided with a copy of the inspection. The owner shall maintain with the

Township up to date name and contact information for the person or organization responsible for the general maintenance of the structures.

E. Utility Scale WES or Wind Energy Generation Facilities, Design Standards. The following standards and requirements shall apply in addition to all other provisions of this Ordinance.

1. Agricultural Preservation: The proposed Installation of the Utility Scale WES or WEGF shall be consistent with the goals and objectives related to agricultural preservation including the public's health, safety and welfare within Lake Township.
2. Technological Obsolescence: The proposed installation of the Utility Scale WES or WEGF shall minimize the adverse impacts of technological obsolescence of such equipment, including a requirement to remove obsolete and/or unnecessary Utility Scale WES or WEGF in a timely manner.
3. Negative Externalities: The proposed Installation of the Utility Scale WES or WEGF shall minimize negative externalities related to but not limited to noise, shadow flicker, soil erosion and physical road conditions.
4. Certified Drawings: Any proposed equipment fifty (50) feet or greater in height shall be required to provide certified drawings of the structural components of the Utility Scale WES or WEGF, including structure's components, towers, bases and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all local, state, and federal building, structural and electrical codes.
5. Height: No Utility Scale WES or WEGF shall exceed a total height of five hundred (500) feet.
6. Visual Appearance
 - a. Utility Scale WES or WEGF shall be required to be a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
 - b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to FAA or other federal, state or local requirements, or to the extent necessary for the reasonable safety and security thereof. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be reasonably shielded to reduce glare and visibility from the ground.
 - c. No advertising is permitted upon a Utility Scale WES or WEGF. Additional items such as banners, streamers, flags and the similar items are prohibited from being attached to any Utility Scale WES or WEGF or their support structures.
 - d. Support structures, such as the tower and base, for a Utility Scale WES or WEGF shall not utilize guy wires.
 - e. The proposed installation of the Utility Scale WES or WEGF shall minimize negative visual impact upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right of ways.
7. Audible Sound
 - a. Sound originating from the operation of any Utility Scale WES or WEGF shall not exceed 40 dB(A) when measured at the property line of any non-participating parcel. During short-term weather events, including but not limited to severe wind, snow or rain storms, if the ambient sound pressure levels exceeds 40 dB(A), the sound originating from any Utility Scale WES or WEGF shall not exceed the ambient sound pressure level plus five (5) dB(A). However, in no event shall sound exceed 55 dB(A) during short term weather events when measured at the property line of any non-participating parcel.
 - b. The sound pressure level generated by the Utility Scale WES or WEGF shall not exceed 35 dB(A) when measured at a habitable structure located on a non-participating parcel.
 - c. An annual report shall be required to ensure compliance with this ordinance. The report must be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township. This report shall be at the cost and expense of the owner(s) and/or operator and shall be submitted to the Lake Township Board of Trustees.
8. Setbacks
 - a. All setbacks required for Utility Scale WES or WEGF shall be measured from the outside edge of the base of the tower to the nearest adjacent property line or adjacent road right-of-way.
 - b. The setback from a Utility Scale WES or WEGF to the boundary of the Lake Huron shoreline shall be three (3) miles from the ordinary high water mark set forth in MCL 324.32502 as maintained by the Michigan Department of Environmental Quality and shall include, without limitation, all of sections 21 through 28 constituting the Rush Lake State Game Area and adjacent wetlands or other ecological and environmentally sensitive areas.

- c. The setback from a Utility Scale WES or WEGF to the boundary of the Pigeon and Pinnebog Rivers shall be a minimum of one mile.
 - d. The base of any Utility Scale WES or WEGF shall be set back a minimum of 2 times the total height from any habitable structure located on a participating parcel.
 - e. The base of any Utility Scale WES or WEGF shall be set back a minimum of four (4) times the total height of the Utility Scale WES or WEGF or seventeen hundred (1,700) feet, whichever is greater, from any property line of a non-participating parcel.
 - f. Each Utility Scale WES or WEGF shall be setback a minimum of four (4) times the total height of the Utility Scale WES or WEGF or seventeen hundred (1,700) feet, whichever is less from a public road right-of-way, communication tower, existing electrical lines or any other public utility, except for the interconnection between a Utility Scale WES or WEGF and the transmission facilities of a public utility.
 - g. All Utility Scale WES or WEGF shall have a minimum separation distance between structures of not less than one and one half (1.5) times the WES rotor diameter, the minimum industry standards or minimum manufacturer's recommendations. The applicant is required to provide documentation and rationale certified by a registered engineer supporting the separation distance.
9. Low-Impact Design Layout
- a. The placement of Utility Scale WES or WEGF must minimize the impacts on existing agricultural endeavors and farmland activity including, but not limited to, tiling systems, harvest and planting patterns or pasture areas.
 - b. Appropriate locations for potential Utility Scale WES or WEGF with existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land that are not typically utilized for agricultural production.
 - c. Land clearing, soil erosion, habitat impact and clearing of natural vegetation shall be limited only to that which is necessary for construction, operation and maintenance of the Utility Scale WES or WEGF and is otherwise prescribed by applicable laws, regulations, and ordinances.
 - d. Any cooling system ventilation, generators or other potential sources of sound must be referenced by location and type per Utility Scale WES or WEGF upon a final site plan. Any sound generative device must be oriented upon the machine or site in such a manner which will minimize any negative impacts to neighboring parcels.
10. Safety
- a. Utility Scale WES or WEGF shall not be designed to be climbable on the exterior of the structure.
 - b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Utility Scale WES or WEGF.
 - c. Appropriate warning signs shall be placed at the base of the Utility Scale WES tower or WEGF upon any associated electrical equipment and at every Utility Scale WES tower or WEGF entrance.
 - d. Any access drives or roads remaining on the site shall be gated and locked at night or when not in use. Gates shall be located no closer than fifty (50) feet from the road right-of-way.
 - e. The blade tip on any Utility Scale WES or WEGF shall not be less than seventy-five (75) feet from the ground when measured from the lowest rotational position.
 - f. Each Utility Scale WES or WEGF shall be equipped with both manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions.
 - g. All Utility Scale WES or WEGF must have lightning protection.
 - h. Spills of any hazardous materials shall be reported to the Zoning Administrator immediately upon discovery of release and shall be removed and disposed of in accordance with applicable state and federal law.
 - i. The Township or any emergency service provider who services the Township has the authority to order any Utility Scale WES or WEGF to cease its operation if they determine in good faith that there is an emergency situation involving the Utility Scale WES or WEGF that may result in danger to life or property. The owner and/or operator shall provide the Township and emergency service providers with contact information for personnel with access to the braking device who shall be available at all times in person or by phone with remote access. The owner and/or operator may be required to be available and present in such an emergency situation.
 - j. All Utility Scale WES or WEGF must comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No Utility Scale WES or WEGF shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.

11. Shadow Flicker: A Utility Scale WES or WEGF shall not be allowed to cast a shadow upon an adjacent or nearby non-participating parcel's principal structure in excess of thirty (30) hours measured on a continuous 365 day basis. Equipment and software such as "Shadow Impact Module SIM by NorthTec GMBH" or equivalent with all necessary cabling and receptors may be necessary and shall be installed and maintained by the owner and/or operator to abate any shadow flicker in excess of the thirty (30) hours permitted by this subsection.
12. Maximum Vibrations and Low Frequency Sound
 - a. A Utility Scale WES or WEGF shall not produce vibrations humanly perceptible upon a non-participating parcel.
 - b. Sound emanating from the operation of a Utility Scale WES or WEGF shall not exceed 50 dB(C) measured at the property line of a non-participating parcel.
13. State/Federal Requirements: A Utility Scale WES or WEGF shall meet or exceed any applicable standards and regulations of the FAA, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Services and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
14. Environmental Impact Issues: Utility Scale WES or WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.)
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
 - d. Part 303 Wetlands (MCL 324.3030 1 et seq.)
 - e. Part 365 Endangered Species Protection (MCL 324.36501 et seq.)
15. Avian and Wildlife Impact:
 - a. The applicant shall have a third party qualified professional, approved by the township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - b. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
 - c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species act and Michigan's Endangered Species Protection Law.
 - d. A post construction wildlife mortality study shall be conducted annually. Power lines shall be placed under ground to prevent avian collisions and electrocutions. All power lines, transformers, or conductors shall comply with the Avian Power Line Interaction Committee (APLIC, <http://aplic.org>) published standards to prevent avian mortality.
 - e. The Township shall be provided with a copy of the analysis required in this subsection.
16. Collocation: The location of any wireless communication facilities on any Utility Scale WES or WEGF, or an equipment compound of any Utility Scale WES or WEGF, is prohibited except upon express approval of the Township according to Section 7.26.

F. Utility Scale WES or Wind Energy Generation Facilities, Additional Requirements.

1. Security Bond Requirements
 - a. Prior to final approval of a Special Land Use, the applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the Utility Scale WES or WEGF and reclamation efforts needed to return affected land back to its original physical condition. The applicant shall pay for the costs of obtaining such estimate. The estimate shall be submitted to the Lake Township Board of Trustees for review.
 - b. The owner(s) and/or operator of the Utility Scale WES or WEGF shall post a security bond, in a form acceptable to the Township, equal to one hundred fifty percent (150%) of the total estimated decommissioning and reclamation costs.
 - c. Said bond shall be posted and maintained with a bonding company licensed in the State of Michigan or federal or state chartered lending institution chosen by the owner(s) or operators acceptable to the Township.

- d. Any lending institution shall be required to notify the Township ninety (90) days prior to expiration of the applicable security bond and the owner(s) and/or operator shall renew the security bond with the lending institution of their choosing and acceptable to the township. Until each Utility Scale WES or WEGF is decommissioned and the property reclaimed, the owner(s) and/or operator is required to maintain a security bond in accordance with this section. In the event a security bond is not maintained, the Township may take any action permitted by law, revoke the Special Use Permit, order a cessation of operation, and/or order that the Utility Scale WES or WEGF be removed and the land reclaimed.
 - e. When decommissioning and site reclamation has been completed, written correspondence to the Lake Township Board of Trustees is required before the Board of Trustees may authorize a release of security bonds associated with a Utility Scale WES or WEGF.
2. Decommissioning and Removal Procedures
- a. As part of the Special Use Permit process, the applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning, including a method of reclamation for restoration of the land.
 - b. Any Utility Scale WES or WEGF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the tower is inoperable and a timeline no longer than sixty (60) days to bring the tower back into operation or compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township.
 - 1) If the owner(s) fail to provide explanation within sixty (60) days as described above or fails to apply for the necessary demolition permits within ninety (90) days for removal of an abandoned Utility Scale WES or WEGF, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fails to cure the violation within sixty (60) days of the date of the notice, the Township may begin the process of removing the Utility Scale WES or WEGF and all associated equipment or appurtenances at the owner(s) expense. The Township shall sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township at law or in equity to enforce the provisions of this ordinance.
 - c. When a Utility Scale WES or WEGF is decommissioned, all items must be removed from the subject property and Lake Township, including buildings, electrical components, any roads, structure foundation, or other associated components. Reclamation of the site includes the planting of grasses or cover crops, which may have been present prior to construction or can be utilized to effectively maintain soil erosion.
 - d. Any removal and reclamation must be documented and recorded upon a certified survey and recorded with the Huron County Register of Deeds.
 - e. The property owner may be exempt from removing the entrance or roadway on the property, if the Township grants written permission.
3. Post Construction Activities: To ensure compliance with the requirements of this ordinance, the following actions must be taken pending completion of any Utility Scale WES or WEGF.
- a. A final inspection with the Huron County Drain Commissioner shall take place to ensure that soil erosion matters have been finalized at each site hosting a Utility Scale WES or WEGF.
 - b. Within ninety (90) days of project completion, any roadway utilized for moving or construction purposes shall be inspected by the Zoning Administrator and representatives from the Huron County Road Commission to ensure compliance with the travel plan.
 - c. A sound pressure level analysis is required to be completed by the applicant from a sample of locations throughout the perimeter of the participating parcels to demonstrate compliance with the requirements of this ordinance. Proof of compliance with audible sound standards shall be submitted to the Township for review within one hundred-eighty (180) days of the date the Utility Scale WES or WEGF project becoming operational. Sound shall be measured by a third-party, qualified sound professional approved by the Township.
 - d. Following the completion of construction, the applicant shall provide the Township written certification that all construction was completed pursuant to the Special Use Permit and approved site plan.

4. **Public Inquiries and Complaints:** Should an aggrieved property owner allege that a Utility Scale WES or WEGF is not in compliance with the requirements of this ordinance, the procedure shall be as follows:
 - a. Complaints must be submitted to the Township Clerk in writing from the affected property owner including their name, address and contact information.
 - b. Upon receiving a complaint the township Clerk shall present the complaint to the Township Board for review at its next regular meeting or a special meeting called for that purpose. If the Township Board deems the complaint sufficient to warrant an investigation, the Township Board shall advise the owner(s) and/or operator of the Utility Scale WES or WEGF of the complaint. Within ten (10) days of the date of the notice, the owner and/or operator of the Utility Scale WES or WEGF shall deposit funds with the Township in an amount determined by the Township Board sufficient to pay for an independent investigation of the complaint, including but not limited to an investigation related to decibel level testing and shadow flicker analysis. All such independent investigations and analyses shall be conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this ordinance.
 - c. If the Utility Scale WES or WEGF is in violation of this ordinance, the owner(s) and/or operator shall reimburse the Township from the deposit required in subsection (b) above for the investigation or analysis and shall take immediate action to bring the Utility Scale WES or WEGF into compliance. In the event that the owner(s) and/or operator fails or refuses to bring the Utility Scale WES or WEGF into compliance the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation according to Section 2.10.

G. Wind Energy Systems under PA 233.

On or after November 29, 2024, if PA 233 of 2023 is in effect, then the following provisions apply to Wind Energy Systems with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections A through F above, these provisions control as to such Wind Energy Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Wind Energy Systems with a nameplate capacity of less than 100 megawatts. All provisions in subsections A through F above that do not conflict with this subsection remain in full force and effect.

- a. **Setbacks.** Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- b. **Shadow Flicker.** Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- c. **Height.** Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- d. **Noise.** The Wind Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- e. **Lighting.** The Wind Energy System must be equipped with a functioning lightmitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
 1. The purpose of the exemption.
 2. The proposed length of the exemption.
 3. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

4. The technical or economic reason a light-mitigating technology is not feasible.
5. Any other relevant information requested by the Township.
- f. *Radar Interference*. The Wind Energy System must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.
- g. *Environmental Regulations*. The Wind Energy System must comply with applicable state or federal environmental regulations.
- h. *Host community agreement*. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(Section amended 7-5-24, Ord. #2024-1)

Section 7.28 Agritourism

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.

1. **Attendees:** Those persons attending an event including persons delivering attendees to the event but who may not remain for the event themselves. "Attendees" shall not include persons providing support services for an event, such as catering services and parking area attendants.
2. **Special Event:** A planned occasion part of agritourism, such as a wedding, gatherings associated with the celebration of anniversaries, birthdays, reunions, and similar celebrations to which the general public is not invited, and company outings. A "special event" does not include activities held regularly and to which the general public is invited or otherwise permitted to attend such as seasonal pumpkin picking and corn mazes.

B. Supplemental Application Information: In addition to the information required by Articles 14 and 15 for a special land use application and accompanying site plan, the following additional information shall be included with an agritourism application:

1. The permitted maximum capacity of all buildings to comprise the agritourism facility, according to the building code or Fire Marshall and the basis for such calculations.
2. Proposed location of temporary toilet facilities as may be needed.
3. The planned frequency of activities and special events by event type, and the maximum number of attendees to be accommodated at any single event by activity and event type.
4. Months or seasons of operation if not a year-round facility, by activity and special event type.
5. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with an activity or special event.
6. Clarification of all portions of the lot to be used for agritourism including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
7. The extent of food preparation and serving facilities that are to be part of the agritourism, any permits required by the county health department, and the applicable county health department rules and other requirements, by rule and/or statute section references.
8. The intended availability of alcoholic beverages in association, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references.

C. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area for agritourism shall be twenty-five (25) acres and the minimum lot width shall be six hundred (600) feet.

D. Additional Standards and Requirements:

1. The lot shall have frontage on a paved public road and take its principal access from such road.
2. There shall be no sound amplification devices in association with outdoor areas.
3. There shall be no overnight sleeping of special event attendees.
4. A building to be used for agritourism shall undergo no exterior modifications, excluding general maintenance, except upon the Township Board finding that such modifications shall not undermine the fundamental character of the building or shall otherwise enhance the character of the building and its compatibility with surrounding conditions and/or local agricultural building architecture.

5. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure the following:
 - a. Emitted light shall be directed downward onto the lot upon which the light source is located.
 - b. Light sources shall not be visible from beyond lot lines and shall be so arranged to reflect light away from adjacent lots.
 - c. No lighting shall increase light levels on adjacent lots.
6. The following time restrictions shall apply:
 - a. No special event shall begin prior to 9:00 a.m. and no event shall continue past 11:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
 - b. No temporary toilet facilities shall be located or stored within view of a public road and within two hundred (200) feet of any lot line.
7. All outdoor areas devoted to eating areas, entertainment areas and other places where invitees or members of the public may gather, shall be set back a minimum of one-hundred fifty (150) feet from all lot lines and shall comply with the separation distance standards of subsection (9) below.
 - a. The Township Board may lessen the standards of subsection (7) in the case where the proximity between lot lines and existing building(s) to house indoor activities is limited and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Township Board finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
8. Parking shall be provided as follows:
 - a. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Township Board may waive this limitation upon finding that the additional paved area will be adequately screened from neighboring properties and public roads.
 - b. The minimum number of parking spaces to be provided shall be equal to seventy-five percent (75%) of the approved maximum capacity of any indoor facilities comprising the agritourism facility, in addition to any additional spaces required for employees, catering services and other support service providers.
 - c. All parking areas shall be clearly defined by gravel, mowed lawn, roped boundaries, or other visible markings.
 - d. No parking shall occur within one hundred (100) feet of a public road right-of-way and any lot line. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement.
 - e. Access drives shall be set back a minimum distance of seventy-five (75) feet from side and rear lot lines.
9. Special events shall be limited in frequency based on the maximum number of attendees, according to the table below and the "Special Provisions" following the table:

Maximum Number of Event Attendees	Maximum Frequency of Events Based on Number of Event Attendees	Separation Distance Between an Event Area and a Dwelling on Another Lot Not Owned by the Applicant.
No more than 75	2 events per 1 calendar week	Minimum 150'
More than 75 but no more than 150	2 events per 1 calendar week	Minimum 250'
More than 150 but no more than 300	1 event per 1 calendar week	Minimum 350'

Special Provisions:

- a. No special event shall exceed three-hundred (300) attendees.
- b. In no case shall more than ten (10) special events be held during any one (1) calendar month, irrespective of the number of attendees at each event.
- c. The separation distance standards of the above table shall apply to all buildings and outdoor areas used in association with the holding of special events including temporary restroom facilities, parking areas, eating areas, entertainment areas and other places where event attendees may gather. The Township Board may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified separation distances would result in considerable practical difficulties maintaining a logical relationship between such existing buildings and outdoor use areas, provided the

Township Board finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.

Section 7.29 Utility-Scale Battery Energy Storage Systems.

A. General Provisions. All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

1. All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
2. The Township Planning Commission may revoke any approvals for, and require the removal of, any Utility-Scale Battery Energy Storage System that does not comply with this Ordinance, in accordance with Section XX of the Zoning Ordinance.
3. Utility-Scale Battery Energy Storage Systems are permitted in the Township as a special use in the following zoning districts:
 - a. Light Industrial I-1

B. Application Requirements. The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

1. Application fee in an amount set by resolution of the Township Board.
2. A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
3. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
4. Current photographs of the subject property.
5. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.
6. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage System.
7. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
8. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township's review and approval.
9. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
10. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.
11. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
12. A fire protection plan, which identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a “fire watch”); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
13. A transportation plan for construction and operation phases, including any applicable agreements with the Huron County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
14. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.

15. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. Seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. Seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. Seq.); Part 303, Wetlands (MCL 324.30301 et. Seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. Seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
16. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

C. System and Location Requirements.

1. *Minimum Acreage.* Utility-Scale Battery Energy Storage Systems must be located on parcels of land five acres in size or larger.
2. *Lot Area Coverage.* No more than 50% of the total lot area may be covered by a Utility-Scale Battery Energy Storage System.
3. *Setbacks.* Utility-Scale Battery Energy Storage Systems must be set back at least 300 feet from all lot lines and public road rights-of-way. If a single Utility-Scale Battery Energy Storage System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
4. *Screening.* Greenbelt screening is required around any Utility-Scale Battery Energy Storage System and around any equipment associated with the system to obscure, to the greatest extent possible, the Utility-Scale Battery Energy Storage System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.
5. *Lighting.* Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
6. *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.
7. *Noise.* The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed 45 dBA Lmax as measured at the property line of any adjacent parcel.
8. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
9. *Drain Tile Inspections.* The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
10. *Fire Protection.*
 - a. Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application under Section (B)(12) above. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.

- b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
 - c. The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
11. **Insurance.** The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence.
 12. **Permits.** All required county, state, and federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating. A building permit is required for construction of a Utility-Scale Battery Energy Storage System, regardless of whether the applicant or operator is otherwise exempt under state law.
 13. **Decommissioning.** If a Utility-Scale Battery Energy Storage System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.
 14. **Financial Security.** To ensure proper decommissioning of a Commercial Utility-Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
 15. **Extraordinary Events.** If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
 16. **Annual Report.** The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security; and
 - c. A summary of all complaints, complaint resolutions, and extraordinary events.
 17. **Inspections.** The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.
 18. **Transferability.** A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
 19. **Remedies.** If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

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D. Utility-Scale Battery Energy Storage Systems under PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in Sections A-C above, these provisions control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections A-C above that do not conflict with this subsection remain in full force and effect.

1. **Setbacks.** Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

2. **Installation.** The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
3. **Noise.** The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. **Lighting.** The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.
5. **Environmental Regulations.** The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.
6. **Host community agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(Section amended 7-5-24, Ord. #2024-2)

Section 7.30 Solar Energy Systems.

A. General Provisions. All Solar Energy Systems are subject to the following requirements:

1. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).
2. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.
3. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.
4. Solar Energy Systems are permitted in the Township as follows, subject to this Section 7.30 and other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Private Solar Energy Systems	AG (Agricultural)	Required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	Renewable Energy Overlay Area*	Required

* Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.

B. Private Solar Energy Systems.

1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted in all zoning districts. A building permit is required for the installation of BIVPs.
2. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following requirements:
 - a. No part of the Solar Energy System erected on a roof is permitted to extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted.
 - b. No part of a Solar Energy System mounted on a roof is to be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof is permitted to extend more than two (2) feet above the surface of the roof.
 - d. If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three (3) months after the date of abandonment.
 - e. A building permit is required for the installation of Roof or Building Mounted Private Solar Energy Systems.
3. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are allowed only in the AG, Agricultural, zoning district and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Article 15 and site plan review and approval under Article 14, Ground Mounted Private Solar Energy Systems are also subject to the following requirements:
 - a. **Site Plan.** Before installation of a Ground Mounted Private Solar Energy System, the property owner must submit a site plan to the Zoning Administrator. The site plan must include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - b. **Maximum Height.** A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - c. **Location.** A Ground Mounted Private Solar Energy System must be located in the rear yard and meet the rear yard setback requirements applicable in the AG zoning district.
 - d. **Underground Transmission.** All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.
 - e. **Screening.** Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission.
 - f. **Lot Area Coverage.** No more than 20% of the total lot area may be covered by a Ground Mounted Private Solar Energy System.
 - g. **Appearance.** The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
 - h. **Abandonment.** If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three (3) months after the date of abandonment.
 - i. **Building Permit.** A building permit is required for installation of a Ground Mounted Private Solar Energy System.
 - j. **Transferability.** A special use permit for a Ground Mounted Private Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
 - k. **Remedies.** If an applicant or operator of a Ground Mounted Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and

costs.

C. Commercial Solar Energy Systems. Commercial Solar Energy Systems are allowed only in the Renewable Energy Overlay Area (except they are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program) and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Article 15 and site plan review and approval under Article 14, Commercial Solar Energy Systems are also subject to the following requirements:

1. *Application Requirements.* The applicant for a Commercial Solar Energy System must provide the Township with all of the following:
 - a. Application fee in an amount set by resolution of the Township Board.
 - b. A list of all parcel numbers that will be used by the Commercial Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
 - c. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
 - d. Current photographs of the subject property.
 - e. A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Commercial Solar Energy System will be connected to the power grid.
 - f. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial Solar Energy System.
 - g. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
 - h. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Commercial Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Commercial Solar Energy System and restore the subject parcels, which is subject to the Township's review and approval.
 - i. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
 - j. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval.
 - k. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
 - l. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
 - m. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
 - n. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. Seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. Seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. Seq.); Part 303, Wetlands (MCL 324.30301 et. Seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. Seq.); and any other applicable laws and rules in force at the time the application is considered by the Township
 - o. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
2. *System and Location Requirements.*
 - a. Commercial Solar Energy Systems must be ground mounted.
 - b. Commercial Solar Energy Systems must be located on parcels of land twenty (20) acres in size or larger.
 - c. Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.

- d. Commercial Solar Energy Systems (including all solar panels, structures, and equipment) must be set back 500 feet from all lot lines and public road rights-of-way. If a single Commercial Solar Energy System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
- e. The height of the Commercial Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed fifteen (15) feet when oriented at maximum tilt. Lightning rods may exceed 15 feet in height, but they must be limited to the height necessary to protect the Commercial Solar Energy System from lightning.
3. *Lot Area Coverage.* No more than 20% of the total lot area may be covered by a Commercial Solar Energy System.
4. *Permits.* All required county, state, and federal permits must be obtained before the Commercial Solar Energy System begins operating.
5. *Screening.* Greenbelt screening is required around any Commercial Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plants must be evergreen trees that are at least six feet tall at the time of planting. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.
6. *Lighting.* Lighting of the Commercial Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Commercial Solar Energy System. The Commercial Solar Energy System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
7. *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Commercial Solar Energy System, including any transformers and transfer stations. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Commercial Solar Energy System.
8. *Noise.* The noise generated by a Commercial Solar Energy System must not exceed the following limits:
 - a. Forty (40) Dba Lmax, as measured at the property line of any adjacent R-1 (Residential) or B-1 (Business) zoned land in existence at the time the Commercial Solar Energy System is granted special land use approval.
 - b. Forty (40) Dba Lmax, as measured at any neighboring residence in existence at the time the Commercial Solar Energy System is granted special land use approval, between the hours of 9:00 p.m. and 7:00 a.m.
 - c. Forty (40) Dba Lmax, as measured at the lot lines of the project boundary.
 - d. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than ten (10) feet from all inverters, must be at least as tall as all inverters but not more than three (3) feet taller than the height of all inverters.
9. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Commercial Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.
10. *Drain Tile Inspections.* The Commercial Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Commercial Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
11. *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.
12. *Decommissioning.* If a Commercial Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Commercial Solar

Energy System that is never fully completed or operational if construction has been halted for a period of one (1) year.

13. **Financial Security.** To ensure proper decommissioning of a Commercial Solar Energy System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special land use application.
14. **Extraordinary Events.** If the Commercial Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
15. **Annual Report.** The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security; and
 - c. A summary of all complaints, complaint resolutions, and extraordinary events.
16. **Inspections.** The Township may inspect a Commercial Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.
17. **Transferability.** A special use permit for a Commercial Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
18. **Remedies.** If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

D. Commercial Solar Energy Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Commercial Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in subsection C above ("Commercial Solar Energy Systems"), the provisions below control as to such Commercial Solar Energy Systems. All provisions in subsection C above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Commercial Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

1. **Setbacks.** Commercial Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

2. **Fencing.** Fencing for the Commercial Solar Energy System must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.
3. **Height.** Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
4. **Noise.** The Commercial Solar Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
5. **Lighting.** The Commercial Solar Energy System must implement dark sky-friendly lighting solutions.
6. **Environmental Regulations.** The Commercial Solar Energy System must comply with applicable state or federal environmental regulations.

7. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Commercial Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(Section amended 7-5-24, Ord. #2024-3)

End of Article 7

(Article amended 7-5-24, Ord. #2024-1; 7-5-24, Ord. #2024-2; 7-5-24, Ord. #2024-3)

Article 8
(RESERVED for FUTURE USE)

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End of Article 8

Article 9 SIGNS

Section 9.1 Purpose

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework presented above.

Section 9.2 Definitions

A. Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that is mounted on a wall.

B. Electronic Message Center (EMC) Signs: A sign that is capable of displaying words, symbols, figures or images that can be electronically, digitally or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign, monument sign, or wall sign, as defined herein.

C. Free-Standing Sign: A sign face supported by a center or multiple poles, posts or other support mechanisms, and which does not constitute a wall sign or temporary sign.

D. Monument Sign: A free-standing sign, the bottom of which sign face is twenty-four (24) inches or less above the ground below, and which may be supported by a center or multiple poles, posts or similar support mechanisms, or may extend down and into the ground, similar in character to a monument.

E. Illumination/Illuminate: The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.

1. "Internal illumination" is the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
2. "External illumination" is the placement of a light source in front, above, below and/or to the side of the sign face that is to be highlighted. External illumination is not enclosed within the frame of the sign.

F. Permanent Sign: A sign designed or intended to last or remain unchanged indefinitely, including attachment the ground, wall or other structure in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.

G. Projecting Sign: A sign mounted on a building façade, generally perpendicular to the building façade and which projects more than eighteen (18) inches from the wall over the ground surface below, and is designed or intended to be principally viewed from a position generally alongside the façade and not viewed from a position generally facing the façade. A sign on a marquee, canopy or awning-type structure, irrespective of the direction the sign faces, shall not be construed as a "projecting sign."

H. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing attention to, advertising, identifying, expressing or making known something including, but not limited to, an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a belief, a philosophy, or an idea, which is located upon any land, building or structure on or in any building and intended to be viewed from the outdoors.

I. Temporary Sign: A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a "grand opening" sign, a sign announcing an upcoming

community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

J. Wall Sign: A sign which is attached directly to a building wall with the sign area surface flat against or generally parallel to the building wall, within eight (8) inches from the face of the wall, including signs painted on a building wall and signs on a projecting rigid or non-rigid fabric marquee, canopy or awning-type structure.

K. Billboard: A sign that advertises, promotes or pertains to a business, produce, service, use or event not occurring, sold, or present on the lot where the sign/billboard is located.

Section 9.3 General Standards and Regulations

A. Compliance, Permits and Review

1. Compliance Required: No sign shall be erected, used or maintained unless in compliance with the regulations of this Article and this Ordinance.
2. Required Permit/Review: All signs require a zoning permit prior to placement, use, erection, replacement or alteration unless exempted by subsection (4) below. All signs shall require a building permit as may be required by the Michigan Building Code.
 - a. A sign application for a use subject to site plan review according to Article 14 shall be acted upon as provided by Article 14, either as part of the site plan review procedure for the entire project or as part of a proposed revision to a previously approved site plan.
 - b. A sign application for a use that is not subject to site plan review according to Article 14 shall be acted upon by the Zoning Administrator.
3. Application Information: An application for a zoning permit for a sign shall include the following minimum information regarding such sign, in addition to the information required by Article 14:
 - a. The location and placement of the proposed sign on the lot and/or building façade including proposed setbacks from lot lines, easements and driveways.
 - b. A fully dimensioned scale drawing of the plans, specifications and method of construction and/or attachment. Drawings shall include the sign area and height and the sign's colors and construction materials. In the case of a wall sign, the dimensions of the wall on which the sign is to be attached shall be provided.
 - c. Written consent of the owner of the lot, building, and/or structure, if other than the applicant.
 - d. Any other information the approving body may require to establish conformance with the Ordinance.
4. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (2) above but shall conform to all other regulations and standards of this Article including sign area, height and setback standards.
 - a. Signs required by a public agency having jurisdiction over a road right-of-way.
 - b. Official notices issued by a public agency, court, or government official.
 - c. Signs painted on operating, licensed commercial motorized vehicles.
 - d. Ordinary maintenance, servicing, repainting, cleaning, altering, or changing the information of an existing sign, provided the size, location and/or structure are not changed.
 - e. Indoor signs affixed to or covering windows.
 - f. Signs authorized under Section 9.6 and 9.7.
 - g. Signs less than six (6) sq. ft. in area not otherwise listed above.

B. Construction, Maintenance and Abandonment

1. Building Code: All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition and repair at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. No sign shall be erected prior to the receipt of all building permits as may be necessary under the Michigan Construction Code.
2. Integrally Designed: A sign shall be integrally designed so that its elements are of a unified character and are not comprised of an assemblage of different sign types and materials. No support shall be used accommodate multiple signs intended to serve the same business, tenant or occupant of a lot.
3. Width/Length Ratio: No free-standing sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.
4. Maintenance: All signs shall be kept neatly painted, stained, sealed or preserved at all times including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.
4. Abandonment: No message or information shall be displayed on a sign for more than one hundred eighty (180) days after such message or information is obsolete or otherwise no longer applicable.

C. Lighting:

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, moving or variable intensity illumination except as authorized in subsection (5) below in association with an EMC sign.
3. Exterior Illumination: The source of exterior sign illumination shall be shielded from public road right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only. This subsection (3) shall not apply to neon lights, and exposed bulbs not exceeding fifteen (15) watts, provided such signs shall not exceed four (4) sq. ft. in area.
4. Interior Illumination: The source of interior sign illumination shall be shielded from public road right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located.
5. EMC Signs:
 - a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of thirty (30) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages are prohibited.
 - b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
 - c. An EMC sign shall have no message changes during hours that the business or use is not open or otherwise available to the public.
 - d. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{(12 \times 100)} = 34.6 \text{ feet measuring distance}$$

D. Measurements

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing.
 - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face.
 - b. Where a sign has two (2) faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
 - c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined. Sign faces separated by more than eighteen inches (18") shall be considered to have three (3) or more faces.
2. Sign Setbacks: Sign setbacks shall be measured from the lot line horizontally to the nearest edge of the sign. The "nearest edge of the sign" shall be the leading edge of the sign closest to such lot line as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the average ground elevation within ten (10) feet of the sign base. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

E. Prohibited Signs. The following signs are prohibited:

1. Traffic Interference Signs:
 - a. Signs which, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
 - b. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
2. Moving and Flashing Signs: Signs that have flashing lights, visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement including running copy signs.
 - a. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a temporary

- sign according to Sec. 9.6.
- b. This subsection (2) shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Sec. 9.3(C).
- c. Signs that obstruct ingress or egress from a door, window or emergency exit.
- 3. Projecting Signs and Roof Signs: Projecting signs as defined herein and signs affixed to a roof and other signs that extend in height above the roof behind such sign.
- 4. Vehicle Signs: Signs greater than thirty (30) sq. ft. when located on parked vehicles within forty (40) feet of a public right-of-way, where the primary use of the vehicle is the display of such sign. This restriction shall not apply to parked vehicles during the period of their loading and/or unloading.
- 5. Banners: Signs comprised of banners except as otherwise expressly authorized in association with a temporary sign according to Sec. 9.6.
- 6. Sexual Content: Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Article 18 under "Sexually Oriented Businesses."
- 7. Signs No Longer Applicable: Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.
- 8. Right-of-Way Signs: Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval of the governmental entity having jurisdiction over such right-of-way, alley, or other public place.
- 9. Obstruction of Access Way: Any sign that obstructs ingress or egress from any required door, window, fire or other required or access necessary way.
- 10. Other Signs:
 - a. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except in the case of a temporary sign authorized pursuant to Section 9.7.
 - b. Signs that emit audible sound, odor, or visible matter.
 - c. Any sign or sign structure which constitutes a hazard to public health or safety due to inadequate maintenance.
 - d. Any sign not expressly authorized by this Ordinance or otherwise unlawfully installed, erected or maintained.
- 11. Billboards: Billboards are prohibited.

F. Window Signs: No sign affixed to or covering a window which is intended to be viewed from the outside shall exceed one-quarter (25%) of the total window area except in the case of the advertising of the grand opening of a business according to Section 9.6. Window signage in excess of a total of sixteen (16) sq. ft. shall be applied to the calculation of total wall sign area.

Section 9.4 Nonconforming Signs

A. Continuance: The continuance of a lawful use of any sign existing on the date of adoption of this Ordinance or amendment thereto, although such sign may not conform to the provisions of this Article, shall be permitted to continue according to Article 6 except that the following is applicable:

- 1. Replacement: A nonconforming sign shall not be replaced with another nonconforming sign. This limitation shall not prohibit replacing the sign message of the nonconforming sign provided no structural or frame alterations are made to such sign.
- 2. Alterations: A nonconforming sign shall not be structurally altered, moved or undergo changes to its shape, size, location, type, or design except where such changes shall result in removing all nonconforming aspects of the sign.
- 3. Destruction: Should a nonconforming sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in full conformity with the provisions of this Article.

B. Abandoned signs or nonconforming signs that lose their lawful nonconforming status must be promptly removed.

Section 9.5 Permitted Permanent Signs by District

Table 9.5-1 identifies authorized signs in each District according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Table 9.5-1 applies to signs that do not constitute temporary signs as defined in this Article. See Section 9.7 regarding temporary signs. Nothing in Table 9.5-1 shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to the signs authorized by Sections 9.6 and 9.7.

Table 9.5-1

See "Special Provisions" following Table.

FS = Free-Standing Sign MS = Monument Sign WS = Wall Sign

District See Sec 3.1 for District Classification	Authorized Signs and Maximum Number	Maximum Signage Area	Maximum Sign Height Above Ground	Minimum Sign Setback from Lot Lines
Agricultural See Sec. 9.6 for dwellings.	<u>FS</u> 1 <u>WS</u> No restrictions	<u>FS</u> : 20 sq. ft., except that a monument sign shall not exceed 32 sq. ft. <u>WS</u> : 10% of the vertical area of the building façade to which the signage is attached, but not to exceed 32 sq. ft. per sign.	<u>FS</u> : 5'. <u>WS</u> : Top of wall but no greater than 12'.	<u>FS</u> : 10' from all lot lines.
Residential See Sec. 9.6 for dwellings.	<u>FS</u> 1 <u>WS</u> No restrictions	<u>FS</u> : 20 sq. ft., except that a monument sign shall not exceed 32 sq. ft. <u>WS</u> : 10% of the vertical area of the building façade to which the signage is attached, but not to exceed 32 sq. ft. per sign.	<u>FS</u> : 5'. <u>WS</u> : Top of wall but no greater than 12'.	<u>FS</u> : 10' from all lot lines.
Business and Industrial	<u>FS</u> 1 <u>WS</u> No limitations	<u>FS</u> : 1 sq. ft. for each 1' of building height or length generally oriented to the road, whichever is greater, measured as a straight line between the ground elevation and the lowest portion of the roof or between building corners, provided no sign shall be greater than 50 sq. ft. <u>WS</u> : 10% of the vertical area of the building façade to which the signage is attached, but not to exceed 32 sq. ft. per sign.	<u>FS</u> : 12' but in no case shall a monument sign exceed 6'. <u>WS</u> : Top of wall but no greater than 15'.	<u>FS</u> : 10' from all lot lines except 20' from any side and rear lot line adjacent to an Agricultural or Residential District.

Table 9.5 -1 Special Provisions

A. EMC Signs:

1. That portion of an EMC sign designed to display changing words, symbols, figures or images shall not exceed six (6) feet in height above the ground in Business and Industrial Districts and shall not exceed five (5) feet in height in all other Districts.
2. That portion of an EMC sign designed to display changing words, symbols, figures or images shall not exceed eight (8) sq. ft. in area in Business and Industrial Districts and shall not exceed four (4) sq. ft. in all other Districts.

B. Corner Lot: The standards of Table 9.5-1 shall apply to each frontage separately for a corner or through lot, provided each frontage meets the minimum lot width standard of the District in which it is located.

C. Business Center Signs:

1. Business Center Defined: For the purpose of this subsection (3), a business center shall be defined as a grouping of two or more business establishments on one (1) or more lots that are linked architecturally or otherwise developed as a unified grouping of businesses and may share parking and access.
2. Freestanding Signs: A business center shall be permitted one (1) free-standing sign or one (1) monument sign, not to exceed thirty-two (32) sq. ft. in area and eight (8) feet in height, for the purpose of identifying the business center and displaying a directory of the individual businesses or tenants contained within. Such sign shall not exceed twenty-four (24) sq. ft. where no directory is provided.
 - (a) In the case of a business center that exceeds three hundred (300) linear feet of building facade along a single road, one (1) additional freestanding sign is permitted provided a minimum of three hundred (300) feet is maintained between such signs.
 - (b) In the case of a business center comprised of multiple buildings, one (1) monument sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains and does not exceed five (5) feet in height and eighteen (18) sq. ft. in area.
3. Wall Signs: A business center shall be permitted one (1) wall sign according to the height and area standards of 9.5-1. In addition, the business center shall be permitted one (1) wall sign for each business or tenant space having frontage along a public road or parking area, and such sign shall be attached to the façade of such business or tenant space.
 - (a) The total area of all wall signs shall not exceed ten percent (10%) of the vertical surface area of the facade forming the building frontage generally oriented to the road frontage or parking area.
 - (b) The total wall sign area for a specific business or tenant having frontage along such public road or parking area shall not exceed ten percent (10%) of the vertical surface area of the façade comprising the specific business or tenant facade.

D. Drive-Through Signs: Any use that includes a drive-in or drive-through facility or other similar station where persons communicate from their vehicle with persons inside a building on the same lot shall be permitted to have signs that relate to the drive-in/drive-through facility, such as menu order board signs or information signs. One (1) drive-through sign, with a maximum height of eight (8) feet and a maximum area of thirty-two (32) sq. ft., is permitted per drive-in/drive-through use, and shall not be included in the computation of total sign area for the lot unless such signs are legible from a point of observation off the premises.

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Section 9.6 Additional Permanent Signs Permitted in All Districts

A. Authorization and Limitations: The signs delineated in subsection (B) shall be permitted in all Districts in addition to the signs authorized by Section 9.5, subject to the standards and limitations prescribed herein. This Section applies to signs that do not constitute temporary signs as defined in this Article. See Section 9.7 regarding temporary signs.

1. Section 9.3: Signs shall comply with Section 9.3.
2. Setbacks: Unless provided otherwise by this Article, signs authorized by this Section shall be set back from side and rear lot lines a minimum distance equal to the setback standards prescribed in Table 3-4, and a minimum distance of ten (10) feet from the front lot line.
3. Illumination: Signs may be illuminated unless otherwise provided.
4. Area Calculations: Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by Section 9.5.

B. Permitted Signs

1. Dwellings: One (1) sign may be erected on a lot on which a single-family or two-family dwelling is located, set back a minimum distance of three (3) from a front lot line and ten (10) feet from all other lines, and one (1) sign may be erected within ten (10) feet of an entrance way to an indoor space within a multiple family dwelling. Such signs shall not exceed two (2) sq. ft. in area and five (5) feet in height if not attached to a wall, and may be illuminated. These limitations shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, and in compliance with U.S. Postal standards, to facilitate identification of the property for postal, emergency, and other vehicles.
2. Entrance Signs:
 - a. One (1) sign at an entrance driveway excluding driveways serving single-family and two-family dwellings. Such sign shall not exceed four (4) sq. ft. in area and four (4) feet in height and shall be located within ten (10) feet of the edge of the driveway and street right-of-way.
 - b. One (1) sign at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed thirty-two (32) sq. ft. in area and five (5) feet in height, except that such sign shall not exceed six (6) feet in height when located in an approved planting bed.
 - c. One (1) sign at an entrance to a business, agency or other facility, excluding single-family and two-family dwellings. Such sign shall have a maximum height of six (6) feet and shall not exceed eight (8) sq. ft. in area. In no case shall the sign be farther than ten (10) feet from such door.
3. Parking Lot Signs: Signs no greater than three (3) sq. ft. in area and three (3) feet in height, located in a parking lot and/or within ten (10) feet of the parking lot, and provided a minimum of forty (40) feet shall be maintained between such signs.

Section 9.7 Additional Permitted Temporary Signs

A. Authorization and Limitations: In addition to all other signs authorized by Sec. 9.5 and Sec. 9.6, temporary signs are permitted according to the requirements and limitations of this Section.

B. Purpose: A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; construction signs providing information about the project under construction; and expressions of political, religious and ideological views.

C. Illumination: A temporary sign shall not be illuminated except in association with a seasonal celebration or where otherwise attached to a building wall and provided there is compliance with Section 9.3.

D. Area Calculations: Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other sections of this Article.

E. Agricultural and Residential Districts: The following temporary signs are permitted in Conservation and Residential Districts according to the standards prescribed:

1. Number: No more than one (1) temporary sign shall be displayed on a lot at any time for each one-hundred (100) feet of the lot's road frontage or portion thereof, but in no case shall more than three (3) temporary signs be displayed at any single time.
2. Sign Area: Temporary signs shall not exceed four (4) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed eight (8) sq. ft. in area. In the case where the lot is comprised of more than ten (10) dwelling units or ten (10) tenant spaces, a temporary sign shall not

exceed eight (8) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed sixteen (16) sq. ft. in area.

3. **Sign Height:** Temporary signs shall not exceed a height of three (3) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet. In the case where the lot is comprised of more than ten (10) dwelling units or ten (10) tenant spaces, temporary signs shall not exceed a height of four (4) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet.
4. **Setbacks:** Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than four (4) feet in height or eight (8) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. **Duration:** No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds four (4) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. **Multiple Tenants:** In addition to the temporary signs authorized by this subsection (E), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling or tenant may display a temporary sign not exceed a height of three (3) feet and an area of four (4) sq. ft. and shall be set back from all lot lines a minimum distance of ten (10) feet.

F. Commercial and Industrial Districts

1. **Number and Spacing:** No more than two (2) temporary signs shall be displayed on a lot at any time for the first one-hundred (100) feet of the lot's road frontage or portion thereof, and no more than one (1) additional temporary sign shall be erected for each additional full one-hundred (100) feet of additional lot frontage. No more than two (2) temporary signs shall be erected within thirty (30) feet of one another.
2. **Sign Area:** No temporary sign shall exceed four (4) sq. ft. in area except that one (1) temporary sign shall not exceed twelve (12) sq. ft. in area and one (1) temporary sign shall not exceed eighteen (18) sq. ft. in area.
3. **Sign Height:** Temporary signs shall not exceed a height of four (4) feet except that one (1) temporary sign shall not exceed a height of eight (8) feet and any temporary sign attached to a wall shall not exceed a height of (8) feet.
4. **Setbacks:** Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than six (6) feet in height or twelve (12) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. **Duration:** No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds twelve (12) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. **Multiple Tenants:** In addition to the temporary signs authorized by this subsection (F), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling unit or tenant may display a temporary sign for no more than thirty (30) days during any consecutive three (3) months, and such temporary sign shall not exceed a height of three (3) feet and an area of four (4) sq. ft. Such temporary signs shall be setback from all lot lines a minimum distance of five (5) feet.

G. Exceptions for Temporary Activities: In addition to the temporary signs authorized by subsections (E) and (F), additional temporary signs shall be permitted for temporary activities according to the following:

1. **Temporary Real Estate Availability Signs:**
 - a. In the case of the sale or lease of a lot, building, building space, or residence, one (1) temporary sign shall be permitted for each two hundred (200) feet of road frontage or portion thereof, but in no case shall more than a total of three (3) such signs be erected on the same lot. No sign shall exceed an area of six (6) sq. ft. and a height not exceeding four (4) feet except that in Business and Industrial Districts, and on lots of a minimum area of twenty (20) acres in other Districts, no sign shall exceed an area of thirty-two (32) sq. ft. and a height not exceeding six (6) feet.
 - b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units or tenant spaces, is permitted one (1) sign advertising the sale or lease of lots, buildings or residences, not exceeding forty-eight (48) sq. ft. in area and five (5) feet in height. Such sign may be illuminated and the sign shall be removed after two (2) years or after the sale of seventy-five percent (75%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.

2. Temporary Construction Signs: Non-illuminated signs identifying the owners, financiers, contractors, architects and engineers of a project under construction and for which a Zoning Permit has been granted, provided no more than three (3) such signs are erected with each being no greater than six (6) sq. ft. in area and six (6) feet in height, or one (1) sign is erected with an area no greater than thirty-two (32) sq. ft. and six (6) feet in height. In the case of a sign in association with the construction of a single-family or two-family dwelling, the forgoing standards for sign area and height shall be reduced by fifty percent (50%). Construction signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than fourteen (14) days after a certificate of occupancy or similar final approval is issued or two (2) years, whichever occurs first.
3. Other Signs: Other temporary signs including warning signs such as no trespassing, no hunting, and warning of electrical current or animals, provided that such signs shall not exceed two (2) sq. ft. in area and four (4) feet in height, and spaced no closer than forty (40) feet to one another.

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End of Article 9

Article 10

OFF-STREET PARKING and LOADING

Section 10.1 Purpose

It is the purpose of this Article to establish standards and requirements to ensure that appropriate parking and circulation shall be adequately provided and maintained on each lot in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons, ingress, egress, and the receiving and distribution of goods. It is the purpose of this Article to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

Section 10.2 General Requirements

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

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings.

C. Use of Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be authorized as part of site plan approval proceedings or other approval under this Ordinance.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Decrease in Parking Areas: No off-street parking area that exists on the date of adoption of this Ordinance or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article.

F. Location and Joint Use of Parking Areas: All off-street parking areas shall be located on the same lot as the use they are intended to serve, but in no case shall such off-street parking areas be located more than 300' from the uses the parking areas are intended to serve except upon a finding by the site plan approving body that, within the context of the specific use and anticipated vehicle and pedestrian patterns, no practical alternative is available and a greater distance shall not encourage excessive traffic in nearby residential areas or otherwise undermine public safety for pedestrians or motorists. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced by the site plan approving body below the sum total of the individual space requirements. Such reduction shall not exceed twenty-five percent (25%).
2. **Record of Agreement:** A copy of a proposed agreement between joint users, when the joint uses are located on separate lots, shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement. No such joint use shall be approved if vehicular access between the two lots requires the use of a public or private road.

G. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

Section 10.3 Site Development Requirements

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

B. Driveways:

1. Adequate ingress and egress to the parking area by means of clearly defined drives shall be provided. A driveway shall not be used for off-street parking except where specifically designed to accommodate such parking and approved during site plan review proceedings.
2. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns.
3. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from a side lot line, fifty (50) feet from another driveway, and seventy-five (75) feet from an intersection. The site plan approval body may modify these standards as applied to a specific site plan based on review comments by the County Road Commission or Michigan Department of Transportation.

C. Surface: All required off-street parking areas intended to accommodate four (4) or more spaces, including aisles and driveways, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approving body. Such body may waive this requirement in the case of a lot outside of a Business or Industrial District upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a dust or noise nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes on a day-to-day basis. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent increased rates of runoff onto abutting properties and public roads.

E. Location/Setback:

1. Side and Rear Yard Setbacks: Off-street parking areas shall be set back a minimum distance of fifteen (15) feet from side and rear lot lines except that the setback shall be increased to thirty (30) feet when adjacent to a lot in an Agricultural or Residential District.
2. Front Yard Setbacks: Off-street parking areas shall be set back a minimum distance of twenty (20) feet from the front lot line.
3. Building and Pedestrian Way Setbacks: Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building or extend into or over a designated pedestrian circulation way, including any bumper overhang. Curbs, bumper rails and/or other measures may be employed to comply with these requirements.

F. Lighting: Required off-street parking areas shall be provided adequate light levels to enable pedestrians to safely move through such areas during hours when the use is operational. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable District.

G. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a lot in a Business or Industrial District to include one or both of the following improvements, where practical and feasible:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent lots to minimize the necessity for additional curb cuts onto public roads to gain access to nearby lots or businesses, through the extension of a driveway stub to the shared lot line.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent lots.

H. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. No parking space shall require a vehicle to back in or out directly from and/or onto a public road. The layout of off-street parking areas shall comply with the following minimum standards.

Parking Pattern	Maneuvering Aisle Width	Parking Space Width	Parking Space Length (as measured along shortest space stripe)	Combined Width of Double-Loaded Parking Aisle and Spaces (curb to curb)
0°/Parallel	12.0' – One Way 24.0' – Two Way	9.0'	23'	30.0' – One Way 42.0' – Two Way
30° ⁰¹	12.0'	9.0'	18.0'	48.0'
45°	12.0'	9.0'	18.0'	50.0'
60°	18.0'	9.0'	18.0'	54.0'
90°	24.0'	9.0'	18.0'	60.0'

1. 30°, 45°, and 60° parking shall permit one-way vehicle movement only. 90° parking shall permit two-way vehicle movement only.
2. Except in the case of parallel parking, the length of all parking spaces shall be capable of accommodating a rectangle of a minimum dimension of twenty (20) feet in length and nine (9) feet in width. In the case of 30°, 45°, and 60° parking, parking space length shall be measured along the shortest of the two (2) parking space width stripes to ensure compliance with this requirement.

I. Number of Spaces: See Section 10.4.

J. Landscaping and Screening: See Article 11.

K. Clear Vision: Off-street parking shall comply with Section 20.22.

Section 10.4 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. **Required Spaces:** The minimum number of off-street parking spaces to be provided on each lot shall be as specified in this Section according to land use type. Where a lot is comprised of multiple uses, such as in the case of a motel with a restaurant or a building comprised of office and retail tenants, the total number of spaces to be provided shall be the sum of all of the individual uses except as may be otherwise provided by the Article.
2. **Waivers:** Where it can be demonstrated according to the discretion of the site plan approving body that the parking requirements of this Section would result in more parking spaces than are necessary for the parking needs of a particular use, the site plan approving body may approve a parking plan with fewer spaces than required by this Section according to the following requirements:
 - a. The applicant shall provide written evidence to the site plan approving body that the parking proposed on the site for the specific use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of: arrangements for nearby shared parking, evidence that the proposed use will also be patronized by pedestrians, evidence from the parking history of the proposed use or a use similar to the proposed use at other locations, or that there is sufficient designated parking within the road right-of-way and such designated parking is authorized by the governmental entity having jurisdiction over the road right-of-way, and the use of such right-of-way will not result in a visible increase in traffic congestion or traffic hazards.
 - b. If a plan is approved to allow fewer parking spaces than required by this Section, such parking plan shall only apply to the stated use. All other uses shall comply with the requirements of this Section.
 - c. The site plan approving body may require a reserved parking area on the lot for possible future use, and the site plan approving body may subsequently require the applicant to construct additional parking spaces on the lot if the site plan approving body finds that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve area.

B. Residential Uses:

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Family Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Assisted Living Facilities and Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Housing, Lodging, and Care Facilities:
 - a. **Bed and Breakfast**: One (1) space for each rental room.
 - b. **Hospital**: One (1) space for each two (2) beds.
 - c. **Motels and Hotels**: One (1) space for each sleeping unit.
 - d. **Medical Clinics**: Two (2) spaces for each examination or treatment room.
 - e. **Day Care Centers, Child Care Center, Nursery School, School of Special Education**: One (1) parking space for each 350 sq. ft. of usable floor space or one (1) space for each seven enrolled persons, whichever is greater, and a drop-off area capable of accommodating six (6) vehicles.
 - f. **Nursing Facility, Convalescent Home, and Home for the Aged**: One (1) space for each three (3) beds.
 - g. **Senior Independent Housing**: One (1) space per living unit.
2. Recreation:
 - a. **Par 3 Golf Courses**: Three (3) spaces for each hole.
 - b. **Par 4 or Greater Golf Courses**: Four (4) spaces for each hole.
 - c. **Miniature Golf Courses**: Two (2) spaces for each hole.
 - d. **Roller Skating Rinks and Pool and Billiard Rooms**: One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Construction Code.
 - e. **Bowling Alleys**: Three (3) spaces for each alley.
 - f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs**: One (1) space per three (3) patrons based on the occupancy load established by the State Construction Code.
3. Retail Sales:
 - a. **Automobile or Machinery Sales**: One (1) space for each 200 sq. ft. of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
 - b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales**: One (1) space per six hundred (600) square feet of gross floor area.
 - c. **Service Stations**: Two (2) spaces for each repair and service stall (a service stall is not considered a parking space) and one (1) space for every two hundred (200) sq. ft. of gross floor area exclusive of stall areas. Parking spaces available for the fueling of vehicles may be applied to meeting up to seventy percent (70%) of the required one (1) space for every two hundred (200) sq. ft. of gross floor area. See subsection (i) regarding additional spaces in association with retail sales.
 - d. **Standard Restaurants, Taverns, and Bars**: One (1) space for every three (3) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to customers.
 - e. **Restaurant, Drive-Through (with indoor eating facilities)**: One (1) space for every three (3) seats and fifteen (15) sq. ft. of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
 - f. **Restaurant, Drive Through (no indoor eating facilities)**: One (1) space for every 15 sq. ft. of usable floor area.
 - g. **Restaurant, Carry-Out (no indoor eating facilities)**: One (1) space for every fifteen (15) sq. ft. of usable floor area, provided a minimum of five (5) spaces are provided.
 - h. **Supermarket, Convenience Store, Self-Service Food Store**: One (1) space for every three-hundred (300) sq. ft. of useable floor area.
 - i. **Retail Stores and Facilities, (not otherwise specified above)**: One (1) space for every two hundred (200) sq. ft. of usable floor area.

4. Offices and Services:

- a. **Banks and Financial Institutions:** One (1) parking space for every 250 sq. ft. of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each chair and other treatment station.
- c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, but not less than six (6) spaces.
- d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
- e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
- f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) sq. ft. of floor area of chapels and assembly rooms.
- g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
- h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
- i. **Offices and Professional:** One (1) space for every two hundred (200) sq. ft. of gross floor area.
- j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.
- k. **Banquet Hall:** One (1) space for every four (4) seats provided plus one (1) additional space for each fifty (50) sq. ft. of standing room available to attendees.

D. Industrial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Industrial or Manufacturing Establishments:** One (1) space for every two-thousand (2,000) sq. ft. of floor area.
2. **Warehouses, Wholesale Stores:** One (1) space for every one-thousand (1,000) sq. ft. of floor area.

E. Other Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift. For the purpose of this subsection, in the case where seating is provided by bench seating, including pews, a bench segment of twenty-four (24) inches shall be equal to one (1) seat.

1. **Religious Institutions:** One (1) space for each three (3) seats in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats, or one (1) space for each three (3) persons based on the occupancy load as established by the State Construction Code, whichever is greater.
3. **Private Civic Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Construction Code.
4. **Elementary and Middle Schools:** One (1) space for each twenty (20) students plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the State Construction Code), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
6. **Libraries and Museums:** One (1) space for every four hundred (400) sq. ft. of floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four seats and one (1) additional space for one hundred (100) sq. ft. available to accommodate additional attendees not otherwise restricted to a fixed seating area.

Section 10.5 Loading and Unloading Space Requirements

A. Additional Space: Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 10.4.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and thirty-five (35) feet in length, and fourteen (14) feet in height, open or enclosed, and be of such pavement design to accommodate the anticipated truck traffic. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
Up to 5,000 sq. ft. gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 20,000 sq. ft. gross floor area:	1 space.
20,001 to 50,000 sq. ft. gross floor area:	2 spaces.
50,001 or more sq. ft. gross floor area:	2 spaces, plus 1 space per each 50,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 50,000 sq. ft.

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

D. Screening: All loading and unloading areas that are adjacent to or otherwise visible from residentially-used property, or face or are visible from a public road, shall be screened.

E. Location:

1. Designated Loading-unloading spaces shall not be located in any front yard.
2. Loading-unloading spaces shall not be located in a required side or rear yard building setback except where such yard is adjacent to a Business or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall loading-unloading spaces be located closer than fifty (50) feet to a lot used principally for residential purposes.

Section 10.6 Solid Waste Collection Stations

A. Enclosure: In the case where a use relies on a solid waste collection system that relies on a mechanical device to empty the contents of the waste collection units, such as what are commonly referred to as “garbage dumpsters” and “garbage trucks,” the collection station shall be screened on at least three (3) sides by a solid wood fence or masonry wall at least as high as the garbage container. The fourth side of said enclosure may be left open if the container has a lid that is kept locked except when waste is being deposited or removed.

B. Location: A solid waste collection station shall be so situated that trucks collecting waste from the station shall not interfere with the orderly flow of traffic onto or through the lot or any parking spaces thereon, and the location of parking spaces and parked vehicles shall not interfere with vehicles intended to access such station. The station shall be located so that trucks collecting waste will not block any portion of a public road or alley. Solid waste collection stations shall comply with the District’s setback standards for accessory buildings and no such station shall be located in a front yard.

End of Article 10

Article 11

LANDSCAPING and SCREENING

Section 11.1 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

Section 11.2 Uses Subject to This Article

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. This Article shall not apply to single family and two-family dwellings. See Section 20.9 for additional provisions addressing fences and walls.

Section 11.3 Landscape Plan

A. Required Plan and Content: A landscape plan is required to be submitted as part of a site plan (see Article 14). The plan shall be prepared at a minimum scale of 1" = 50' and shall identify all buffer areas. See Sections 11.4 and 11.5. The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours at no greater than two-foot (2') contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved.

Section 11.4 Buffer Areas

A. Side and Rear Yard Buffer Areas: A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for off-street parking, storage or used in any other manner except for the purposes of a buffer.

1. **Width:** The buffer area shall extend from the respective lot line for a minimum width equal to the required setback for the principal building on the lot except that the minimum side and rear yard buffer width in Business Districts shall be ten (10) feet, and shall be increased to twenty (20) feet when adjacent to a lot in an Agricultural or Residential District.
2. **Plantings:** In the case of a proposed use on a lot in an Agricultural or Residential District or otherwise adjacent to an Agricultural or Residential District, the buffer area shall be planted and maintained with evergreen trees such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at a rate of at least one (1) evergreen tree per thirty (30) linear feet and one (1) deciduous tree per fifty (50) linear feet. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of ten (10) feet in height. Where a solid wall or fence is part of the buffer area, a minimum of sixty percent (60%) of the required plantings shall be located on the exterior side of such wall or fence.
3. **Berm, Wall and/or Fence:** In the case of a proposed use on a lot in an Agricultural or Residential District or otherwise adjacent to an Agricultural or Residential District, the buffer area shall include a minimum five (5) foot high berm or solid wall or fence, or a combination thereof, where the Planning Commission determines during site plan review proceedings that the buffer width and plantings required by subsections (1) and (2) above do not adequately mitigate negative impacts. A berm, wall and/or fence shall not eliminate the requirement for plant material required by subsection (2) above.
 - a. A berm or solid wall or fence, or combination thereof, shall not be required along any portion of a lot line where there exists such features in the adjacent yard on the adjacent lot unless the Planning Commission determines during site plan review proceedings that such additional buffering measures are necessary.

4. Corner Lot: In the case of a corner lot, the buffer requirements of this subsection (A) shall equally apply to all yards adjacent to a road.

B. Front Yard Buffer Areas: A buffer area shall be established along all front lot lines. The buffer area shall not be used for off-street parking, storage or in any other manner except for the purposes of a buffer.

1. The buffer area shall extend from the respective lot line for a minimum width of twenty (20) feet except that such buffer width shall be a minimum of twenty (20) feet in a Business District. The buffer area shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 11.4(A)(3) above for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 11.5 Parking Lots

A. Landscaping/Screening Required: Parking lots shall be landscaped and screened according to the following:

1. Interior and Periphery: There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces or fifty (50) linear feet of parking lot edge, whichever is greater. Such trees shall be located within parking islands of a minimum eight (8) feet in width or within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be maintained between proposed tree or shrub plantings and the edge of curbing and pavement. In the case of a parking lot with a capacity of forty (40) or more vehicles, a minimum of thirty percent (30%) of the required plantings shall be located within parking islands reasonably evenly distributed throughout the parking lot.
2. Proximity to Public Road or Residential District: Where a parking lot contains ten (10) or more parking spaces and is within one hundred (100) feet of a Residential District or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to provide a minimum fifty percent (50%) screen of the parking lot border to a minimum height of four (4) feet at the time of berm and plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character.

Section 11.6 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material shall be free of insects and diseases, and hardy to the climate. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

B. Existing Trees: If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques such as fencing, placed at the dripline around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees that meet Ordinance requirements. Such replacement trees shall be planted at a rate of one (1) tree per two (2) inches of tree caliper of the tree cut down, damaged, or otherwise destroyed.

Section 11.7 Installation, Maintenance and Completion

All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 11.8 Fencing and Walls Construction

A. General: All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing shall face abutting properties.

B. Section 20.9: See also Section 20.9 for additional provisions regarding fences and walls.

Section 11.9 Waivers and Modifications

A. Authority to Waive or Modify Requirements: Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body makes a finding that identifies characteristics of the site, site modifications and/or site vicinity that would make required landscaping, buffer areas, fencing, walls, or screening unnecessary, inappropriate, or ineffective.

1. **Examples:** Examples of conditions that may warrant waivers and/or modifications include:
 - a. The reliance on existing protected woodlands or other vegetated areas that serve as an adequate screen due to their particular location and/or character.
 - b. In the case of a large lot where only a comparatively small portion of the lot is to be developed, applying the landscaping and screening provisions to only that portion of the lot to be developed and not requiring landscaping/screening along all segments of the lot's boundaries.

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End of Article 11

Article 12 ENVIRONMENTAL PROTECTION

Section 12.1 Purpose

The purpose of this Article is to promote a healthy environment as it relates to natural resources and sensitive ecosystems, the provision of adequate sewage disposal and potable water, and reduction of environmental nuisances associated with noise, lighting, odors and vibrations.

Section 12.2 Natural Resources, General

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall comply with to the provisions of this Ordinance and all local, county, state and federal rules and regulations including the requirements of the County Health Department and Drain Commissioner; regulations pertaining to the loading/unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids; and requirements of the Michigan Department of Environment, Great Lakes and Energy including those applying to high risk erosion areas, air and water quality protection, use and disturbances to wetlands, fills in or near water bodies or in flood plains, stream crossings, waste disposal, and discharges into the air, surface or ground waters.

B. Sensitive Lands:

1. Avoidance of Significant Environmental Areas: Where a portion of a lot is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or flood plains, new development on the lot shall only occur on those portions of the lot void of such features where reasonably feasible. Where not reasonably feasible, new development shall comply with all county, state and federal laws, rules and permit and approval requirements.
2. County, State and Federal Permits: Except where required to do so by state or federal law, the Township shall not give final approval to any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.
3. Mitigation: The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

C. Clearing of Top Soil, Grading, and Drainage:

1. Removal of Topsoil: Stripping and removal of topsoil from a lot is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas, except where expressly authorized as part of an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot that is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single family dwelling for which a zoning permit and building permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to such permits.
2. Drainage/Flow Restrictions:
 - a. Temporary and permanent ground elevations surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
 - b. It shall be prohibited to increase the rate or quantity of water runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
 - c. See Section 12.3 regarding buffer areas for natural resources and Section 12.4 regarding storm water management.
3. Nuisance Conditions: No grading or modifications to existing drainage patterns, including the erection of retaining walls, shall result in nuisance conditions for adjacent lots including increases in the quantity and/or rate of water runoff upon such lots.

D. Groundwater Interference or Diversions: No use, activity or undertaking shall occur on a lot that interferes with, degrades the quality of, alters the groundwater level or otherwise negatively impacts (in a measurable fashion) the groundwater on or for an adjoining or nearby lot not owned by the person or entity causing such impact, interference, or lessening of such groundwater. Groundwater or surface water shall not be withdrawn or diverted so as to unreasonably impact or adversely affect an adjoining or nearby lot.

Section 12.3 Natural Resources, Buffer Areas

A. Definitions: For the purpose of this Section, the following words and phrases shall have the following meanings:

1. **Impervious Cover:** Any manmade paved, hardened or structural surface regardless of material including but not limited to rooftops, buildings, streets, roads, decks, patios including those of a brick or stone material, swimming pools, and any concrete or asphalt.
2. **Natural Feature:** A wetland or watercourse.
3. **Natural Feature Edge:** The ordinary high water mark, except that in the case where there exists a bank along the natural feature such as a stream or creek bank, where the bank exceeds a slope of ten percent (10%), the natural feature edge shall be considered the top of the bank or a line thirty (30) feet from the ordinary high water mark, whichever is less.
4. **Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. In the case of Lake Huron, the ordinary high water mark shall be construed to be set at 581.5 feet above sea level as established by the United States Army Corps of Engineers.
5. **Watercourse:** Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
6. **Wetlands:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

B. Natural Feature Setback Required:

1. **Buildings and Structures Greater Than Three (3) Feet in Height:** A natural features setback of fifty (50) feet shall be maintained from the natural feature edge for all buildings, and any structures in excess of three (3) feet in height above the ground below, except as follows:
 - a. The minimum natural features setback in the case of Lake Huron shall be thirty-five (35) feet, subject to Footnote 7 of Table 3-4 of Article 3.
 - b. Excluding (a) above, where there exists one (1) or more dwellings located along such natural feature and where such one or more dwelling is within one hundred fifty (150) feet of a side lot line of the lot on which construction of a dwelling is proposed, the required setback shall be the average setback of such existing dwellings measured from the natural feature edge. However, in no case shall such natural feature setback be less than thirty-five (35) feet nor shall such setback be required to be greater than fifty (50) feet. Steps, and those portions of unroofed decks and porches with a floor surface eighteen (18) inches or less above the ground, shall not be considered in determining such average setback. Where only a portion of a dwelling is located within the one hundred fifty (150) foot measured distance, the setback of the entire dwelling shall be used for determining such average setback.
2. **Structures Three (3) Feet or Less in Height:** Unless otherwise specified in this Ordinance, a natural features setback of twenty-five (25) feet shall be maintained from the natural feature edge for all decks, patios, and any structures of three (3) feet or less in height above the ground below.

C. Use Restrictions within a Natural Feature Setback: Within a natural feature setback, unless and only to the extent determined to be in the public interest by the designated approving body for the proposal, there shall be no clearing, grubbing or stripping; no removal of vegetation; no application of fertilizers or pesticides; no dredging, grading, excavation, removal or addition of soil or filling of land; no erection or addition of structures, buildings or any other construction including concrete or asphalt paving; and no installation of any impervious cover. In addition, no vegetation cutting or removal within the natural features setback shall occur prior to all approvals from the designated approving body(s) have been obtained.

1. **Determination of Public Interest:** In determining if proposed construction or operations in a natural resources setback are in the public interest, the benefit that would be expected to result from the proposal shall be balanced against the reasonably foreseeable detriments, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposal is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following criteria shall be applied in undertaking this balancing test:
 - a. The relative extent of the public and private need for the proposed activity;
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the

- expected benefits from the activity;
- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;
- d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities on the natural feature to be protected;
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
- f. The degree of proposed encroachment into the natural features setback, and the proximity of the proposed construction and/or operation in relation to the general natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected;

D. Exemptions: If and to the extent the Township is prohibited from regulating the proposed activity in or on the respective natural feature by its ordinances or the laws of county, state or federal government or the rules of county, state or federal agencies, regulation under this Section shall be exempted. In addition, the following activities shall be exempted from regulation under this Section provided such activities shall comply with all county, state or federal laws and the rules of county, state or federal agencies, and all necessary approvals and permits have been granted. It is not the intent of this subsection (D) to exempt regulation by other ordinances and laws applicable to the natural feature.

1. Installation of a fence.
2. Maintenance of previously established lawn areas.
3. Grading and filling necessary in order to conform to express requirements imposed by the Township.
4. Installation of docks for watercourse use provided the portion of such dock or access way extending through or across a wetland does not exceed ten (10) feet in width at any point.
5. Planting of non-invasive trees and other vegetation, but not the use of fertilizers.
6. Work consisting of the repair or maintenance of any lawful use of land approved for such use.
7. Agriculture, landscaping, gardening and lawn maintenance, including the removal of dead and diseased trees.
8. The clearing of up to thirty percent (30%) of the vegetation in the natural features setback to afford views and/or access to the natural feature, provided adequate measures are taken to prohibit the exposure of bare soil and soil erosion, such as the establishment of grasses or other vegetative cover.
9. Any lawful activity that is under construction and for which all necessary permits have been granted.

Section 12.4 Storm Water Management

A. Construction Liability: During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for storm water runoff, flooding, or other water problems or damages to other properties or public roads caused by or attributable to such construction. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator. Once construction has been completed and thereafter, the owner of the property involved shall be responsible for ensuring that drainage and storm water from that property do not adversely impact adjoining properties, lakes, streams, or wetlands.

B. Drainage Plans: In the case of a use subject to site plan approval, the site plan submittal shall include a drainage and storm water runoff site plan for review by designated site plan review bodies. Such submittal shall be prepared and signed by a registered engineer and shall include the final contours and drainage patterns after the construction has been completed. The submittal shall indicate what site plan measures shall ensure compliance with this Ordinance including this Section. The site plan approving body may require changes to such drainage and storm water runoff site development plan prior to the approval of such drainage and storm water runoff site development plan and prior to the issuance of a zoning permit. The applicant shall reimburse the Township for any reasonable fees and cost incurred by the Township's reliance on a professional engineer or other qualified professional requested by the Township to review such plan. The landowner shall fully comply with any drainage and storm water runoff site plan as approved by the Township.

1. In the case of a use subject to plot plan approval according to Section 2.4, the Zoning Administrator may require a drainage plan where on-site or adjacent conditions, and the proposed modifications, raise reasonable concerns about adequately addressing storm water including erosion, flooding, and off-site impacts.

C. General Standards: Uses shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. In meeting these requirements, uses subject to site plan approval according Article 14 shall comply with all of the following standards:

1. All storm water drainage and erosion control plans shall meet the rules and regulations of the County Drain Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible, utilize nonstructural control techniques such as limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.
2. The particular facilities and measures required on-site shall reflect and incorporate existing topographic conditions, natural features, wetlands, and watercourses on the site.
3. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
4. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
5. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
6. Drainage systems shall be designed to be visually attractive including the integration of storm water conveyance systems and retention and detention ponds into the overall landscape concept. Ponds shall be designed to be naturally contoured, rather than a square or rectangular design.
7. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
8. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Township, by written agreement, that the landowner shall bear the responsibility for providing and maintaining such measures or facilities.
9. Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters, or otherwise present a safety hazard to children or pedestrians. In the case of a use, building or structure subject to plot plan review according to Section 2.4(B), any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in Article 16 of this Ordinance.

D. Minimizing Storm Water Runoff

1. Roads constructed as part of a subdivision or similar unified development shall be designed to minimize storm waste runoff such as limiting road paving to the minimum necessary width, including cul-de-sacs, while adequately addressing anticipated traffic levels, on-street parking, and emergency vehicle needs.
2. Roof-top runoff shall be directed to pervious areas such as lawns, open channels, or other vegetated areas.
3. Clearing and grading shall be limited to only those locations approved for such landscape alterations as delineated on the approved site plan.

E. Use of Wetlands: Wetlands may be used for storm water management if all the following conditions are met:

1. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins. Storm water runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland. Direct discharge of untreated storm water to a natural wetland is prohibited.
2. Wildlife, fish, or other beneficial aquatic organisms and their habitat in the wetland shall not be impaired.
3. The wetland has sufficient holding capacity for storm water, based on calculations prepared by the applicant and approved by the township after consultation with an engineer of applicable expertise.
4. Adequate on-site erosion control is provided to protect the natural functioning of the wetland.
5. Adequate private restrictions are established, such as a conservation easement over the wetlands, to

- insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
6. Applicable permits from the Michigan Department of Environmental Quality and any other agency of jurisdiction are obtained.

Section 12.5 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the County Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 12.6 Vibration

The operation of any land use including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, "typically discernible by human senses" means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 12.7 Glare and Heat

Any operation that produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

Section 12.8 Noise and Sound

All land uses shall comply with any Township ordinances pertaining to noise and/or sound.

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End of Article 12

Article 13

ACCESS and PRIVATE ROADS

Section 13.1 Purpose

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access in the Township, including provisions addressing the design, construction and maintenance of private means of access. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township unless specified otherwise in this Ordinance, and shall be applied in addition to the requirements of the County Road Commission, Michigan Department of Transportation, and other provisions of this Ordinance.

Section 13.2 Lots to Have Access

A. Frontage Required: All lots hereinafter created in the Township shall have frontage equal to the required minimum lot width on an improved public road or a private road constructed and approved according to this Ordinance, and shall take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

B. Free of Obstructions: All driveways and private roads shall be regularly maintained and snowplowed so as to be fully usable at all times by vehicles including emergency vehicles. Driveways and private roads shall not be blocked or impeded.

C. State/County Permit: An approved driveway permit shall be obtained from the State Highway Department or the County Road Commission, as required by law, and submitted to the Building Inspector prior to the issuance of a building permit.

Section 13.3 Private Driveways for a Single Lot

A. Approval Required: All plans for buildings and structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises which shall be part of the required plot plan or site plan.

B. Standards: Driveways shall meet the following minimum standards:

1. All driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. Residential driveways in excess of one hundred (100) feet in length shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and shall be constructed of a minimum two (2) inch thickness of asphalt or concrete, or six (6) inches of gravel, stone, or similar aggregate material capable of facilitating emergency vehicle access.
3. Non-residential driveway ingress and egress points shall comply with the following additional standards. This subsection shall not apply to lots on which no buildings are located or are otherwise devoted to agricultural use only.
 - a. Ingress and egress lanes shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to a non-residential driveway on an adjacent lot, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.
 - b. Ingress and egress lanes shall comply with the locational and design standards of the County Road Commission and Michigan Department of Transportation including turning radii, tapers, and cross-sectional design.

Section 13.4 Private Roads

A. Private Roads Permitted: Private roads are permitted provided such roads comply with the regulations and standards of this Ordinance and the site plan approving body determines that the road is not necessary as a public road to ensure appropriate continuity of the existing or planned public road network or to ensure any other interest in providing public road access to the area under question.

B. Private Road Zoning Permit Required: No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, altered, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval by the designated site plan approval body. No permit is required for routine maintenance of existing roads such as road patching, resurfacing, and regrading of road surfaces. No use of a private road shall occur prior to the issuance of a zoning permit signifying that the private road has been constructed according to the approved application.

C. Application for a Zoning Permit for a Private Road: Application for a private road shall require site plan approval according to Article 14. Approval of such application shall result in the issuance of a zoning permit authorizing construction of such road. In addition to the data required by Article 14 for site plan approval, the following information shall also be provided to the Township:

1. Development Plan: A general property development plan identifying the following:
 - a. Project description, in both narrative and map form, including the location of the proposed private road easement and location of proposed lots to gain access from said private road.
 - b. The legal description of the proposed private road easement.
 - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. Easement Agreement: A private road easement agreement shall be signed by the applicant/owner(s) and recorded with the Township Clerk and County Register of Deeds, providing for:
 - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
 - b. A provision that the owners of any and all of the property using the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
 - c. A provision that substantially conforms to the following:
 "This lot has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make any purchaser aware that this lot has egress and ingress over this easement only. Huron County and Lake Township have no responsibility for the maintenance, snowplowing or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance and snowplowing are the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public road access."
 - d. The Township shall approve the Easement Agreement before its execution and recording.
3. Maintenance Agreement: A private road maintenance agreement shall be provided to be signed by the applicant/owner(s) and recorded with the County Register of Deeds, providing for:
 - a. A method of initiating and financing such road in order to keep the private road up to properly engineered specifications and free of snow, debris or other conditions that would interfere with free and safe movement along the road.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
 - c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance and snowplowing of the private road in the event the necessary maintenance and snowplowing is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain or snowplow the private road except through such an assessment district.
 - d. The Township shall approve the Maintenance Agreement before it is signed and recorded.

D. Use of Private Road: Upon completion of the construction of a private road as authorized by an approved site plan and zoning permit, no construction shall be initiated nor shall any zoning permit be granted for any dwelling, other building or structure, or use of a lot that relies upon such private road for access until the designated site plan approval body grants final approval for use of the private road. The site plan approval body shall grant such final approval when all of the following conditions have been met:

1. The applicant's civil engineer, registered in the State of Michigan, shall certify in writing that the required improvements were made in accordance with this Article and Ordinance and all approved plans.
2. The Township's engineer has completed a review of the private road and has submitted a report documenting the extent to which the required improvements were made in accordance with this Article and Ordinance and all approved plans.
3. The Township Clerk has received copies of the approved private road Easement Agreement and Maintenance Agreement recorded with the County Register of Deeds.
4. The Township Clerk has received an agreement from the applicant that indemnifies and holds harmless the Township and its representatives from any and all claims of personal injury and property damage arising from the use of the private road.
5. The Township Clerk has received payment from the applicant for all costs incurred by the Township in association with the verification of the constructed private road's compliance with this Ordinance.

E. Design Standards and Waivers: Private roads shall be constructed according to the standards of the Huron County Road Commission, according to the type and volume of traffic intended for the private road, except that the site plan approving body may consider and accept alternative design standards that an applicant may propose and, upon finding such alternatives provide equal or greater structural stability and longevity and do not undermine the public health, safety and welfare, may approve such alternatives. Sufficient engineering data shall be submitted to substantiate proposed alternatives and their merits. However, in no case shall an alternative design feature be approved that does not comply with all of the following minimum standards:

1. Easement Width and Surface Width:
 - a. A private road shall be within a private road easement of a minimum width of sixty-six (66) feet. The minimum sixty-six (66) foot easement width shall extend along the full length of the private road including where it intersects with any other road.
 - b. A private road shall have a minimum drivable surface width of twenty (20) feet except that in the case of a private road serving no more than three (3) lots or dwelling units, the private road shall have a minimum drivable surface width of sixteen (16) feet and may be further reduced to twelve (12) feet where the shared driveway does not exceed three hundred (300) feet in length.
2. Dead-End Roads: Private roads that terminate at a dead-end shall include a turnaround with a minimum forty-five (45') foot radius or, in the case where a center island is provided, the minimum radius shall be fifty-five (55') feet.
3. Maximum Road Length: The maximum length of a private road segment or combination of segments that serves as a single means of access to two (2) or more lots, principal buildings and/or dwelling units, shall be one thousand (1,000) feet and such road shall not serve more than twenty (20) lots and/or dwelling units.
4. Intersection Angles: Private roads shall intersect with other private and public roads at a ninety degree (90°) angle. Where constrained by environmental features, the site plan approving body may allow a reduced angle of intersection but in no case shall the angle be less than seventy-five degrees (75°).
5. Intersection Offsets:
 - a. Except as otherwise provided by subsection (b), private roads shall align directly across from or be offset a minimum of two hundred fifty (250) feet from any other public or private road intersection on the opposite side of the road, measured centerline to centerline. This restriction may be reduced no greater than thirty percent (30%) but only after the receipt of a determination from the Township Engineer that such reduction is reasonable based on the specific conditions and the public health, safety and welfare shall not be unreasonably undermined.
 - b. A private road serving no more than three (3) lots or dwelling units shall align directly across from or be offset a minimum of one hundred (100) feet from any public or private road intersection on the opposite side of the road, measured centerline to centerline.
6. Road Surface: A private road that serves no more than eight (8) lots or dwelling units may be constructed of a minimum eight (8) inches of compacted MDOT 23A gravel in place of required asphalt or concrete surfacing.
7. Grades/Slopes:
 - a. Except as otherwise provided by subsection (b), private roads shall have a minimum two and one-half (2.5) percent cross slope from the road centerline to and across any shoulder. No linear segment of a private road shall exceed a grade of seven (7) percent except that in no case shall the

- slope exceed two percent (2%) percent within sixty (60) feet of an intersection, as measured from the intersecting road easement/right-of-way lines.
- b. In the case of a private road serving no more than three (3) lots or dwelling units, no linear segment of the private road shall exceed a slope of twelve (12) percent except that in no case shall the slope exceed five percent (5%) percent within sixty (60) feet of an intersection, as measured from the intersecting road easement/right-of-way lines..
8. Elevation: The entire surface of a private road shall be a minimum of three (3) inches above the seasonally high water table.
 9. Vertical Clearance: Fifteen (15) feet of overhead clearance shall be provided within the width of the road surface.
 10. Turning Radii: Horizontal turning radii shall not be less than two hundred fifty (250) feet except that the site plan approving body may reduce this minimum radius to no less than one hundred fifty (150) feet where such reduction would minimize alteration of important natural features such as rolling terrain or mature tree stands, or where the width of the lot cannot accommodate a wider radii, provided such reduction is found to adequately accommodate anticipated traffic speeds.
 11. Storm Water Management: Private roads shall be designed to effectively and efficiently remove water run-off from the road surface, prohibit road water runoff onto adjacent properties, and provide for suitable soil erosion and sedimentation control measures during and after road construction. The design and construction of road crossings, including the use of bridges and/or culverts, shall comply with the most current requirements of the County Drain Commissioner and Michigan Department of Environment, Great Lakes, and Energy. See also Section 12.4.
 12. Configuration and Public Roads: A private road shall not interconnect with a public road network in a manner that will preclude the logical extension of the public road to facilitate the logical, orderly and efficient development of the overall public road system. Factors to be considered in making this determination shall include the circulation pattern and traffic volumes on nearby public roads, existing and proposed land use in the general area, policies part of the Master Plan, and any long-term road improvement and construction plans of the County Road Commission and Michigan Department of Transportation.
 13. Road Names and Signs: All private roads shall be posted with clearly visible road names. Road name and other signs shall comply with County Road Commission regulations and shall clearly indicate the road is private. All signs within the private road easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices. Road signs shall be provided at all intersections. All private road names shall be subject to Township approval to ensure no duplication of road names or other road names that may create confusion for emergency services.

F. Existing Nonconforming Private Roads

1. Maintenance and Existing Lots: Private roads which were lawful prior to the adoption of this Ordinance or amendment thereto, but that are inconsistent with the standards herein, may continue and undergo routine maintenance. The erection of new dwellings or other principal buildings on existing lots which front along such private road is permitted and does not require the issuance of a private road permit. For the purpose of this subsection (1), a lot shall be construed as an "existing lot" if the lot was lawfully created prior to the effective date of this Ordinance and meets one (1) or more of the following conditions:
 - a. The lot is an approved condominium unit recorded with the County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
 - b. The lot was described by metes and bounds as recorded by a deed or land contract, and registered with the County Register of Deeds.
 - c. The lot was a lawful platted lot.
2. Extensions and Additional Lots and Dwelling Units:
 - a. No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that does not meet the standards herein, may be extended in length or be subject to an increase in the number of dwelling units or lots through the partitioning or dividing of land along such road or road extension.

End of Article 13

Article 14

SITE PLAN REVIEW

Section 14.1 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the zoning permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance.

Section 14.2 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a zoning permit for the establishment or alteration of any use, building or structure including multiple family developments, open space preservation communities (OSPC), commercial and industrial uses, institutions, site condominiums, and platted subdivisions. For the purpose of this Section "the establishment or alteration of" shall be construed to also include "the initiation of," "the expansion of," and "the relocation of."

1. Exceptions:

- a. Agricultural buildings, single-family dwellings and two-family dwellings, and alterations and accessory structures and buildings thereto, including driveways, shall be subject to plot plan approval by the Zoning Administrator according to Section 2.4(B). This exception shall not apply in the case where three (3) or more single family dwellings are proposed to be located on a single lot, such as in the case of multiple rental cabins on a single lot, and such cases shall be subject to site plan approval and any revisions thereto shall be subject to Section 14.6.
- b. Uses, buildings and structures expressly exempted elsewhere in this Ordinance.

Section 14.3 Review Procedures

A. Optional Preapplication Conference: Prior to the submission of a site plan, a prospective applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting shall be to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the development being contemplated by the applicant. At the preapplication conference, the applicant may present a general sketch plan of the proposed site plan which provides an overview of the proposed project such as property location, lot lines and the general location of proposed buildings, roads, and parking areas. Statements made in the course of a preapplication conference shall not be legally binding nor be interpreted as assuring a specific action on any subsequent site plan submittal.

B. Optional Preliminary Site Plan: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (C) – (F) below.

1. Level of Detail: A preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including flow direction and preliminary location of detention/retention basins; general grading including limits of clearing and proposed contours; vehicular circulation including general road alignments, parking spaces and parking circulation; approximate lot areas and lot lines; signage; and landscaping.
 - a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

2. Approval Period: Approval of the preliminary site plan is valid for a period of eighteen (18) months except where this Ordinance provides otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new application according to Section 14.3.

C. Final Site Plan Submittal, Distribution and Data: A minimum of twelve (12) copies of a final site plan shall be submitted to the Zoning Administrator along with a zoning permit application form for the proposed development for which site plan approval is being sought. Upon receipt of the final site plan, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review the site plan. Up to five (5) additional site plan copies may be required by the Zoning Administrator upon determination that the additional copies are necessary in association with reviewing agencies.

1. Site Plan Preparation: A site plan shall be provided on a professional quality drawing of scale not less than 1" = 50' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches. The following information shall be included on a site plan.
 - a. General Information: Each site plan sheet shall include the following general information in addition to the information required under subsection (2) and (3):
 - 1) The applicant's full name, address and phone number.
 - 2) The name, address and phone number of the person and firm responsible for the site plan sheet's preparation; and the name of the proposed development.
 - 3) Bar/graphic scale and north arrow.
 - 4) The most current revision date on each sheet.
 - b. Specific Site Information: A site plan shall include the specific site information required under subsection (2) and (3) below except where the Planning Commission determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the effective evaluation of the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare. The Planning Commission or Township Board may subsequently void this waiver should deliberations reveal the need for additional information.
2. Site Plan / Existing Conditions Information: The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
 - a. Location map with north point, including all roads and road names within one-half (1/2) mile.
 - b. A property line survey, correlated with a legal description, showing property line dimensions and bearings and net acreage (minus rights-of-way) and total acreage, to the nearest 1/100 acre, prepared by a Michigan-licensed surveyor or engineer. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.
 - c. Zoning classification of applicant's lot and all abutting lots.
 - d. Distance from lot frontage corners to nearest driveways along both sides of such frontage.
 - e. Notation of any variances that have been granted.
 - f. Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
 - g. Roads, drives and alleys including surface materials and surface and right-of-way widths.
 - h. Parking space and aisle dimensions and the total number of spaces.
 - i. Natural features including soil types and soil unit boundaries; topography at minimum two (2) foot contour intervals, referenced to a U.S.G.S. benchmark and extending a minimum distance of fifty (50) feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
 - j. Non-motorized travel ways including trails, paths, and sidewalks, and the widths of each.

- k. Utilities including sanitary sewer, septic system, potable water, electricity, communication and gas service.
 - l. Location, width and purpose of all easements and rights-of-way including for utilities, access, and drainage.
3. Site Plan / Proposed Modifications: A site plan shall identify proposed modifications to the subject property including the following minimum information:
- a. Buildings and structures including location, height, outside dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air conditioning units, heating units, and transformers.
 - b. Accessory buildings and structures including the location, dimensions, and construction details for signage; location and height of lighting; and location, dimensions and construction details for fences and walls;
 - c. Roads, drives and other access and circulation features including sidewalks and trails; driveway entrances; centerlines; surface materials; surface and right-of-way widths; inside radii of all curves including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross-section of roads and driveways; loading and unloading areas; and parking lots including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces. Proposed traffic control measures (signs) shall also be indicated.
 - d. Landscape plan prepared according to and identifying the information required by Article 11.
 - e. Accessory buildings and structures and use areas including outdoor storage, trash receptacle and transformer pad locations and method of screening, and exterior lighting locations and method of shielding lights from adjacent properties
 - f. Proposed source and location of all public and private utilities including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.
 - g. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and slopes, and proposed topography at minimum one (1) foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
 - h. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
 - i. Location and description of all easements and rights-of-way for utilities, access, and drainage.
 - j. Intended schedule for completing the project, including the timing of project phases.
 - k. A statement identifying all federal, state and local permits required, if any.
 - l. In the case of a platted subdivision, condominium subdivision or similar residential development, the number, type and location of each type of residential unit on each lot; density calculations; garage and carport locations; road alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, the site plan shall indicate the responsibilities of the subdivision or condominium association, property owners, or other entity, with regard to maintenance of the common areas or community property on a continuing basis.
 - m. Any additional information that may be determined necessary to enable township officials to determine compliance with the standards of this Ordinance.

D. Planning Commission Review of Final Site Plan for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

E. Planning Commission Recommendation on Final Site Plan: Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. The Planning Commission shall recommend to approve or conditionally approve a site plan if the site plan contains the information required by and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions that may be recommended by the Planning Commission for approval shall be stated in writing together with the reasons. See Sec. 20.2 regarding conditional approvals.

F. Township Board Action on Final Site Plan: Upon receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. The Township Board may impose reasonable conditions pursuant to a final site plan approval. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. See Sec. 20.2 regarding conditional approvals.

1. Revised Site Plan: The Township Board may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary before an approval action can be granted.

G. Issuance of Zoning Permit / Building Permit Required: Upon approval or conditional approval of a site plan by the Township Board, the Zoning Administrator shall issue a zoning permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a zoning permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.

1. Building Permit Required: Upon issuance of a zoning permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

H. Approved Site Plans: Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each of the three approved copies shall be dated and signed by the Zoning Administrator and Township Clerk, with the date of approval specified.

I. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including the location of all above and below ground utility lines.

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Section 14.4 Site Plan Approval Standards

A. Specific Site Development Standards: A preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, building heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 7, Standards for Specific Land Uses
2. Article 9, Signs
3. Article 10, Off-Street Parking and Loading
4. Article 11, Landscaping and Screening
5. Article 12, Environmental Protection
6. Article 13, Access
7. Article 20, Supplemental Provisions

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with all of the following general site plan approval standards:

1. Site Organization: All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads.
2. District Purpose: The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in the Purpose tables of Article 3.
3. Surrounding Properties: The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties.
4. Environmental Character: The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands, and shall comply with Article 12, Environmental Protection.
5. Storm Water Management: The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well-being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns where practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and surface waters.
7. Circulation: The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and roads. New curb-cuts, drives and roads shall be coordinated with the existing and planned public circulation system and improvements thereto, and shall ensure adequate sight distances. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
8. Utilities: The site plan shall provide for all necessary utilities and such utilities and easements shall be appropriately located to ensure ease of access and servicing and coordination with other site features. Underground facilities shall be provided to the greatest extent feasible.
9. Phasing: Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
10. Other: Site plans shall conform to all applicable Township planning documents including the goals and objectives of the Lake Township Master Plan, other applicable ordinances, and state and federal statutes.

Section 14.5 Conformity to Approved Site Plans

Property which is the subject of site plan approval shall be developed in full compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved zoning permit shall be subject to revocation pursuant to Section 2.4(C).

Section 14.6 Changes to Approved Site Plan

A. Site Plan Changes: No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. **Major Changes:** Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A "major change" shall include the following:
 - a. A change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
 - b. A change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
 - c. A reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
 - d. An increase in the number of dwelling units, or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds five (5) feet at any single point.
 - e. An increase of more than three (3) feet in building height.
 - f. The addition of a building.
 - g. The relocation of outdoor storage areas or other outdoor use areas.
 - h. The re-occupancy of a vacant building.
2. **Minor Changes:** Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Township Board, which may act on such change without differing the matter to the Planning Commission for a recommendation.
 - a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or slope of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

Section 14.7 Pre-Existing Site Plans Under Review

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto. In such case, the final site plan shall be reviewed using the procedures and substantive standards under the Ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto, contains all required information, and is accompanied by all required fees.

Section 14.8 Expiration of Site Plan Approval

Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void at the time that the zoning permit which was issued for the approval site plan becomes null and void according to Section 2.4(C). In the case of a multi-phased project, site plan approval for a second or subsequent phase shall become null and void when a zoning permit has not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

End of Article 14

Article 15

SPECIAL LAND USES

Section 15.1 Purpose

It is the purpose of this Article to specify the process that shall be followed in the review and approval of "Special Land Uses" as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

Section 15.2 Review Procedure

A. Application: An application for a Special Land Use shall consist of:

1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
2. A site plan prepared according to Sec. 14.3.
3. A detailed description of the proposed project, in narrative form and part of a document signed by the applicant. Such description shall address, at a minimum, the intended use of the property, typical day-to-day operational features of the proposed use, hours of operation, number of employees by shift, the extent to which there will be indoor or outdoor storage and the materials to be stored, the extent of hazardous materials to be present and for what purpose, the means of waste disposal, and anticipated traffic by volume and type including the extent to which truck traffic will be present in association with customers and deliveries.

B. Planning Commission Action / Public Hearing:

1. Application for a zoning permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3 except that upon finding that the application materials are complete, the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Township Board for final action. Notice of the hearing shall comply with Section 2.11.
2. When evaluating the application, the Planning Commission and Township Board shall refer to the approval standards set forth in Section 15.6 in addition to those specified for site plan approval (Section 14.4). Action on the application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the Special Land Use application that specifies the basis for the decision and any conditions of approval.
3. An application for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion or resolution of approval, conditional approval or denial. See Section 20.2 regarding conditional approvals.

Section 15.3 Changes

A. Site Plan: Changes to an approved site plan that are classified as "minor" according to Section 14.6 shall be acted upon as provided in Section 14.6. In the case where such change constitutes a "major" change, such change shall be subject to the same review and approval provisions specified in Section 15.2.

B. Use or Activity: A change in the character of the use or activity from what the originally approved special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another Special Land Use; the expansion or reduction of the land area comprising the original approved application; and the expansion or increase in intensity of the use including but not necessarily limited to the erection of additional buildings and the extension of authorized hours of operation.

Section 15.4 Appeals

A person aggrieved by a Special Land Use decision may appeal the decision to the circuit court only.

Section 15.5 Reapplication

No application for a Special Land Use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Township Board. A reapplication shall require a new fee and the process shall follow the provisions of Section 15.2.

Section 15.6 Approval Standards

A. General Standards: No Special Land Use application shall be approved except where the application complies with all of the following standards:

1. The application shall be consistent with the Lake Township Master Plan.
2. The application shall be consistent with the purpose of the zoning district in which it is located.
3. The proposed facility shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed buildings and structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. The proposed facility shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
5. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
6. The proposed facility shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns; vehicular and pedestrian safety; the intensity and character of traffic and parking conditions; hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
7. The proposed facility shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
8. The proposed facility shall be in compliance with the site plan approval standards of Section 14.4.

B. Specific Standards: In addition to compliance with the above general standards in subsection (A), Special Land Uses shall comply with the specific site development standards and regulations of this Ordinance including as may be specified for each District in Article 3 and as may be identified in Article 7.

Section 15.7 Expiration of Special Land Use Approval

A zoning permit issued for a Special Land Use shall not expire except according to Section 2.4(C) and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than two (2) years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including site plan approval and a public hearing.

End of Article 15

Article 16

ZONING BOARD of APPEALS (ZBA)

Section 16.1 Purpose

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, and to ensure that the objectives of this Ordinance are fully and equitably achieved.

Section 16.2 Creation and Membership

A. Establishment and Appointment of Members: The ZBA previously created under the Lake Township Zoning Ordinance adopted on December 18, 2006 shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006, as amended. The ZBA shall consist of five (5) members, appointed by the Township Board by majority vote. One (1) of the ZBA members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson of the ZBA. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within the Township. The ZBA members shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Alternate Members: The Township Board may appoint not more than two (2) alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

C. Terms of Appointment: ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

D. Removal from Office / Conflict of Interest: A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a known conflict of interest constitutes malfeasance in office.

Section 16.3 Organization

A. Rules of Procedure and Officers: The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Michigan Open Meetings Act (P.A. 267 of 1976, as amended).

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of witnesses.

D. Records/Minutes: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Michigan Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Michigan Open Meetings Act.

E. Legal Counsel: The Township Attorney shall act as legal counsel for the ZBA.

Section 16.4 Jurisdiction

A. General. The ZBA shall act upon questions as they arise in the administration of this Ordinance and take such other actions as are specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

B. Limitations on Appeals: The ZBA is without authority to hear appeals involving site plan, special land use, Zoning Ordinance amendments, rezoning or PUD decisions.

Section 16.5 Appeals

A. Authority.

1. **Alleged Errors:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. This authority shall not extend to decisions on Special Land Use applications, PUD's rezonings, site plans and ordinance amendments.
2. **Interpretations:** The ZBA shall hear and decide appeals to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular District.

B. Standards.

1. **Alleged Errors:** The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed meets any of the following conditions:
 - a. Was arbitrary or capricious.
 - b. Was based upon an erroneous finding of a material fact.
 - c. Constituted an abuse of discretion.
 - d. Was based upon an erroneous interpretation of the Zoning Ordinance or zoning law.
 - e. The required procedures were not followed.
2. **Interpretations:** In deciding on an interpretation, the ZBA shall be guided by the following:
 - a. An interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
 - b. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
 - c. A zoning district boundary interpretation shall be guided by Section 3.4.
 - d. All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
 - e. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

C. Procedures:

1. **Application Requirements:**
 - a. **Alleged Errors:** A written application for an appeal of an alleged error shall be completed and filed with the Zoning Administrator on forms established for that purpose within twenty-one (21) days after the matter being appealed was decided or approved. An application for appeal shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the application shall be submitted along with any required application fees.
 - b. **Interpretations:** A written application for an appeal for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of seven (7)

copies of the completed application shall be submitted along with any application fees.

2. Stay for Appeal of Alleged Error: An appeal of an alleged error shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. Record of Facts / Transmission of Record for Appeal of Alleged Error: Upon receipt of an appeal of an alleged error, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding appeals, the ZBA's review shall be based upon the record of the decision being appealed.
 - a. The ZBA shall not consider new information which had not been presented to the official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original decision with an order to consider the new information and affirm or modify its original decision.
4. Hearing: Upon receipt of an appeal application for an alleged error or interpretation, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify a decision alleged to be in error or to make an interpretation.
 - a. In the case of an appeal of an alleged error, a member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
 - b. In the case of an appeal for an interpretation, a decision may be accompanied by a ZBA recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

Section 16.6 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development standards of this Ordinance, such as lot area and width requirements, building height and setback requirements, lot width and depth standards, lot depth to width ratio requirements, off-street parking and loading space standards, and sign standards. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

B. Standards: The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same District, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular lot.
2. That the practical difficulty or special circumstance is not a result of the actions of the applicant.
3. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
4. That the variance will relate only to property described in the variance application.
5. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
6. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in

the particular property or mitigate the practical difficulty.

C. Procedures

1. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determinations of the ZBA, and the basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance. The burden of proof for obtaining a variance rests with the applicant.
 - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 2.6 regarding performance guarantees and Section 20.2 regarding conditional approvals.
 - b. A variance shall become null and void unless the construction or use authorized by such variance has been substantially commenced within one (1) year after the granting of the variance and an occupancy permit has been issued by the Building Inspector within two years of the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
 - c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

(Section amended 11-20-23, Ord. #2023-4)

Section 16.7 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

End of Article 16

(Article amended 11-20-23, Ord. #2023-4)

Article 17

ZONING MAP and TEXT AMENDMENTS, and CONDITIONAL REZONINGS

Section 17.1 Purpose

This Article establishes procedures for the review and action on Zoning Ordinance or zoning map amendment requirements. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular area in the Township; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan and/or other ordinances of the Township; and to meet a public need for new or additional land uses in appropriate locations.

Section 17.2 Initiation of Amendments

Requests for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may approve an amendment to this Ordinance.

Section 17.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit fifteen (15) copies of a completed application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt. Upon finding that the application materials are satisfactorily complete, the Zoning Administrator shall transmit copies to the Planning Commission, Township Board, and other agencies or individuals that may be selected to review such petitions such as Township departments and staff, consultants, and the County Road Commission.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each lot that is not contiguous to any adjacent lot of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location, right-of-ways and easements within and adjacent to the property, and north orientation.
 - b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
 - c. A description of the site's features including acreage and road frontage; adjacent road right-of-ways; easements including their location, purpose and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
 - d. The desired change and reasons for such change.
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 2.11. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review for Text Amendments:** If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
 - a. Is the amendment petition supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - b. Is the amendment petition supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively address certain zoning issues?

- c. Is the amendment petition supported by significant case law?
- d. Will the amendment petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
- e. Is the amendment petition in accordance with the purpose of this Ordinance?
- 3. Planning Commission Review for Map Amendments: If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but need not be limited to the following:
 - a. What, if any, identifiable conditions related to the petition have changed which justify the proposed zoning district change including trends in land development in the vicinity?
 - b. What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities that may be reasonably required in the future if the proposed zoning district change is adopted?
 - c. Will the petitioned District change adversely affect the value of the surrounding land?
 - d. Is the site's environmental features compatible with the host of uses permitted in the proposed District, and will development under the petitioned District change be likely to adversely affect environmental conditions?
 - e. Can the subject lot comply with all requirements of the proposed zoning district?
 - f. Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?
 - g. Is the proposed District consistent with the zoning classification of surrounding land?
 - h. Does the proposed District change generally comply with the Master Plan?
 - i. Is the proposed District change in accordance with the purpose of this Ordinance?
 - j. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- 4. Planning Commission Recommendation: Following the hearing during the same or a subsequent meeting, the Planning Commission shall transmit a summary of comments received at the hearing to the Township Board, along with its recommended action on the petition. The Planning Commission shall also transmit the proposed amendments and its recommended action on the petition to the Huron County Planning Commission.

C. Township Board Action

- 1. After receiving the findings and recommendations of the Planning Commission, the Township Board at a regular meeting or at a special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board, and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
 - a. The Township Board shall not take action on a petition prior to receiving the advisory comments of the Huron County Planning Commission, except that if the Township Board has not received the Huron County Planning Commission's comments within thirty (30) days of the submittal by the Township Planning Commission to the Huron County Planning Commission, the Township Board need not delay taking action on the petition.
 - b. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (b) is not subject to the notice requirements of Section 2.11, except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments by ordinance by the Township Board, the amendment ordinance shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) above except where the Township Board expressly provides for a greater number of days.

Section 17.4 Conditional Rezoning

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

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing one or more conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The landowner's offer of conditions may not purport to authorize uses, activities, buildings, structures, items, or developments not allowed in the requested new zoning district or otherwise by this Ordinance.
4. Any use or development proposed as part of an offer of conditions for a rezoning that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately also approved by the Township in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions for a rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately also approved by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions for a rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately also approved in accordance with the provisions of this Ordinance.
7. The offer of conditions may be changed during the process of rezoning consideration provided that any changed or additional conditions are entered or agreed to voluntarily by the landowner. A landowner may withdraw all or part of its offer of conditions at any time prior to final rezoning action by the Township Board, provided that if such withdrawal or change occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation by the Planning Commission.

C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Article, may recommend to the Township Board approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the landowner.

D. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Article. Should the Township Board consider changes to the proposed conditional rezoning advisable and if such contemplated changes to the offer of conditions are acceptable to and thereafter offered by the landowner, then the Township Board may refer such changes back to the Planning Commission for a report thereon by the Planning Commission within a time specified by the Township Board and the Township Board may proceed thereafter in accordance with the Zoning Act to deny or approve the conditional rezoning with or without changes.

E. Approval.

1. If the Township Board approves the rezoning request with conditions from the offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions, or similar document, acceptable to the landowner and the Township and which document also conforms in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance/ordinance amendment adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the County Register of Deeds or, in the alternative and if acceptable to the Township, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the landowner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon both the current landowner and all successor owners, creditors, etc., of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions and have full authority to so bind the land.
3. Upon the rezoning taking effect, the Township's Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions (or an Affidavit or Memorandum giving notice thereof if such alternative is approved by the Township) shall be filed by the Township with the County Register of Deeds. The Township Board shall have the authority to waive this requirement at its discretion if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent purchaser or owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use, buildings, structures, and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences or continues a use upon land that has been rezoned with conditions shall continuously operate and maintain the development, land, buildings, structures, and use in full compliance with all of the conditions set forth in the Statement of Conditions as well as this Ordinance. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance or any other ordinance of the Township for any use, building, structure, or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance/ordinance amendment rezoning the subject land, the approved development and/or use of the land must be substantially commenced upon the land within one year after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and, (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with its Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

H .Reversion of Zoning. If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land back to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. Such reversion shall also occur if any condition or requirement in the Statement of Conditions is violated.

I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect, unless the Township Board deems certain conditions still relevant and binding, in which case any such conditions shall remain effective. Upon the landowner's written request, the Township Clerk shall record with the County Register of Deeds a notice that the prior Statement of Conditions, or portions thereof, is no longer in effect if, in fact, that is the case.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K .Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed or construed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification at any time. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

L. Failure to Offer Conditions. The Township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a landowner's rights under this Ordinance.

Section 17.5 Resubmittal

No petition for an amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

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End of Article 17

Article 18
(RESERVED for FUTURE USE)

(Balance of Page Blank)

End of Article 18

Article 19
(RESERVED for FUTURE USE)

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End of Article 19

Article 20

SUPPLEMENTAL PROVISIONS

Section 20.1 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all uses and all zoning districts unless otherwise indicated.

Section 20.2 Conditional Approvals

A. Conditions on Discretionary Decisions: The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, zoning permit, variance or other discretionary or nondiscretionary zoning approvals and permits. Such conditions shall be based on standards in this Ordinance and imposed to:

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

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

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

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed, except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.6.

E. Violation: A violation of a condition shall also constitute a violation of this Ordinance.

Section 20.3 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated to or on any lot in the Township unless the use and the building or structure meets all provisions of this Ordinance and the Michigan Construction Code and a zoning permit has been issued for such relocation.

Section 20.4 Essential Services

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to generally exempt such essential services from the application of this Ordinance. This essential services exception shall not apply to buildings, communication towers, wind energy systems, public utility storage yards, substations and similar above-ground structures and uses associated with such essential services, and shall be subject to all requirements of this Ordinance including minimum lot area and setbacks. The site plan approving body may require fencing, landscaping and/or other measures to minimize negative impacts of such facilities on surrounding uses as part of required site plan review proceedings. All such facilities shall be maintained in a neat condition and free of litter.

Section 20.5 One Dwelling Unit / Principal Use per Lot

A. Dwellings: No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Tables 3-2 or 3-3 of Article 3 authorizes two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

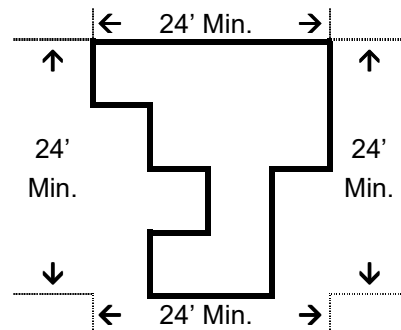
B. Principal Uses: No more than one (1) principal use shall be established on a lot except within a Business or Industrial District, in compliance with all provisions of this Ordinance and according to an approved site plan pursuant to Article 14. This Section shall not prohibit a dwelling on the same lot on which agriculture is occurring.

Section 20.6 Single Family Dwelling Standards

A. All single family dwellings (and modifications thereto) shall comply with all of the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings authorized according to Section 20.7, and mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law.

1. The dwelling shall have a cumulative finished floor area of all stories of a minimum of seven hundred twenty (720) square feet, exclusive of an attached garage, and shall have sufficient overall elevational dimensions to ensure compliance with subsection (2).

2. The dwelling shall have a minimum straight line dimension of at least twenty-four (24) feet across each of its front, side and rear elevations. See figure illustrating the required minimum 24' elevational dimension along front, side and rear sides of the dwelling. A square dwelling of 24' by 24' is insufficient to meet the minimum required 720 sq. ft. of floor area.



3. The dwelling and all modifications thereto shall comply with the Michigan Construction Code and any Township fire codes. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then such federal or state standard or regulation shall apply.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. In the case of a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards". No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
5. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
6. The dwelling shall contain storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less, and shall be located in a basement part of the dwelling, in a readily accessible attic area, in closet areas, or in a separate building on the same lot constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area used for the parking or storage of vehicles.
7. The dwelling shall be connected to a public sewer and water supply or to such private facilities as are approved by the County Health Department.
8. The dwelling shall have a finished surface that is non-reflective or glare-producing. The finished surface shall be of weather-protecting materials such as brick, wood, vinyl, concrete and similar protective materials commonly used by the housing industry and designed to resist deterioration and damage from weather conditions. Such surfacing shall be maintained to ensure an effective protective covering for the more interior parts of the dwelling's walls and roof and more interior areas and shall be promptly repaired upon deterioration or other damage.

9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. Compatibility shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Determination of compatibility shall be based on the standards in this Section and the character, design and appearance of one or more dwellings that comply with the standards set forth in subsections (1) – (8) and located within one (1) mile of the subject dwelling but outside of manufactured housing communities. The one (1) mile distance shall be measured along road right-of-ways. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as view, unique land contour, or relief from the common or standard designs.

Section 20.7 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as expressly approved by the Zoning Administrator according to this Section.

B. Temporary Dwelling for Emergency Housing or New Home Construction: An application for and authorization of a temporary dwelling according to this subsection (B) shall require the submittal of a completed zoning permit application to the Zoning Administrator including any required fee and a plot plan prepared according to Section 2.4(B). Temporary dwellings authorized under this subsection) and any required fee and shall comply with the following purposes and standards:

1. Purpose:
 - a. A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while the existing permanent dwelling on the same lot is under repair due to destruction 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, and for which repairs a zoning permit and building permit have been issued.
 - b. A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while a permanent dwelling on the same lot is under new construction and for which a zoning permit and building permit have been issued.
2. Standards:
 - a. A temporary dwelling may be placed in any yard and shall comply with the setback standards of the District for the permanent dwelling unless the Zoning Administrator determines that the location or intended location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks, in which case the Zoning Administrator may approve a reduction of up to fifty percent (50%) of the normally required setback.
 - b. A temporary dwelling shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system, or sewer system unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.
3. Permit Duration and Removal:
 - a. No permit issued under this Section shall be issued for a duration exceeding one (1) year.
 - b. The Zoning Administrator may renew a temporary dwelling permit no more than once and for a period not to exceed one hundred eighty (180) days, upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.
 - c. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first.
4. Conditions: The Zoning Administrator may attach conditions to a permit issued hereunder including that the applicant enter into a written agreement with the Township to ensure compliance with this Section.

C. Temporary Dwelling on Vacant Lot: A recreational vehicle may be used as a temporary dwelling on a vacant lot for reasons not delineated in subsection (B) subject to all of the following limitations and requirements:

1. Setbacks: The recreational vehicle shall comply with the setback requirements for dwellings according to the District in which it is located.
2. Duration: The recreational vehicle shall not be located on the lot for more than fourteen (14) days during any four (4) consecutive calendar months.
3. Number: No more than two (2) recreational vehicles shall be located on the lot at any one (1) time.
4. Licensing/Registration: If the recreational vehicle relies on its own means of travel, as in the case of a self-contained engine, the vehicle shall be operational and comply with state licensing and registration requirements.

5. Annual Permit: An annual zoning permit is required for the placement of a recreational vehicle for temporary dwelling purposes on a lot on which a permanent dwelling is not present. The Zoning Administrator may approve such a permit upon finding that the application and supporting materials demonstrate conformance with all requirements of this Section.
6. Posting: A zoning permit granted by the Zoning Administrator under this Section shall be posted by the applicant in a conspicuous location on the lot on which the recreational vehicle is to be located.

D. Temporary Visitation Exception: Nothing in this Section shall be construed to prohibit a recreational vehicle being used as a temporary dwelling on any lot on which a permanent dwelling is located and which permanent dwelling includes operational water and sewage disposal facilities accessible to the occupants of the recreational vehicle, for visitation purposes. No such lot shall have a recreational vehicle used as a temporary dwelling for more than fourteen (14) days in any calendar two-month (2-month) period. A zoning permit is not necessary for such temporary dwelling.

Section 20.8 Accessory Buildings and Structures

A. Scope:

1. Applicability: Accessory buildings and structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. Compliance with Definitions: No provisions of this Section shall be interpreted as authorizing accessory buildings, structures or uses that do not conform to the definitions of Article 21 pertaining to the same.
3. Clarification of "Accessory Building": For the purposes of this Section, a building shall be considered an accessory building if such building is not structurally attached to the principal building by either shared wall construction of a minimum five (5) feet in length or by a fully and structurally enclosed corridor.
4. Fences and Walls: This Section shall not apply to fences and walls. See Section 20.9.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a Zoning Permit for such building or structure, provided however that a permit is not required in the case of a building or structure that is no more than two-hundred (200) square feet in area but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. A building permit may be necessary for an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan according to Section 2.4(B)) or site plan according to Article 14.

C. Placement and Setbacks:

1. Front Yard: No accessory building or structure shall be located in a front yard except as follows:
 - a. In the case of a lot adjacent to Lake Huron, accessory buildings and structures may be erected in the front yard, that being the yard adjacent to the road right-of-way.
 - b. In the case of a lot not adjacent to Lake Huron, one (1) accessory building or structure may be erected in the front yard provided that it shall not exceed one hundred (100) sq. ft. in area and is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure.
2. Rear Yard: Accessory buildings and structures are permitted in a rear yard and shall be subject to the provisions of this Section including the following:
 - a. In the case of a lot adjacent to Lake Huron, one (1) accessory structure, excluding a building, may be erected in the rear yard, that being the yard adjacent to the lake, provided that it shall not exceed one hundred (100) sq. ft. in area, is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure, shall not extend more than thirty (30) feet from the primary wall of the dwelling generally oriented toward Lake Huron, and there is compliance with all other standards of this Ordinance including the setback standards of subsection (4) and state requirements for High Risk Erosion Areas.
 - b. In the case of a through-lot, accessory buildings and structures are permitted in the rear yard, subject to the provisions of this Section.
3. Side Yard: Accessory buildings and structures are permitted in a side yard, subject to the provisions of this Section.
4. Setbacks
 - a. Accessory buildings and structures shall comply with the principal building setback standards for the District in which it is located except that in the case of an accessory building in the R-1 District in a front or side yard of a lot, the minimum setback from the respective lot line shall be a minimum of five (5) feet provided the accessory building or structure is no greater than sixty-four (64) square feet in area and eight (8) feet in height.
 - b. In the case of a double-frontage lot, the required front yard setback shall also apply to the rear yard.

- c. In the case of an accessory building or structure with a side wall in excess of ten (10) feet in height in the R-1, R-2 or R-3 District, the setback for such wall shall comply with the District's setback standards for the principal building, plus an additional two (2) feet of setback for each one (1) foot the side wall height exceeds ten (10) feet. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.
5. Separation Distances: An accessory building shall not be located within ten (10) feet of another building or structure except as may be permitted by the State Construction Code according to properly rated fire walls, but in no case shall the separation distance be less than three (3) feet.
6. Utilities: An accessory building or structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

D. Height: Accessory buildings and structures in all Districts shall comply with the following maximum height standards. Height shall be measured from the ground elevation to the roof ridge or other top surface of the roof.

1. Business and Industrial Districts: The maximum height permitted for the principal building according to the District in which the accessory building or structure is located.
2. Agricultural Districts: Thirty-five (35) feet except that this limitation shall not apply to buildings and structures used in association with commercial agriculture.
3. Residential Districts: Thirty (30) feet in the RR District and twenty-five (25) feet in all other Residential Districts.

E. Number, Area, Size and Lot Coverage

1. Maximum Number
 - a. No more than two (2) accessory buildings and/or roofed structures shall be established on a lot except in the case where the lot is a minimum of two (2) acres in area, in which case one (1) additional building and/or covered structure may be established for each additional whole two (2) acres comprising the lot, up to a total maximum of four (4) such buildings and/or covered structures.
 - b. Gazebos and other covered structures designed for outdoor seating or gathering, including play structures for children, shall not be included in the calculation of the number of such permitted buildings or roofed structures provided each roofed area does not exceed two hundred (200) sq. ft. in area and the total cumulative roofed area of all such buildings and structures shall not exceed two hundred fifty (250) sq. ft.
2. Maximum Yard Area
 - a. The total area of all accessory buildings in a rear yard shall not exceed thirty-five percent (35%) of the area of the rear yard, but need not be less than 864 sq. ft.
 - b. The total area of all accessory buildings in a side yard shall not exceed twenty-five percent (25%) of the area of the side yard, but need not be less than 864 sq. ft.
3. Maximum Single Building Size: No single accessory building in the R-1 and R-2 Districts shall exceed twelve hundred (1,200) sq. ft. in area.
4. Maximum Lot Coverage and Maximum Total Area of All Accessory Buildings: The maximum total square foot area of all accessory buildings for a dwelling shall comply with the area limitations of the following table, provided:
 - a. An accessory building or structure shall not be erected that results in noncompliance with the lot coverage standards of the District in which it is located, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.
 - b. The maximum total square foot area of all accessory buildings on a lot shall not exceed fifty percent (50%) of the permissible maximum lot coverage for all principal and accessory buildings on the lot, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.

District	Maximum Total Square Foot Area of All Accessory Buildings ¹
AG	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft. This limitation shall not apply to buildings and structures used in association with commercial agriculture.
RR	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft.
R-1	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 2,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
R-2	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 3,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
RB, R-MF, R-MHC	15% of lot area.

- 1) In the case of a nonconforming lot due to deficient lot area, the maximum permitted total square foot area of all accessory buildings shall be reduced by the same percentage (%) as the percentage by which the lot area is less than the minimum required lot area for the District.

F. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings, or elsewhere in this Ordinance.

G. Prior to a Principal Structure: Buildings and structures typically accessory in nature to a principal use authorized in the District, according to Tables 3-2 and 3-3, shall not be erected on a lot in such District prior to the establishment of the approved principal use except according to the following conditions. Nothing in this subsection (G) shall be interpreted as authorizing a use, building or structure not otherwise in compliance with other requirements of this Ordinance.

1. Contiguous Lots: In the case of a lot occupied by a dwelling, an accessory building or structure may be established on a separate adjacent lot in the same District only after the adjacent lots are combined to form a single lot with a single tax identification number prior to the erection of such accessory building or structure, and subject to subsection (2). "Adjacent lots" shall not be construed to include lots separated by a public or private road.
2. Required Foundation and Framing of Principal Building: An accessory building and/or structure may be established on a lot prior to the establishment of a principal building only after the erection of the principal building's foundation and the completion of the roof framing, and subject to subsection (1) as may apply.

H. Items Prohibited as Accessory Uses, Buildings and Structures: The following are prohibited as an accessory use, building or structure:

1. Mobile homes, irrespective of how the home may be used including for storage purposes, except as authorized by Section 20.7, Temporary Dwellings.
2. Tractor trailers, storage crates or canisters designed for hauling by motor vehicle, and similar vehicles and vehicle parts, converted or otherwise, except as may be authorized in association with the principal use of the lot and upon site plan approval.
3. Tent-like structures, or shelters for a vehicle, equipment or other item or material, consisting of a roof supported on posts or similar shelter devices including those commonly referred to as a carport.
4. Any use, building or structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to accessory uses, buildings and structures.

I. Materials/Construction: Accessory buildings and roofed structures shall comply with the following standards irrespective of the size of such buildings and structures.

1. A residential accessory building or roofed structure shall incorporate exterior materials commonly employed by the residential construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of exposed untreated wood, plywood or particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the residential construction industry.
2. All accessory buildings and structures shall be of the same or better construction workmanship as the principal building on the premises.
3. A garage that exceeds a wall height of twelve (12) feet, whether attached or not attached to the dwelling on the same lot, and within forty (40) feet of a lot line, shall incorporate design features to effectively minimize the perceived bulk of the garage such as in the case of an external horizontal trim to suggest a lower ceiling height, the inclusion of windows within the wall similar in size, height and configuration as the balance of the building, differing exterior materials comprising the wall portion less than eight (8) feet in height, and/or other similar design features. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.

Section 20.9 Fences, Walls and Retaining Walls

A. Application and Permit Required: No person shall erect, construct or replace any fence, wall or retaining wall except in accordance with the provisions of this Section and only after the issuance of a zoning permit for the same. In the case of a fence, wall or retaining wall in association with the use of a lot for single-family or two-family dwelling purposes, application for such permit shall be according to Section 2.4(B). In the case of a fence, wall or retaining wall in association with a use subject to site plan approval according to Article 14, application for such permit shall be according to Article 14. In all cases, the application and required plot plan or site plan shall delineate the fence, wall or retaining wall type, location, length, height, materials, and construction details, and other information as may be required to adequately portray the intended fence, wall or retaining wall.

1. Nonconforming Fence, Wall or Retaining Wall: A fence, wall or retaining wall lawfully existing on or before the effective date of this Ordinance or amendment thereto, and not in conformance with the requirements of this Section, shall be subject to the nonconforming structure provisions of Section 6.4 of this Ordinance.

B. General Construction Features and Maintenance.

1. Materials: Fences, walls and retaining walls shall be constructed of materials designed and intended for such purposes and in good condition. In no case shall a fence, wall or retaining wall be constructed of rotting lumber, scrap metal, pallets, glare-producing materials, tires, trash or any materials that encourage habitation by pests or vermin. Fences shall be constructed with posts made of either iron pipe with one and five-eighths (15/8) inches outside diameter, or wood posts four (4") inches in diameter, or other material, with footings or post holes at least three (3') feet in depth and firmly set in concrete, sand, or other compacting material. The fencing material shall be firmly and securely fastened to the posts.
2. Finished Side: In the case where a proposed fence or wall is within twenty (20) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
3. Barbed Wire, Spikes and Pointed Instruments: Except for fences used for agriculture, no fence or wall shall include barbed wire, spikes, projecting nails, or pointed instruments of any kind or description, or include an electrical charge. This restriction on barbed wire and pointed instruments shall not apply to fences and walls surrounding or otherwise used within industrial facilities if such barbed wire or similar instruments do not extend over a lot line and project at an angle away from an adjacent sidewalk or public way.
4. Double-Frontage Lots: In the case of a double-frontage lot, the front yard height restrictions of this Section shall apply to both yards having such frontage unless provided otherwise.
5. Setbacks: Fences, walls and retaining walls shall not be subject to setback requirements except where otherwise required by this Section or the site plan approving body determines a setback is necessary to minimize negative impacts on adjacent property.
6. Maintenance: Fences, walls and retaining walls shall be maintained in good exterior and structural condition and reasonable repair at all times and shall not pose hazards to public safety.

C. Location Restrictions:

1. Lakefront Lot: In the case of a lakefront lot, no fence, wall or retaining wall shall be located in any portion of the lot between the lake and the nearest façade or façade corner of the principal building on such lot. This restriction shall not prohibit the erection of a fence between the lake and the principal building, between October 1 and May 1, intended to serve as an erosion control measure, provided such fence does not exceed a height of three (3) feet above the ground surface.
2. Public Right-of-Way and Private Road Easements: No fence, wall, retaining wall or other barrier shall be erected within or extended into a public road right-of-way or private road easement, except in conjunction with temporary construction activities for which a building permit has been granted by the Township. No fence, wall, retaining wall or other barrier shall be erected or extended within five (5) feet of the improved roadway or shoulder of a public or private road.

D. Height and Design Standards in Residential Districts: The following standards shall apply to fences, walls and retaining walls located in a Residential District. Where a fence or wall is located on a berm, the height of the berm shall be included in the measurement of the height of the fence, wall or retaining wall.

1. Front Yard Fences and Walls:
 - a. No fence or wall located in a front yard shall exceed four (4) feet in height above the ground below. If any portion of such fence or wall is located within twenty-five (25) feet of a public road right-of-way or private road easement, such portion shall be of unified open construction, so as to permit the free flow of air through a minimum of fifty percent (50%) of the fence.
 - b. No wire-weave fencing, commonly referred to as chain-link fencing, shall be located in a front yard of a Residential District.
2. Side and Rear Yard Fences and Walls: No fence or wall located in a side or rear yard shall exceed six (6) feet in height above the ground below, except as follows:
 - a. See Section 20.22 regarding clear vision zones.
 - b. In the case of a double-frontage lot, a fence or wall in the yard that functions most like a rear yard shall comply with the front yard restrictions in (1) above except that the fence or wall height shall be no greater than six (6) feet, measured from the ground below, where the fence or wall is setback a minimum distance of twenty-five (25) feet from the road right-of-way.
3. Retaining Walls:
 - a. No retaining wall shall exceed five (5) feet in height. This restriction shall not prohibit the retaining of ground for a height in excess of five (5) feet provided no one (1) wall shall exceed 5' in height and in the event multiple walls are used above one another, such as in a terraced manner, each wall shall be set back a minimum of five (5) feet from the nearest wall below.
 - b. If a retaining wall, earth buildup or other structure or condition is created within one hundred (100) feet of a dwelling and has on one or more sides a drop of more than thirty (30) inches, the designated approving body for the use shall have the discretion to require the installation and maintenance of a railing, fence or other restraint device to prevent children and others from falling, if such body determines that a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning Administrator in the case of a use subject to plot plan approval according to Section 2.4(B) may appeal that decision to the ZBA pursuant to the time limits and procedures specified in Article 16 of this Ordinance.
 - c. If the natural grade within twenty (20) feet of a building, whether existing or under construction, is built up and is partially or wholly retained or kept in place by a retaining wall, retention wall, landscaping timbers, or similar items, in order to allow access to a door, entry, or exit for the building, such buildup and retaining items shall be deemed a structure for purposes of setback requirements.
 - d. Retaining walls located between a lake and a dwelling shall have either incorporated landscaping to partially screen the view of the retaining wall from the lake or have a rock, brick or similar façade on the surface facing the lake.

E. Height and Design Standards in Non-Residential Districts: The following restrictions shall apply to fences, walls and retaining walls located in any District other than a Residential District. Where a fence or wall is located on a berm, the height of the berm shall be included in the measurement of a fence's height.

1. Clear Vision Zones: See Section 20.22 regarding additional restrictions in association with clear vision zones.
2. Front Yard Fences and Walls: No fence or wall located in a front yard shall exceed four (4) feet in height above the ground below except in the case of a clear vision fence, in which case the height shall not exceed eight (8) feet.
3. Side and Rear Yard Fences and Walls: No fence or wall in a side yard or rear yard shall exceed six (6) feet in height measured from the ground below.
4. Retaining Walls: The provisions of subsection (D)(4) shall apply to retaining walls in Non-Residential Districts.

F. Property Line Determinations: It shall be the obligation and sole responsibility of applicants seeking a permit under this Section to determine the exact location of property lines and ensure construction activities are limited to the lot of the applicant. The Zoning Administrator may require the applicant to submit a certified survey prepared by a registered land surveyor and have the lot corners staked by the surveyor. The Township shall not be responsible for establishing or verifying lot line locations and the issuance of a permit shall not be construed as a determination that the staked corners are accurate and that the proposed fence or wall is properly located on the applicant's lot, or otherwise prejudice in any way the rights of another property owner.

G. Exceptions:

1. Public Welfare: The designated site plan approving body may permit and/or require fence or wall heights greater than otherwise provided in this Section upon finding that such a greater height shall have a substantial impact in more effectively protecting the public safety and/or welfare.
2. Construction Fences: This Section shall not apply to temporary construction fences in association with construction for which a building permit has been issued.

Section 20.10 Home Occupations/Businesses

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation, profession or other activity resulting in some form of monetary compensation or benefit, conducted on the same lot as an occupied dwelling and by an occupant of the dwelling, accessory to and incidental to the principal residential use of the lot. Agriculture, as defined in this Ordinance, shall not be construed to be a home occupation.
 - a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, including an attached garage, and complies with the provisions of this Section.
 - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part in one (1) or more accessory buildings, or otherwise outdoors on a lot in the AG District, and complies with the provisions of this Section.

B. Authorization: The operating or conducting of a home occupation is allowed according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit is required for the establishment of such a home occupation and such occupation shall comply with the standards of subsection (C) below.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and allowed in the AG and RR Districts only, and shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 15, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

C. Standards: All home occupations shall comply with all of the following standards:

1. Secondary and Incidental: The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 9.
2. Nuisance Conditions: The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. Management: A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. Hazardous Materials: The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by a home occupation shall be safely and properly disposed of.
5. Size: A Class 1 home occupation shall be fully contained within a single room of the dwelling, which may include an attached garage, or may occupy an area no greater than twenty-five percent (25%) of the gross floor area of the dwelling excluding a basement, whichever is less. A Class 2 home occupation shall not occupy a total combined indoor and outdoor area greater than fifty percent (50%) of the gross floor area of the dwelling excluding a basement.
6. Employees: In the case of a Class 1 home occupation, no employee shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) persons shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling, provided this provision shall not prohibit the arrival of up to three (3) additional employees to the premises for the purpose of

receiving daily instructions for work to be performed elsewhere and provided there is compliance with subsection (7) below.

7. **Traffic:** All traffic to and from a home occupation shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors.
8. **Outdoor Activities:** No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors, including the storage of equipment and materials, except as may be expressly authorized by the designated approving body on a lot of a minimum two (2) acres in area and one-hundred fifty (150) feet in width, located in the AG District, and the approving body determines adequate setback and/or screening measures are to be in place to minimize visual and audio impacts on nearby roads and lots. The limits of such outdoor area shall be clearly identified on the site plan.
9. **Outdoor Retail Sales:** No retail sales shall be part of an outdoor portion of a Class 2 home occupation except in the case of the sale of firewood, as may be expressly authorized by the designated approving body where the approving body determines adequate measures are to be in place to prohibit nuisance conditions for nearby lots and uses and the avoidance of traffic hazards. For the purposes of this Subsection 9, "firewood" shall be defined as precut timber in a ready-to-use form for campfires, fireplaces and/or furnaces, without the need for further processing. Such retail sales area shall comply with the following:
 - a. Shall not exceed twenty (20) sq. ft. in area.
 - b. Shall be setback a minimum distance of twenty-five (25) feet from a front lot line.
 - c. Shall be setback a minimum distance of fifty (50) feet from a rear lot line.
 - d. Shall be setback a minimum distance of ten percent (10%) of the lot's width from the side lot line but not less than ten (10) feet.
 - e. Shall accommodate the parking of a minimum of two (2) vehicles a minimum distance of fifty (50) feet from all lot lines.
 - f. All firewood shall be neatly stacked and the stacking of wood shall not exceed a height of four (4) feet.
 - g. No parking shall be permitted in a road right-of-way including M-25.
10. **Indoor Retail Sales:** No retail sales shall be part of an indoor portion of a Class 1 or Class 2 home occupation except in the case of products produced on such lot. This subsection shall not prohibit phone sales, internet sales, and similar sales where the general public does not typically arrive on the home occupation lot to acquire the product.

Section 20.11 Setback Exceptions for Residential Outdoor Living Areas (Patios, Decks, Porches, etc.)

A. Definition: For the purpose of this Section, "residential outdoor living area" shall be defined as an area designed or used for outdoor gathering, lounging, dining, and/or similar use, in association with a dwelling, constructed of wood, concrete, brick, stone, or similar surface. An outdoor living area may be commonly referred to as a patio, deck, or porch.

B. Standards: Outdoor living areas shall comply with the dwelling setback requirements of the District in which the dwelling is located, except that an outdoor living area may be set back a minimum distance of fifty percent (50%) of the normally required setback for the dwelling, but a minimum of fifteen (15) from the front lot line, when there is compliance with all of the following conditions:

1. Within the R-1 District, the outdoor living area shall have a walking surface no greater than six (6) inches above the ground elevation of the ground surface below. Within all other Districts, the outdoor living area shall have a walking surface no greater than eighteen (18) inches above the ground elevation of the ground surface below.
2. No fixed feature of an outdoor living area, including railings, shall exceed thirty-six inches (36") in height above the surface of such outdoor living area.

C. Exception: The exceptions provided by this Section shall not apply to lakefront lots.

Section 20.12 Shoreline Alteration

A. Definition: For the purpose of this Section, “shoreline alteration” shall be defined as the changing, transforming or otherwise varying of the shoreline or shoreline bank along a lake, pond, river or stream, including the erection of a retaining wall, the depositing of boulders, and similar modifications including soil erosion control measures.

B. Requirements: Shoreline alteration is prohibited except where a zoning permit is issued by the Zoning Administrator upon finding that all of the following conditions have been met:

1. The applicant has submitted satisfactory evidence demonstrating the need for such shoreline alteration to stabilize erosion.
2. The applicant has submitted satisfactory evidence demonstrating that all necessary permits and approvals have been obtained from the Michigan Department of Environment, Great Lakes and Energy and all other pertinent bodies including as required under the Michigan Inland Lakes and Streams Act.

Section 20.13 Keeping of Animals as an Accessory Residential Use

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. “Household pets” shall be defined to include dogs, cats, fish, birds, hamsters and other types of commonly domesticated animals maintained in a residence.
2. “Large livestock” shall be defined as horses, ponies, cattle, ostrich and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon maturity.
3. “Medium livestock” shall be defined as sheep, goats, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon maturity.
4. “Small livestock” shall be defined as rabbits, chickens, fowl, bees and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon maturity, but excluding roosters.
5. “Vicious animal” shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
6. “Wild animal” shall be defined as any animal that is not considered widely and commonly domesticated by humans within the State of Michigan including, but not limited to, opossum, raccoon, bear, deer, moose, elk, wolf, coyote, elephants, and wild cats such as tiger, lion, and ocelot.

B. Keeping of Wild and Vicious Animals: No wild or vicious animal shall be kept permanently or temporarily on any lot in any District.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used and occupied lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance. The keeping of household pets shall comply with the following:

1. Front Yard Limitations: No outdoor pen or enclosure for such pets shall be located in a front yard.
2. Noise: Pets shall be managed so as to prohibit nuisance conditions associated with excessive noise including excessive dog barking.
3. Waste: The retention or storage of animal waste shall be managed so as not to create a nuisance due to odors, flies, fleas or other nuisance-generating conditions. The retention or storage of animal waste shall not occur within fifty (50) feet of a lot line.
4. Containment: Pets shall be contained within the dwelling or otherwise on the lot. Unrestricted or otherwise free-roaming pets are prohibited.

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted according to the requirements of this subsection (D). This subsection (D) shall apply only to the keeping of livestock as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Small Livestock:
 - a. The keeping of small livestock is permitted in Agricultural and Residential Districts only.
 - b. The keeping of small livestock shall occur only on lots of one (1) acre or greater except that the minimum lot size for the keeping of bees shall be ten thousand (10,000) sq. ft. and the minimum lot size for the keeping of chickens shall be five thousand (5,000) sq. ft.
 - c. Any building or structure housing small livestock shall be set back no less than fifty (50) feet from a lot line except as follows:
 - 1) In the case of the keeping of bees, no bee hives shall be located within twenty (20) feet of a lot line and within fifty (50) feet of an existing dwelling on another lot.

- 2) Chicken containment areas in an R-1 or R-2 District shall be setback from all lot lines a minimum distance equal to the required setback for the dwelling according to the District in which it is located.
- d. At no time shall the density of such livestock exceed one (1) animal per five-thousand (5,000) sq. ft. for a lot in the AG and RR Districts and one (1) animal per ten-thousand (10,000) sq. ft. for a lot in the R-1, R-2 and R-3 Districts. This subsection (d) shall not apply to beekeeping.
- e. The keeping of chickens shall also comply with the following restrictions:
 - 1) No rooster may be maintained on a lot except between the hours of 11:00 a.m. and 4:00 p.m.
 - 2) In the case of a lot less than ten thousand (10,000) sq. ft. in area, within an R-1 or R-2 District, chickens shall be maintained within a roofed containment area.
 - 3) In no case shall more than six (6) chickens, in excess of ten (10) days old or three-quarter (3/4) pounds in weight, be located on a lot.
2. Medium Livestock:
 - a. The keeping of medium livestock is permitted in the AG and RR Districts only.
 - b. The keeping of medium livestock shall occur only on lots of five (5) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
 - c. At no time shall the density of medium livestock exceed one (1) animal per one-quarter (1/4) acre for a lot in the AG District and one (1) animal per one-half (1/2) acre for a lot in the RR District.
 - d. Any building or structure housing medium livestock shall be set back no less than fifty (50) feet from a lot line.
3. Large Livestock:
 - a. The keeping of large livestock is permitted in the AG and RR Districts only.
 - b. The keeping of large livestock shall occur only on lots of ten (10) acres or greater comprising a lot in the AG District and one (1) animal per five (5) acres for a lot in the RR District, but in no case shall such livestock be kept within a platted subdivision or site condominium unless approved as an equine community.
 - c. At no time shall the density of such livestock exceed one (1) animal for the first two (2) acres for a lot in the AG District and one (1) animal for the first five (5) acres for a lot in the RR District, and one (1) animal per each additional acre for the lot in such Districts.
 - d. Any building or structure housing large livestock shall be set back no less than fifty (50) feet from a lot line and one-hundred (100) feet from an existing dwelling on another lot.
4. Regulations Applicable to All Livestock Maintained as a Residential Accessory Use:
 - a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
 - b. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said lot for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said lot for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
 - c. All livestock, excluding bees, shall be completely enclosed by measures of adequate design and construction to contain the livestock.
 - d. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred (100) feet of a lot line.
 - e. The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to nearby property or uses.

Section 20.14 Farm Markets (Roadside Stands)

A. Standards:

1. Farm markets are only allowed in the AG and RR Districts. Farm markets shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
2. No building or structure part of a farm market shall be located within fifty (50) feet of a public road right-of-way.
3. All parking shall be out of the public road right of way. An area shall be provided for the orderly accommodation of a minimum of one (1) parking space for each fifteen (15) sq. ft. of display area but need not exceed eight (8) spaces. Parking areas need not be paved but shall be adequately identified to ensure orderly circulation.
4. Access drives shall be wide enough to accommodate two vehicles side-by-side.

5. Suitable containers for rubbish shall be placed on the premises for public use, and the farm market area shall be kept free of litter.
6. Farm markets shall be located no closer than one hundred (100) feet from any lot line that abuts a Residential District.

B. Exemption:

1. The standards and other requirements of this Section shall not apply to roadside stands that have a product display area no greater than thirty-two (32) square feet in area.

Section 20.15 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose and in the case of a residential lot, shall be accompanied by a plot plan (Section 2.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Standards

1. No pool or pool fencing shall be located in a front yard.
2. Pools shall be setback a minimum distance of ten (10) feet from side and rear lot lines, as measured from the interior wall surface. Setbacks for pool deck areas shall comply with Section 20.15.
3. No pool shall be located under electrical wires and similar utility devices.
4. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including cleanliness, fencing, gates, and other safety measures.
5. No swimming pool shall be occupied prior to receiving approval from the Building Inspector.
6. All swimming pools shall be surrounded by a wall or fence at least 4 feet tall, with self-latching security access gates, except where building codes or the rules and regulations of county and state health departments present more stringent fencing/access requirements.

Section 20.16 Condominiums

A. Intent: The intent of this Section is to provide regulatory standards for condominiums similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat condominiums different than similar projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium project, including single family and two-family dwellings, and multiple family developments, shall comply with all standards of the District in which it is located including use, setback, height, lot coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium lot in a site condominium project is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, lot coverage, lot area, and lot width requirements of the District within which it is located and all other provisions of this Ordinance.

C. Review and Approval Procedures:

1. Zoning Permit Required: No grading or any other form of construction shall be initiated for a condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
 - a. In addition to the site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall include as part of the zoning permit application a copy of the proposed master deed and bylaws. These shall be reviewed by the Township for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations.

The master deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed by the Township, the applicant shall furnish the Zoning Administrator with a recorded copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. **Changes:** Any changes to an approved condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Public Utilities: The condominium shall provide for the conveyance of easements to the appropriate agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing all public utility services.

F. Roads: All roads within a condominium shall be designed and constructed in conformance with the standards of the Huron County Road Commission for public roads unless private road approval has been granted under this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium to the Township is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

H. Monuments: All condominium lots that are building sites shall be marked with monuments as if such lots were within a platted subdivision, and such monuments shall comply with the requirements of Public Act 288 of 1967, as amended, the Land Division Act.

Section 20.17 Outdoor Furnaces

A. Outdoor Furnace Defined: For the purpose of this Section and Ordinance, "outdoor furnace" shall be defined as an accessory structure intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel.

B. Approval Procedure: Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and this Ordinance.

C. Standards: An outdoor furnace shall be installed and used only in accordance with all of the following provisions:

1. **Construction:** An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so.
2. **Districts, Lot Area, Yards and Setbacks:**
 - a) An outdoor furnace shall be located in an AG or RR District only, on a lot of a minimum two (2) acres.
 - b) An outdoor furnace shall not be located in a front yard and shall be setback from all lot lines a minimum distance of fifty (50) feet.
3. **Chimney Height:** The furnace shall have a chimney that meets manufacturer's specifications for height and in no case shall a chimney be less than two (2) feet above the peak of all buildings on any other lot within one-hundred fifty (150) feet of the furnace.
4. **Fuel:** No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure

treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; and newspaper, corrugated cardboard, container board, office paper and other similar materials.

Section 20.18 Medical Marihuana

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings except where the context clearly indicates a different meaning:

1. IHRA: The Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.
2. Marihuana: As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
3. Marihuana establishment: As defined in the MRTMA.
4. Marihuana facility: As defined in the MMFLA.
5. MMFLA: Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
6. MMMA: Michigan Medical Marihuana Act, 2008 IL 1, as amended.
7. MRTMA: Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.
8. Primary caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the MMMA and who otherwise meets the definition of a primary caregiver under the Act.
9. Qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the MMMA and who has been issued and possesses a registry identification card according to the Act.

B. Authorization: The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of marihuana in accordance with the MMMA is permitted only as a Class 1 home occupation though the growing and possession of the medical marihuana may occur in an accessory structure on the premises. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which may be located within the dwelling or within an accessory building or structure on the same lot as the dwelling.

1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other building or structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to grow or otherwise cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
2. Nothing in this Section shall be construed as authorizing any use of a lot for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.
3. Nothing in this Section shall be construed as authorizing any use that is subject to licensing under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, including a "grower," a "processor," a "secure transporter," a "provisioning center," or a "safety compliance facility," as defined in such Act.
4. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted or be present within Lake Township.
5. Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
6. Marihuana facilities are prohibited within the boundaries of the Township.

C. Rights Unaffected by this Ordinance:

1. This Section shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
2. This Section shall not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
3. This Section shall not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
4. This Section shall not affect the rights or privileges of any individual or other person under the IHRA.
5. This Section shall not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

D. Standards and Conditions: The following standards and conditions shall apply in addition to the standards of Section 20.10 for Class 1 home occupations, except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 20.10, the more stringent standards and conditions shall apply.

1. No medical marihuana home occupation shall be operated except in a single family dwelling or accessory building or structure thereto.
2. No medical marihuana home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the lot where the home occupation is occurring.
3. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana home occupation.
4. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall not exceed six hundred (600) square feet in floor area.
5. No more than seventy-two (72) marihuana plants shall be grown on the lot at any one time.
6. There shall be no sign erected pertaining to the home occupation.
7. All aspects of a medical marihuana home occupation shall comply at all times with the provisions of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Section 20.19 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses and buildings may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary mobile homes and other buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Township Board shall be the approving body for temporary conditions associated with a special land use or any events anticipated to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period. The Zoning Administrator may also refer an application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The approving body may require the submittal of additional information to adequately evaluate the merits of the request. The Township Board or Zoning Administrator may refer an application to building, police and fire officials to solicit comments regarding public health, safety and welfare concerns.

D. Permit Duration, Performance Guarantee and Removal: The zoning permit shall specify the date by which the removal of the temporary use and associated facilities shall occur, and the approving body may require a performance guarantee according to Section 2.6. A Certificate of Occupancy shall be required for buildings according to the State Construction Code.

1. No zoning permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a six (6) month period and in no case shall more than one (1) additional authorization period be granted, not to exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.
2. Reasonable conditions may be attached to any permit issued hereunder.

E. Approval Standards: Temporary buildings and uses shall comply with the site plan approval standards of Article 14, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the approving body shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, can be adequately provided. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the owner or operator. The following additional standards and conditions shall apply:

1. In the case of a use that is intended to attract more than one-hundred fifty (150) persons during any single twenty-four (24) hour period, or where the nature of the temporary use involves the sale of outdoor items including Christmas trees, the area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within one-hundred fifty (150) feet of a dwelling on another lot, and the permit shall not exceed thirty (30) days in duration.

F. Garage/Yard Sales: Garage sales and similar events shall comply with the Lake Township Garage Sale Ordinance, Ordinance No. 2015-01, as amended.

Section 20.20 Outdoor Recreational Vehicle/Motorized Watercraft Storage

A. General Restrictions: The outdoor storage of recreational vehicles and/or motorized watercraft on any lot is prohibited except as may be authorized by the District in which the lot is located according to Table 3-2 or 3-3 of Article 3 or is otherwise authorized by this Section. For the purpose of this Section, "motorized" watercraft are watercraft designed to be powered by a motor, whether attached to or an integral part of the watercraft.

B. Residential Lot: The outdoor storage of recreational vehicles and/or motorized watercraft on any lot on which a dwelling is located is permitted subject to the following restrictions:

1. **Number:** No more than one (1) recreational vehicle and no more than one (1) motorized watercraft shall be parked on a lot.
2. **Registration:** All recreational vehicles and/or motorized watercraft shall be currently titled or registered to an occupant or an immediate family member of an occupant of the dwelling, or titled or registered to the lot owner if the owner is not the occupant.
3. **Yard Restrictions:** A recreational vehicle and/or motorized watercraft shall be located in a rear yard only and shall be subject to the rear yard setback requirements for accessory buildings. The Zoning Administrator may waive this rear yard restriction upon a finding that there is no practical means of access to the rear yard and in such case, the recreational vehicle and/or motorized watercraft shall be permitted in a side yard subject to the side yard setback requirements for accessory buildings.
 - a. This subsection shall not prohibit the temporary parking of a recreational vehicle and/or motorized watercraft in any yard, for a period no greater than forty-eight (48) hours in any seven (7) day period, for loading or unloading purposes.
4. **Maintenance:** The exterior of such recreational vehicles and/or motorized watercraft shall be maintained in good condition.
5. **Mobile Home Prohibited:** Nothing in this Section shall be construed as authorizing the placement of a mobile home on a lot.
6. **Occupancy Prohibited:** No recreational vehicle and/or motorized watercraft shall be used as a dwelling, temporarily or otherwise, except as may be authorized according to Section 20.7.

Section 20.21 Outdoor Display, Sales and Storage

A. Definition of Materials and Products: For the purpose of this Section, "materials and products" shall include lumber piles, crates, boxes, building supplies, discarded items, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily stored outdoors.

B. Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use authorized in the respective District is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of plant nursery stock, motor vehicles, items intended for tow, or other items customarily stored outdoors.

1. **Exception:** Nothing in this subsection shall prohibit a commercial use dedicated principally to retail

sales from displaying items for sale provided the display area and items do not extend more than five (5) feet from the wall of a building dedicated to such use and shall not exceed five (5) feet in height.

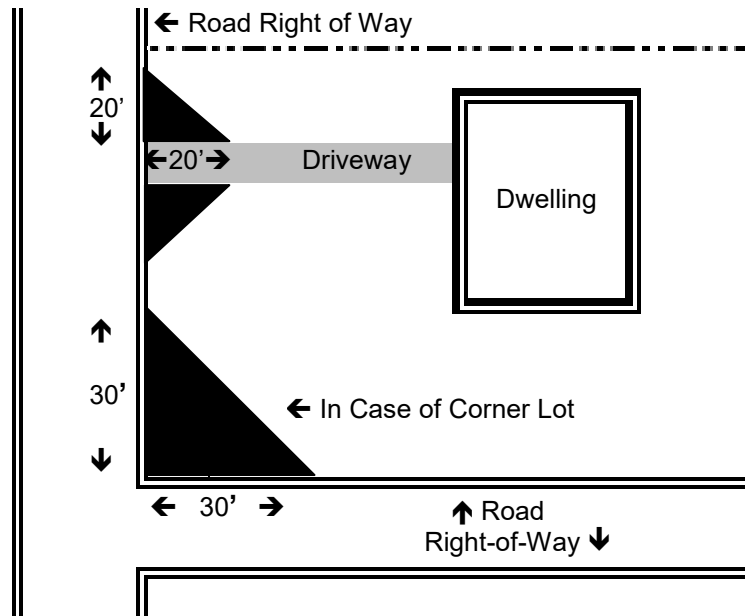
C. Non-Residential Storage: The outdoor storage of materials and products in association with a commercial or industrial use, or other non-residential use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or enclosure of such storage area adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval. No outdoor storage of materials and products shall be located in a front yard and shall not constitute a fire hazard or contribute to unsanitary conditions.

D. Fences and Walls: See Section 20.9.

E. Junk Yards: Nothing in this Section shall be construed as authorizing a junk yard as defined in Article 21.

Section 20.22 Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located as to impede vision between the height of two and one-half (2 ½) and eight (8) feet above road elevation on any corner lot, within thirty (30) feet of the intersecting public road right-of-way or private road easement lines. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 ½) and eight (8) feet above road elevation within twenty (20) feet of a driveway edge and the intersecting road right-of-way line. The restrictions of this Section shall not apply in the case of a fence that is transparent across a minimum of eighty percent (80%) of its face within the above measurement areas unless otherwise determined necessary by the approving body due to the fence's configuration and/or location that unreasonably undermines public safety.



(Section amended 10-21-24, Ord. #2024-4)

Section 20.23 Side Yard Wall Configurations in R-1 and R-2 Districts

A. The following provisions shall apply to all buildings erected in the R-1 or R-2 Districts where a wall within a side yard is a minimum of twenty (20) feet in horizontal length and exceeds eighteen (18) feet in height as measured from its lowest point exposed to view to its highest point:

1. Such wall shall exhibit design features to effectively minimize the perceived bulk of the wall. Features may include, by example, changes in exterior materials, the use of trims or roof overhangs to break up an otherwise homogeneous façade appearance, the inclusion of windows, and/or other design features.
2. In no case shall any portion of such wall reflect a homogeneous façade that exceeds a ten (10) foot by ten (10) foot imaginary square area.
3. Where the Zoning Administrator is the approving body for the building, the Zoning Administrator may defer judgment on compliance with this requirement to the Planning Commission.

Section 20.24 Division of Land

A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, dimension, width, frontage, and other minimum requirements of this Ordinance. All land divisions, land splits, and property boundary reconfigurations shall also comply with all applicable requirements of this Ordinance and the Michigan Land Division Act.

B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a land division permit has been obtained from the Zoning Administrator or such other person as may be designated for such purpose by Township Board resolution. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcels of land, or access easements, fully complies with the requirements of this Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

Section 20.25 Certain Large Scale Residential Developments

Certain large scale residential developments (being those which include 11 or more lots or site condominium units in the RR, R-1 and R-2 Districts) shall be developed only as planned unit developments ("PUD"). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development, in accordance with the Township Master Plan and the purposes of the Ordinance. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units or any other type of land division, conveyance or development resulting in a number of lots, site condominium units or other land divisions greater than ten as provided in the RR, R-1 and R-2 Districts.

Section 20.26 Damage During Construction

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for any damage to roads, littering, flooding, or other damage or casualty caused by or attributable to such construction. No construction or supply equipment or other equipment or vehicles associated with construction on a particular property shall block roads or present a safety hazard. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstituted until the property owner posts monetary security with the Township as determined by the Zoning Administrator.

Section 20.27 No Zoning Applications, Approvals or Permits for a Property That Is in Violation of This Ordinance or a Court Order or Judgment

Should a lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or

Section 20.28 Channels and Canals

A. No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake in the Township. Nor shall the size or surface area of any lake be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake; provided, however, that this section shall not apply to the following:

1. Any lawful dredging occurring on existing lake bottomlands which are lakeward of the ordinary high water mark of the lake.
2. Lawful dredging upland from the ordinary high water mark of a lake so as to create not more than two boat wells (i.e., a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake frontage and 20 feet of depth from the ordinary high water mark of the lake.
3. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake.
4. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

Section 20.29 Lake Access and Frontage

A. Restrictions: The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

1. In all zoning districts, there shall be at least one hundred (100) feet of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
2. Any multiple-unit residential development in any zoning district that shares a common lake or stream front area or frontage may not permit lake or stream use or access to more than one single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 80 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water make line of the lake or stream.
3. Any multiple-unit residential development shall have not more than one dock for each one hundred (100) feet of lake or stream frontage, as measured along the normal high water mark of the lake or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
4. The above restrictions shall apply to all lots on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
5. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval (and meets the requirements of the zoning district involved) or a planned unit development (PUD) approval.
6. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
7. Refer to other applicable Township ordinances for other keyhole development regulations.
8. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake or stream shall be used to permit access to the lake or stream for more than one single family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
9. The minimum water frontage requirements of this section shall be doubled if more than fifty percent (50%) of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
10. If a property is located within a zoning district where the minimum lot width requirement is greater than one hundred (100) feet, the minimum water frontage requirements of subsections (1), (2) and (3) hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

(Section amended 10-21-24, Ord. #2024-4)

Section 20.30 Road Ends

Docks, boat hoists and similar structures shall not be kept, installed or used at or on private road ends or public road ends that terminate or end roughly perpendicular to Lake Huron or any lake. Furthermore, no boat, watercraft or vessel shall be moored, kept or docked at such lake road end overnight. Docks or piers owned and maintained by a governmental unit are allowed.

Section 20.31 Short-Term Rentals

Short-Term Rentals are prohibited in all zoning districts except for the B-1 Local Business and RB Residential Business zoning districts. Notwithstanding such prohibition, a lawful single-family dwelling may be rented or leased to one (1) family at a time, with the total of such rentals or leasing not to exceed fourteen (14) consecutive days during a calendar year for the lot or parcel involved (i.e. in no event shall a lot or parcel be rented or leased for more than fourteen (14) days in total during a calendar year and such fourteen (14) days must be done in a row or consecutively).

(Section amended 9-18-23, Ord. #2023-2)

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End of Article 20

(Article amended 9-18-23, Ord. #2023-2; 10-21-24, Ord. #2024-4)

Article 21 DEFINITIONS

Section 21.1 Explanation of Terms / Construction of Language

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

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

B. The word "person" includes a corporation, limited liability company, association, partnership, trust, firm, or similar entity as well as an individual.

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

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

E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

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

G. The words "this Ordinance" means the text of this Ordinance as well as any part thereof and any and all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

I. The "Township" is the Township of Lake in the County of Huron, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.

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

K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.2 Definitions

Abandonment: A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.

Abutting: The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement or other feature.

Adjacent: To abut.

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal building, and located on the same lot as the principal building except where this Ordinance expressly specifies otherwise. An accessory building is not part of or attached to the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the lot, and located on the same lot as the principal use except where this Ordinance expressly specifies otherwise.

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, a nursing home licensed under Public Act 139 of 1956, as amended, or adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
- b. **Group Home:** An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

Agricultural Operation: Activities part of the carrying on of agriculture including the operation of machinery and equipment, field preparation, the care and management of livestock, and the management of by-products including animal waste.

Agriculture: The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture. "Agriculture" shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

Agritourism: The use of land in association with and on the same lot as an active agricultural operation, that links agricultural production and/or processing with tourism in order to attract visitors to an active agricultural production lot and which may be generally referred to as a farm, for the purposes of entertaining and/or educating the visitors or otherwise providing a pastoral venue for special events. For the purposes of this definition, an "active agricultural operation" shall be construed as an agricultural operation consisting of more than twenty (20) acres devoted to crop cultivation and/or livestock raising during the previous calendar year and continues for a minimum time period equal to the duration that agritourism occurs on the same lot. Examples of agritourism include pumpkin picking patches, corn mazes, farm animal petting and feeding, hay rides, farm tours, cooking classes that rely principally on food items harvested on-site, the serving of meals that rely principally on food items harvested on-site, and the conducting of special events such as weddings and other celebrations.

Airport: A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

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

Approving Body: The Township official, body, board or commission charged by this Ordinance for a specific zoning matter, review or approval.

Arcade: Any business within which are located ten (10) or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense items, kiddy rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

Attached Garage: A garage structurally attached to a building by either shared wall construction or by a fully and structurally enclosed corridor or similar fully enclosed space.

Basement: See "Story-Related Definitions."

Battery management system: An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Bed and Breakfast: See "Tourist Home."

Bedroom: A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

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

Billboard: See Article 9 for definitions pertaining to billboards and other signs.

Building: Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses. A building may be divided into two (2) or more separate areas for use by separate tenants, and similar arrangements.

Building Code: Codes adopted by the County or Township pursuant to the Michigan Construction Code and independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

Building Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings located thereon and measured from the buildings' exterior wall faces. Where a roof extends more than three (3) feet from the building wall, the building area shall be measured from the outer limits of the roof.

Building Height: The vertical distance measured from the average finished ground surface elevation along the front of the building where it abuts the front yard to the highest point of the roof surface, unless specified otherwise in this Ordinance including in certain cases for dwellings in the R-1 and R-2 Districts according to Table 3-4 of Article 3, Footnote 3.

Building Inspector: An individual or entity retained by the County or Township to administer the Michigan Construction Code.

Building Integrated Photovoltaics (BIPVs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Building Permit: Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

Campground: A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

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

Certificate of Occupancy: A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

Commercial Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Condominium: A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

Condominium Unit: That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining

compliance of the site condominium with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar dimensions and standards pertaining to lots.

Convalescent Home: A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care (also referred to as a nursing home).

Cottage Resort: A single lot in the Residential Business District on which two (2) or more single-family dwellings are located, where such dwellings are available for occupancy on a temporary basis only, for a fee or other financial arrangement. A cottage resort may be operational year-round but the dwellings within are for occupancy on a temporary basis only, not to exceed one-hundred eighty (180) days in a calendar year, except that a cottage resort may include one (1) year-round occupied dwelling in which the property owner or manager resides. A condominium or platted subdivision shall not be construed to be a cottage resort.

Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

District: A portion of the Township that is subject to certain land use, site development and other restrictions, requirements and standards, as delineated in Article 3 and elsewhere in this Ordinance. A "District" may also be referred to as a "zoning district."

Drive-In / Drive-Through Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A vehicle wash facility shall not be construed as a drive-in/drive-through establishment.

Driveway: A means of access for vehicles from a public road or approved private road or alley, across a lot, to a parking or loading area, garage, dwelling or other building or structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission, and which is intended to serve only the occupants of the lot. A driveway is entirely located on the lot which it serves. A driveway shall not be construed as a public or private road as defined in this Ordinance.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units for three or more families living independently of each other, but excluding a motel or hotel.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes, which meets the standards of Sec. 21.6.

Dwelling, Two Family (Duplex): A building containing two separate dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A recreational vehicle shall not be construed as a dwelling unit.

Easement: A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity. Sometimes also called a "right-of-way."

Equestrian Center: A building, structure or land use where horses are kept and does not meet the definition requirements of a private stable including a facility that is available for horse shows, training exhibitions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

Erected: Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, wind generating systems, electrical or other substation with a ground area over 200 square feet, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities.

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

Extraction Operation: The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another lot, including crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to include excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

Family:

- a. An individual or group of two (2) or more persons in a long-term familial relationship related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, boarding room arrangement, association, lodge, motel, hotel, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm Market: A place or an area where transactions between a farm market operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the farm market including processed products, measured as an average over the farm market's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the farm market itself. A farm market need not be located on the farm where the products for sale are produced, but the farm market site shall be under same ownership or lease as such farm and located in a District that authorizes agriculture. A farm market need not necessarily include a physical building or structure and may be commonly referred to as a roadside stand. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a farm market under this definition.

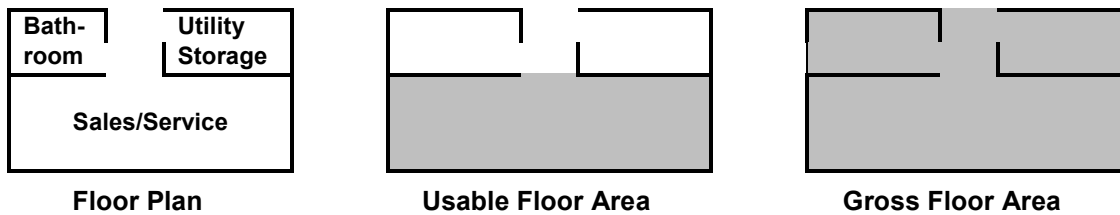
Fence: An accessory structure intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element. A fence is typically constructed of wood, metal, iron, brick, stone and/or plastic, and/or other materials designed to replicate or appear similar to such materials. "Fence" shall be construed to include a screen, barrier and/or decorative element commonly referred to as a "wall."

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

Floor Area, Dwelling: See Section 20.6.

Floor Area, Gross: Unless provided for elsewhere in this Ordinance, the sum of all horizontal areas of all floors of a building or buildings, measured from the exterior faces of exterior walls. See figures below.

Floor Area, Usable: Unless provided for elsewhere in this Ordinance, and for the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise. In the case of a half-story, the useable floor area shall be considered to be only that portion having a ceiling height of five (5) feet or more. See figures below.



Frontage: The total continuous length of the front lot line. In the case of a waterfront lot or any lot abutting or having frontage on a lake or stream, frontage shall also be the total continuous length of the water frontage. See definition for "lot lines."

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the parking and/or storage of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Ground Mounted Solar Energy System: A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

Half-Story: See "Story-Related Definitions."

Home Occupation: See Section 20.10.

Hospital: A human care institution that is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

Hotel/Motel: A building or group of buildings, whether detached or in connecting units, that is comprised of two (2) or more individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "hotel" shall include buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar lodging arrangements which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities, where approved for such. A hotel may include kitchen facilities in the individual units where approved for such.

Hunt Club: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment at anything other than inanimate objects, including what are commonly referred to as hunting preserves.

Junk: Discarded, wrecked, scrapped, ruined, dismantled and/or inoperable materials, equipment, machinery and/or vehicles, and may include, by example, old or scrap copper, brass, waste iron, steel and other old or scrap ferrous or nonferrous material; rope; rags; batteries; paper; trash; lumber and lumber remnants; construction materials and construction waste products; and tires and other rubber debris.

Junk Yard: Any outdoor area or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include, by example, old or scrap copper, brass, waste iron, steel and other old or scrap ferrous or nonferrous material; rope; rags; batteries; paper; trash; lumber and lumber remnants; construction materials and construction waste products; and tires and other rubber debris; and rags, glass, cans, bottles, and appliances; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard and/or wrecking yard.

Kennel: A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, four (4) months of age or older, are kept for compensation or profit, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.

Landscaping Services: A lot used for offices purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

Livestock: Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

Lot: A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof, or a tract of land described by metes and bounds or a portion of such tract of land described by metes and bounds and commonly referred to as a parcel. A lot may or may not be specifically designated as such on public records. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance.

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot or going through the lot. See also Section 3.6(E).

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved road(s) shall be a corner lot if the arc has a radius less than one hundred fifty (150) feet. (see "Lot Types" figure at end of this Article).

Lot Coverage: The amount of a lot, stated in terms of a percentage (%), which is covered by all buildings, structures and hard-surfaced materials. "Hard-surfaced materials" shall include, by example, asphalt and concrete surfaces, decks, and stone and brick patios.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line or furthest away portion of the lot, measured within the lot and midway between the side lot lines.

Lot, Interior: A lot with only one lot line along a road and not comprising a corner lot.

Lot, Through: A lot having frontage on two (2) roads other than a corner lot (see "Lot Types" figure at end of this Article).

Lot Lines: The lines bounding a lot (see "Lot Lines and Yards" figure at end of this Article).

a. Lot Line, Front:

1. In the case of an interior lot, the front lot line shall be the line separating said lot from the road right-of-way or easement from which it gains access, including a lakefront lot.
2. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on a recorded plat.
3. In the case of a through lot, the front lot line shall be the line shall be as designated on the plot plan or site plan, subject to approval of such plan.
4. In the case of a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

1. In the case of a lakefront lot, the rear lot line shall be the line comprising the ordinary high water mark or, where a seawall has been erected, the edge of the water along such seawall.
2. In the case of a triangular or otherwise irregularly shaped lot, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line (see Figure 21-3 at end of Article). A side lot line separating a lot from another lot or lots is an "interior side lot line".

Lot, Lakefront: A lot adjacent to Lake Huron or any other lake.

Lot Width: The straight line horizontal distance between the side lot lines, extending from the front lot line across the entire length/depth of the lot to the rear lot line. The measurement of lot width shall exclude all road rights-of-way and easements. In the case of an irregularly shaped lot where the lot width dimension is not consistent across the entire length/depth of the lot, the "minimum lot width" as required by Table 3-4 of Article 3 or as may be regulated elsewhere in this Ordinance shall be the shortest lot width dimension between the front and rear lot lines.

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

Manufactured Housing Community: A lot or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Marina: A constructed facility that extends along and/or into or over a lake or stream, the primary purpose of which is to offer services to the public or private members of the facility for the docking of recreational watercraft, and may also offer accessory services such as the loading and unloading of watercraft into and out of the water, servicing and repair of watercraft, parking for persons using marina facilities, and the sale of boating supplies. The term marina shall not apply to a dock whose principal function is to serve the occupants of a dwelling on the same lot on which the dock is located.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits

and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan: The officially adopted policies of the Township addressing community growth, development, land use, and preservation, prepared pursuant to Public Act 33 of 2008, as amended, the Planning Enabling Act, and consisting of maps, charts and written material.

Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by two (2) or more physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but do not include facilities for overnight patient care or major surgery.

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

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

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

Nonconforming Lot: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the size, area, frontage, width and/or other dimensional requirements of the District in which it is located or other provision of this Ordinance.

Nonconforming Use: A use of a building or structure, or of a land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the District in which it is located or other provision of this Ordinance.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. In the case of Lake Huron, the ordinary high water mark shall be construed to be set at 581.5 feet above sea level as established by the United States Army Corps of Engineers.

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

Parcel: See definition of "lot."

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

Planned Unit Development: A development project authorized according to Article 4 of this Ordinance that exhibits use and/or design features that are not normally permitted in by this Ordinance, to facilitate beneficial flexibility in the use and development of land. See Article 4.

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Porch, Enclosed: A platform at an entrance to a building that is enclosed. "Enclosed" shall be construed to mean that more than ten (10) percent of the exterior perimeter of the porch exceeds forty-two (42) inches in height above the platform surface below, including railings, screening, and columns or other support structures that may be present to support a roof. An enclosed porch may not necessarily have a roof.

Porch, Unenclosed: A platform at an entrance to a building that is unroofed and open on all vertical sides except the side along the building to which it is attached or adjacent. "Open" shall be construed to mean that no more than ten (10) percent of the exterior perimeter of the porch exceeds forty-two (42) inches in height

above the platform surface below, including railings, screening, and columns or similar features.

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

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

Private Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Stable: An accessory building, structure or land use located on a lot with an occupied dwelling, where horses are kept for the personal use of the occupants of the dwelling and where no more than three (3) other horses not belonging to the occupants of the dwelling may be boarded. A private stable may provide riding lessons.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, or state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks, cemeteries, museums, police and fire protection facilities, courts of justice, and government offices.

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

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Recycling Center: A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station," for subsequent transport to another off-site facility, shall not be construed as a "recycling center."

Restaurant: A facility in which food or beverages are prepared and offered for sale for consumption on the same premises or for delivery to another location or for pick-up from another location. A banquet hall and catering service shall not be construed as a restaurant. A restaurant may be one (1) or a combination of the following:

Standard Restaurant: A restaurant whose principal method of operation includes one or more of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
- b. a cafeteria-type operation where food and beverage are consumed within a building.

Delivery Service Restaurant: A restaurant that includes as part of its operations the delivery of food service to the customer at another location.

Take-Out Restaurant: A restaurant that includes as part of its operations the serving of customers from a counter for consumption by the customer off-site.

Drive-Through Restaurant: A restaurant that includes as part of its operations the serving of customers in motor vehicles from a window.

Drive-In Restaurant: A restaurant that includes as part of its operations the serving of customers by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a window, for consumption in the vehicle on the restaurant property.

Food Truck Restaurant: A restaurant comprised principally or in part, of a vehicle designed for the purpose of preparing and selling food and having its own motor power or an enclosed space mounted on or drawn by another vehicle. A food truck shall be construed to be a structure in regard to compliance with minimum lot area, lot width, setbacks and other site development standards of this Ordinance.

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

Retaining Wall: A wall greater than eighteen (18) inches in height designed or intended to stop the slumping, sliding or falling of soil, sand or other similar material, with such material being similar in height as the wall. A wall used to enclose a building or portion thereof that is below the surrounding ground level, such as a basement wall, shall not be construed as a retaining wall. The terracing of multiple retaining walls where the distance between the retaining wall faces is less than the height of either of retaining wall faces shall be

construed as one (1) retaining wall.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

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

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: A thoroughfare that affords the principal means of access to abutting property. The term "road" also includes the term "street."

Roadside Stand: See "Farm Market."

Road, Private: A private way or means of vehicular access that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners, and meets the requirements of this Ordinance to provide access to two (2) or more principal commercial, industrial or other non-residential buildings, or lots or dwelling units. A private road may also accommodate the placement of utilities. "Private road" shall not be construed to include parking lot aisles or drives connecting parking lots to internal roads. An access easement serving only one (1) lot is also a private road.

Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

Sawmill: A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

Service Station: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items, where such retail sales are authorized in the respective District.

Setback: The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified feature. In the case of a required building front, side or rear yard setback, the setback shall be measured from the respective lot line to the nearest foundation wall or other feature of the building projecting into the respective yard unless provided for elsewhere in this Ordinance and (1) below.

- a. Where a chimney, bay window, steps leading to an exterior door and any raised unroofed platforms in front of an exterior door or otherwise adjacent to a building wall including an unenclosed porch, or similar architectural feature, extends from the building's principal foundation wall or footing and occupies more than twelve (12) sq. ft. of extended area beyond the building's principal foundation wall or footing, the setback shall be measured from the respective lot line to the nearest point of the extension.

Sexually Oriented Business: Refer to Article 7, Section 7.24 for definitions pertaining to sexually oriented businesses.

Shooting Range: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. A shooting range shall not be construed to include a "hunt club" as defined in this Ordinance.

Short-Term Rental (STR): See Section 2.12 for definition of Short-Term Rental.

Sign: See Article 9 for sign definitions.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. See Article 14.

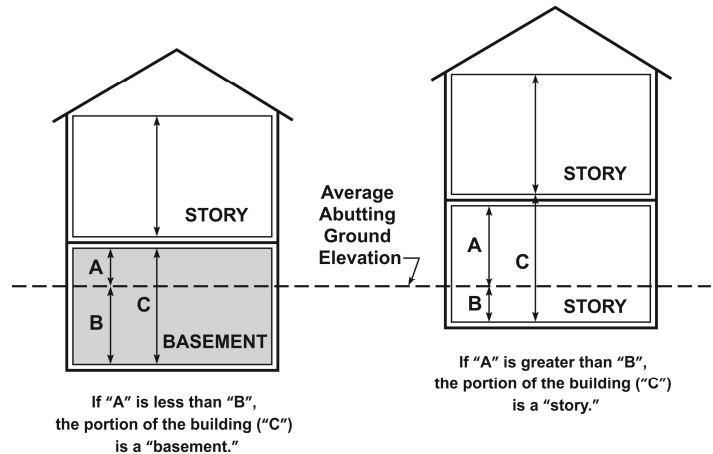
Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

Special Land Use: Uses, buildings and structures that are generally accepted as reasonably compatible with the primary uses, buildings and structures permitted in a District, but could present potential injurious effects upon the primary uses, buildings and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing. See Article 15.

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

Story-Related Definitions:

- a. **Basement:** That portion of a building which is partly or wholly below the adjacent ground elevation, but so located that the vertical distance from the average outdoor abutting ground elevation is greater than the vertical distance from such average elevation to the ceiling. The average outdoor abutting ground elevation shall be determined by taking measurements at ten foot (10') intervals along the entire perimeter wall length surrounding the floor. A basement shall not be construed as a story.
- b. **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling above it. A basement shall not be construed as a story.



Street: See "Road."

Structure: A structure is any one (1) or combination of the following:

- a. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, all dwellings of a permanent or temporary nature and irrespective of their manner of construction, independently supported decks, greenhouses, garages, sheds, gazebos, satellite dishes and free-standing signs.
- b. Anything that exceeds two-hundred (200) sq. ft. in floor area irrespective of the presence of permanent location on the ground or attachment to something having permanent location on the ground.

A structure shall not be construed to include the following except where otherwise provided in this Ordinance:

- (1) Anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services."
- (2) Paved surfaces such as sidewalks, driveways and roads, but such features shall comply with this Ordinance's standards and approval requirements as may apply including in the case of a private driveway (Sec. 13.3) and private road (Sec. 13.4).

Swimming Pool: A constructed basin or water containment device for swimming and aquatic recreation, except that basins or water containment devices that hold water to a design depth of no greater than twenty-four (24) inches shall not be considered a swimming pool.

Tavern: An establishment that services alcoholic beverages for principal consumption on the premises.

Tourist Home: A building erected for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owner, and which reflects a residential architectural theme to such an extent that the building appears as a single family dwelling when viewed from adjacent roads and lots. A tourist home may also be commonly referred to as a "bed and breakfast."

Township Engineer: The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.

Truck Terminal: A building or area in which freight brought by truck is assembled or stored for further routing or

reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

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

Utility-scale battery energy storage facilities: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").

Utility-scale battery energy storage system: A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance is not contrary to the public interest and will mitigate an otherwise unique practical difficulty, and the issuance of which is based upon standards in this Ordinance. See Article 16.

Vehicle/Car Wash: A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.

Veterinary Clinic: An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

Wall: See definition of "Fence."

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. See Article 7 for additional terms and definitions pertaining to wireless communication facilities.

Yard: An open space, on the same lot as the structure, building or use requiring such setback, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as further defined herein (*see "Lot Lines and Yards" figure at end of this Article*):

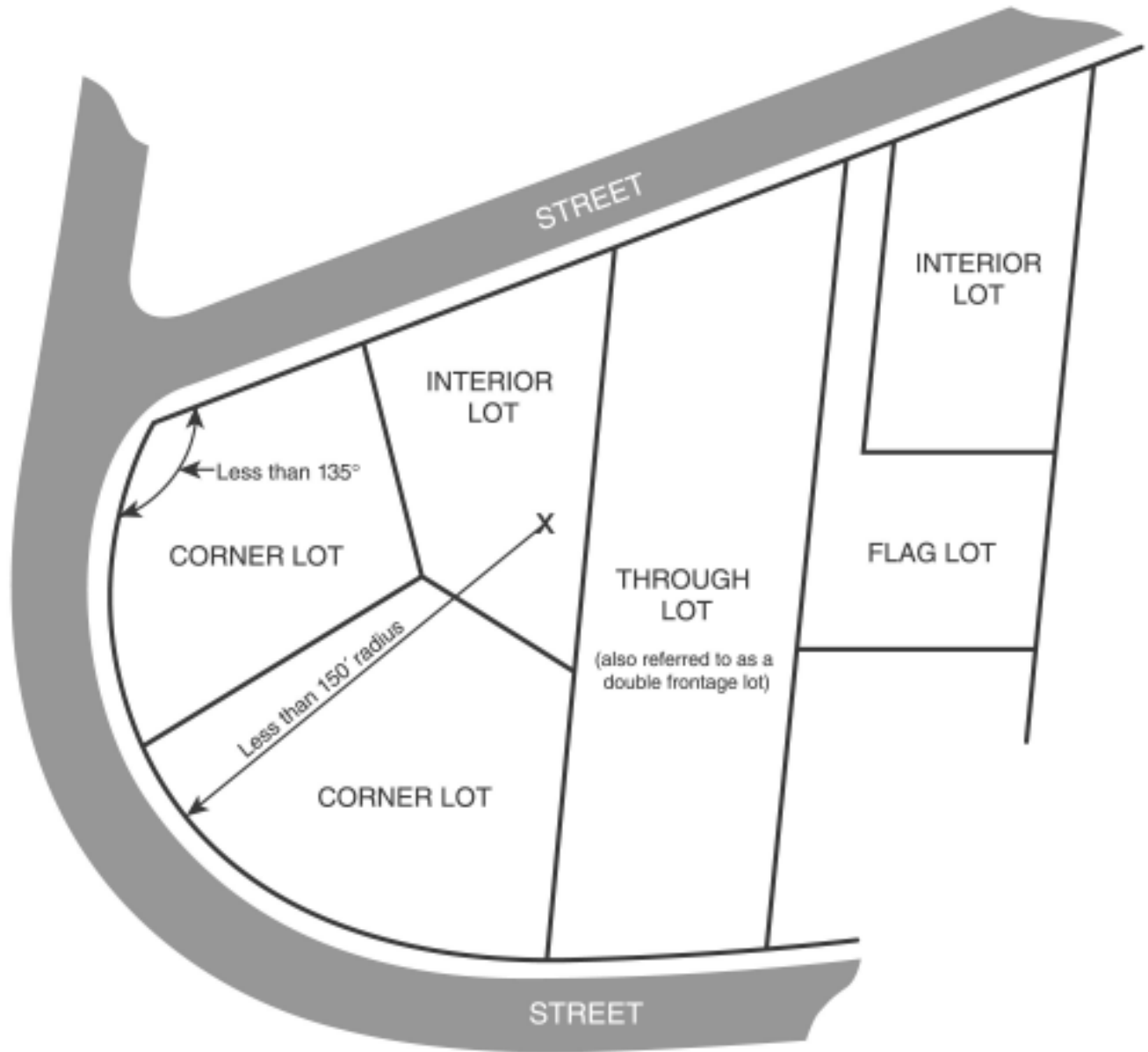
- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, typically being the public road right-of-way line or private road easement line, and the nearest point of the principal building or other feature as may be specified. See definition for "lot lines" as applied to corner lots, lakefront lots and through lots. A corner lot shall be construed to have two (2) front yards.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner at the time of plot plan approval. See definition for "lot lines" as applied to corner lots and through lots.
- c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or other feature as may be specified.

Zoning Administrator: The authorized individual charged with the responsibility of administering, interpreting and enforcing this Ordinance and appointed by the Township Board.

Zoning District: See "District" and Section 3.1.

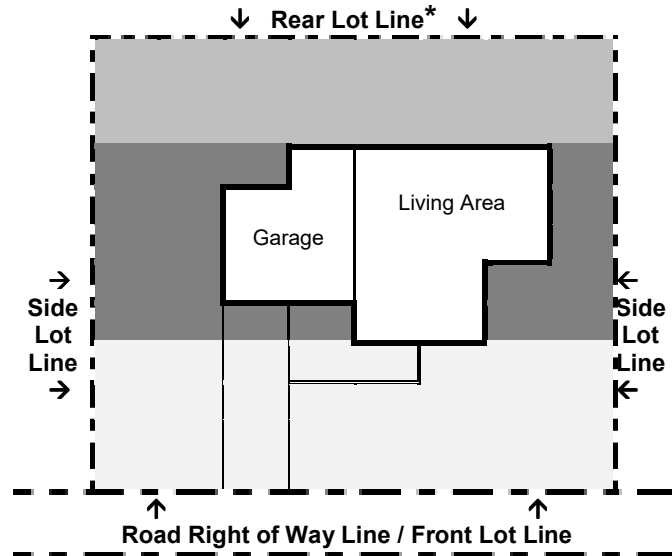
Zoning Permit: A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

LOT TYPES



LOT LINES and YARDS

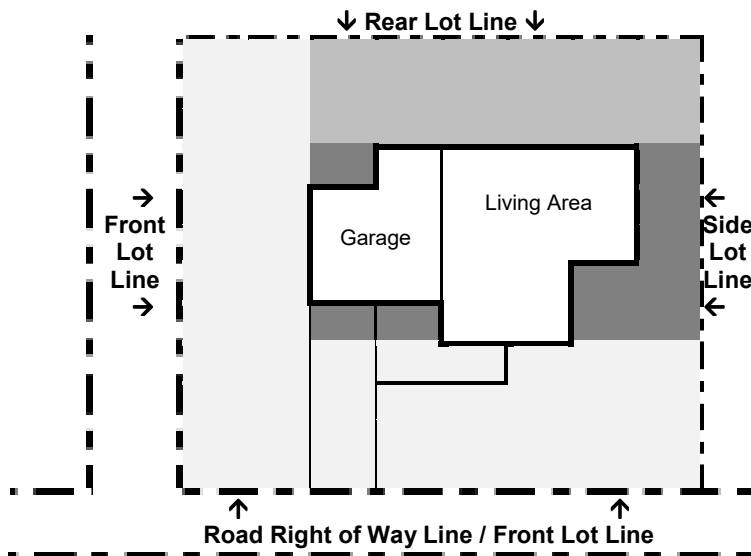
INTERIOR LOT



**In the case of a lakefront lot, the rear lot line is the ordinary high water mark.*

Front Yard
Side Yard
Rear Yard

CORNER LOT



End of Article 21

(Article amended 7-5-24, Ord. #2024-2; 7-5-24, Ord. #2024-3)

Article 22 INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE

Section 22.1 Interpretation

A. Minimum Requirements: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

B. Maintenance of Existing Law and Rules: Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, subject to subsection (C) of this Section.

C. Controlling Provisions: Where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 22.2 Severability

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular lot, land, use, building or structure, such ruling shall not affect the application of said provision to any other lot, land, use, building or structure not specifically included in said ruling.

Section 22.3 Vested Right

A. General. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as otherwise provided in Article 6, Nonconforming Lots, Uses and Structures.

B. Construction in Progress. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of the construction of a building, structure or use unless and until all of the following occurs:

1. Any and all applicable Township zoning, building codes, and other applicable approvals and permits have been obtained.
2. Excavation and site plan preparation work have occurred, and the buildings and structures involved have been lawfully commenced and are at a point of substantial construction. If no building or substantial structure is involved, site preparation and excavation have occurred, and the use has been substantially and lawfully commenced.

Section 22.4 Repeal

The Lake Township Zoning Ordinance and zoning map which became effective on January 5, 2007, and amendments thereto, are hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 22.5 Effective Date

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Lake, Huron County, Michigan on November 16, 2020.

End of Article 22