GILFORD TOWNSHIP

ZONING ORDINANCE

Ordinance No. ____

DRAFT
December 23, 2019

Gilford Township
Tuscola County, Michigan

This Page Blank

TABLE of CONTENTS

General

Article		Page
Article 1:	Title and Purpose	1-1
Article 2	General Administration, Enforcement and Penalties	2-1
Article 3:	Zoning Districts, Regulations and Map	3-1
Article 4:	Planned Unit Development (PUD) District	4-1
Article 5:	Reserved	5-1
Article 6:	Nonconforming Lots, Structures, and Uses	6-1
Article 7:	Reserved for Future Use	7-1
Article 8:	Signs	8-1
Article 9:	Off-Street Parking and Loading	10-1
Article 10:	Landscaping and Screening	11-1
Article 11:	Environmental Protection	12-1
Article 12:	Access	13-1
Article 13:	Additional Standards and Regulations for Specific Land Uses	14-1
Article 14:	Site Plan Review	14-1
Article 15:	Special Land Uses	15-1
Article 16:	Zoning Board of Appeals (ZBA)	16-1
Article 17:	Amendments	17-1
Article 18:	Reserved	18-1
Article 19:	Reserved	19-1
Article 20:	Supplemental Provisions	20-1
Article 21:	Definitions	21-1
Article 22:	Interpretation, Severability, Vested Right, Repeal and Effective Date	22-1

Outline

Article and Section			Page
		PREAMBLE	1-1
ARTICLE	**1:**	**TITLE and PURPOSE**	**1-1**
Section	1.1	Title	1-1
Section	1.2	Purpose	1-1
ARTICLE	**2:**	**GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES**	**2-1**
Section	2.1	Purpose	2-1
Section	2.2	Zoning Permit Required	2-1
Section	2.3	Responsibility for Administration	2-1
Section	2.4	General Zoning Permit Application Procedures / Single and Two-Family Dwellings	2-2
Section	2.5	Zoning Permit Withholding, Revocation and Expiration	2-4
Section	2.6	Building Permit/Occupancy Permit Required	
Section	2.7	Site Inspections	2-4
Section	2.8	Performance Guarantee	2-5
Section	2.9	Timely Action on Applications	2-6
Section	2.10	Application Fees	2-6
Section	2.11	Public Hearing Notices	2-7
Section	2.12	Violations, Penalties and Remedies	2-8
ARTICLE	**3:**	**ZONING DISTRICTS, REGULATIONS and MAP**	**3-1**
Section	3.1	Establishment of Districts	3-1
Section	3.2	Zoning District Map	3-1
Section	3.3	Purposes of Zoning Districts	3-1
Section	3.4	Interpretation of District Boundaries	3-1
Section	3.5	Permitted Uses in Zoning Districts	3-2
Section	3.6	Site Development Requirements of Zoning Districts	3-3
Section	3.7	Special District Provisions	3-3

ARTICLE 4: PLANNED UNIT DEVELOPMENT (PUD) DISTRICT 4-1
Section 4.1 Purpose 4-1
Section 4.2 PUD is a Separate District 4-1
Section 4.3 Minimum Eligibility Criteria 4-1
Section 4.4 Use and Design Standards 4-1
Section 4.5 Approval Standards 4-2
Section 4.6 Procedures for Review and Approval 4-2
Section 4.7 Phasing 4-3

ARTICLE 5: RESERVED for FUTURE USE 5-1

ARTICLE 6: NONCONFORMING LOTS, USES and STRUCTURES 6-1
Section 6.1 Purpose 6-1
Section 6.2 Nonconforming Lots 6-1
Section 6.3 Nonconforming Uses 6-1
Section 6.4 Nonconforming Structures 6-2
Section 6.5 District Changes 6-3
Section 6.6 Historic Structures 6-3
Section 6.7 Illegal Nonconformities 6-3

ARTICLE 7: RESERVED for FUTURE USE 7-1

ARTICLE 8: SIGNS 8-1
Section 8.1 Purpose 8-1
Section 8.2 Definitions 8-1
Section 8.3 Application and Permit Requirements 8-2
Section 8.4 Design and Construction Standards 8-3
Section 8.5 Nonconforming Signs 8-4
Section 8.6 Prohibited Signs 8-4
Section 8.7 Permitted Temporary Signs 8-6
Section 8.8 Permitted Permanent Signs 8-8
Section 8.9 Electronic Message Center (EMC) Signs 8-10
Section 8.10 Flags 8-10

ARTICLE 9: OFF-STREET PARKING and LOADING 9-1
Section 9.1 Purpose 9-1
Section 9.2 General Requirements 9-1
Section 9.3 Site Development Requirements for Off-Street Parking 9-2
Section 9.4 Parking Space Requirements 9-3
Section 9.5 Loading and Unloading Space Requirements 9-5

ARTICLE 10: LANDSCAPING and SCREENING 10-1
Section 10.1 Purpose 10-1
Section 10.2 Uses Subject to This Article 10-1
Section 10.3 Landscape Plan Required 10-1
Section 10.4 Landscaping/Screening Buffer Areas 10-1
Section 10.5 Parking Lot Landscaping and Screening 10-2
Section 10.6 General Site Landscaping 10-2
Section 10.7 Minimum Standards of Landscape Elements 10-2
Section 10.8 Installation, Maintenance and Completion 10-3
Section 10.9 Modifications of Landscape and Screening Provisions 10-4

ARTICLE 11: ENVIRONMENTAL HEALTH AND RESOURCE PROTECTION 11-1
Section 11.1 Purpose 11-1
Section 11.2 Natural Resources 11-1
Section 11.3 Storm Water Management 11-2
Section 11.4 Potable Water and Sewage Disposal 11-2
Section 11.5 Vibration 11-2
Section 11.6 Glare and Heat 11-2
Section 11.7 Exterior Lighting 11-3

ARTICLE 12: ACCESS 12-1
Section 12.1 Purpose 12-1
Section 12.2 Lots to Have Access 12-1
Section 12.3 Driveways 12-1
Section 12.3 Private Roads 12-2

ARTICLE 13: ADDITIONAL STANDARDS and REGULATIONS for SPECIFIC LAND USES **13-1**

Section 13.1 Purpose and Applicability 13-1
Section 13.2 Adult and Child Day Care Facility, Group Home 13-1
Section 13.3 Airports 13-1
Section 13.4 Bed and Breakfasts 13-2
Section 13.5 Convalescent, Nursing Home and Assisted Living Facilities 13-2
Section 13.6 Day Care Centers 13-3
Section 13.7 Equestrian Centers 13-3
Section 13.8 Extraction Operations 13-3
Section 13.9 Junkyards 13-6
Section 13.10 Kennels 13-7
Section 13.11 Mini Storage Facilities 13-7
Section 13.12 Motels and Hotels 13-8
Section 13.13 Multiple Family Developments 13-8
Section 13.14 Open Air Businesses (On-site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales) 13-8
Section 13.15 Open Space Preservation Communities 13-8
Section 13.16 Private Landing Strips 13-11
Section 13.17 Recreation Facilities, Outdoor 13-12
Section 13.18 Sexually Oriented Businesses 13-14
Section 13.19 Solar Energy Systems 13-17
Section 13.20 Vehicle/Car Wash Establishment 13-19
Section 13.21 Vehicle Repair Shops and Service Stations 13-20
Section 13.22 Veterinarian Clinics 13-20
Section 13.23 Wind Energy Conversion Systems (WECS) 13-21
Section 13.24 Wireless Communication Facilities 13-25

ARTICLE 14: SITE PLAN REVIEW **14-1**

Section 14.1 Purpose 14-1
Section 14.2 Site Plan Approval Required 14-1
Section 14.3 Review Procedures 14-1
Section 14.4 Site Plan Approval Standards 14-5
Section 14.5 Conformity to Approved Site Plans 14-5
Section 14.6 Changes to Approved Site Plans 14-6
Section 14.7 Pre-Existing Site Plans Under Review 14-6
Section 14.8 Expiration of Site Plan Approval 14-6
Section 14.9 Staff and Professional Assistance 14-6

ARTICLE 15: SPECIAL LAND USES **15-1**

Section 15.1 Purpose 15-1
Section 15.2 Review Procedure 15-1
Section 15.3 Changes 15-1
Section 15.4 Appeals 15-2
Section 15.5 Reapplication 15-2
Section 15.6 Approval Standards 15-2
Section 15.7 Expiration of Special Land Use Approval 15-2

ARTICLE 16: ZONING BOARD of APPEALS (ZBA) 16**-1**

Section 16.1 Purpose 16-1
Section 16.2 Creation and Membership 16-1
Section 16.3 Organization 16-1
Section 16.4 Jurisdiction 16-2
Section 16.5 Appeals for Administrative Reviews 16-2
Section 16.6 Interpretations 16-3
Section 16.7 Variances 16-3
Section 16.8 Review by Circuit Court 16-4

ARTICLE 17: ZONING MAP and TEXT AMENDMENTS **17-1**

Section 17.1 Purpose 17-1
Section 17.2 Initiation of Amendments 17-1
Section 17.3 Procedures 17-1
Section 17.4 Resubmittal 17-2

ARTICLE 18: RESERVED for FUTURE USE **18-1**

ARTICLE 19: RESERVED for FUTURE USE **19-1**

ARTICLE 20: SUPPLEMENTAL PROVISIONS **20-1**

Section 20.1 Purpose 20-1
Section 20.2 Conditional Approvals 20-1
Section 20.3 Moving Buildings 20-1
Section 20.4 Essential Services 20-1
Section 20.5 One Dwelling Unit / Principal Use Per Lot 20-2
Section 20.6 Single Family Dwelling Standards 20-2
Section 20.7 Temporary Dwellings – Occupancy and Storage 20-3
Section 20.8 Accessory Buildings and Structures 20-4
Section 20.9 Fences, Walls and Retaining Walls 20-6
Section 20.10 Home Occupations 20-7
Section 20.11 Keeping of Animals as Accessory Residential Use 20-8
Section 20.12 Farm Markets / Roadside Stands 20-9
Section 20.13 Outdoor Residential Swimming Pools 20-10
Section 20.14 Condominiums 20-10
Section 20.15 Outdoor Furnaces 20-11
Section 20.16 Prohibited Vehicles in Agricultural and Residential Districts 20-12
Section 20.17 Outdoor Display, Sales and Storage 20-12
Section 20.18 Clear Vision Zone 20-13
Section 20.19 Yard Sales 20-13
Section 20.20 Artificial Ponds 20-14
Section 20.21 Temporary Non-Residential Buildings and Uses 20-15
Section 20.22 Temporary Large Outdoor Gatherings 20-16

ARTICLE 21: DEFINITIONS **21-1**

Section 21.1 Construction of Language 21-1
Section 21.2 Definitions 21-1

ARTICLE 22: INTERPRETATION, SEVERABILITY, and EFFECTIVE DATE **22-1**

Section 22.1 Interpretation 22-1
Section 22.2 Severance Clause 22-1
Section 22.3 Vested Right 22-1
Section 22.4 Repeal 22-1
Section 22.5 Effective Date 22-1

End of Table of Contents

Gilford Township
County of Tuscola, State of Michigan

ORDINANCE NO. ___
ZONING ORDINANCE

An Ordinance enacted by Gilford 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 GILFORD TOWNSHIP BOARD ORDAINS:

Article 1
TITLE and PURPOSE

Section 1.1 Title

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

Section 1.2 Purpose

A. It is the purpose of this Zoning Ordinance to:

1. Regulate the use of land and structures 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 Gilford Township Master Plan adopted pursuant to the Michigan 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.

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 from the Zoning Administrator, and the issuance of all necessary Building Permits from the Building Inspector demonstrating conformance with the Building Code, the applicant may proceed with the establishment of the use for which the Zoning Permit and Building Permit has been issued.

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 proposed structures and buildings comply with the Building Code through the issuance of a building permit:

1. Grading and excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 3 or elsewhere in this Ordinance, 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, and any conditions made part of such permit. No zoning permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. 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 be subject to the standards and other requirements of this Ordinance:

1. Buildings and other structures that occupy a ground area of less than two hundred (200) sq. ft. in area and are not of a permanent character, such as in the case of the absence of footings, a foundation, or similar structural attachment to the ground or other structure.
2. The alteration of any wall of any building provided no change is made to the location of an exterior wall. A building permit may be necessary for such an alteration pursuant to the Building Code.
3. The repair and/or replacement of exterior building features such as siding, roofing, windows and similar features, provided such modifications comply with any previously issued permits where such permits were based on specific exterior materials such as in the case of the approval of a site plan and/or special land use application that was contingent on specific proposed exterior materials and architecture. A building permit may be necessary for such alterations pursuant to the Building Code.
4. Grading and/or excavation in association with ground care, landscaping or agricultural field contouring.

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, 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 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 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 administration forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Review Applications: The Zoning Administrator shall undertake and/or assist in the review of zoning permit applications and other applications made under this Ordinance as may be requested, including applications for plot plans, site plans, special land use approvals, amendments 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 correspondences, 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.
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 notice of violations and municipal civil infraction citations pursuant to Section 2.12.
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 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, to report 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 be requested by such bodies. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested.

Section 2.4 General Zoning Permit Application Procedures / Single and Two-Family Dwellings

A. General Application and Review Procedures: An application 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 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.
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 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, structures and buildings 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 Planning Commission approval.
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 administratively 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 permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.8.
8. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this

Ordinance is refused, 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 and Two-Family Dwellings, and Plot Plan Approval

1. Application: Application for a zoning permit for agricultural buildings, single family dwellings and two-family dwellings, including alterations and accessory structures and buildings 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 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 permits or percolation approvals and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway location permits, and state wetland permits.
   b. An accurate, readable, drawing of scale not less than 1" = 50', constituting a plot plan, that presents:
      1) Name, address and telephone number of the applicant (and owner if different).
      2) A scaled property line survey drawing prepared by a Michigan-licensed surveyor showing lot lines, dimensions, bearings, lot area, legal description, an arrow pointing north, and the delineation of existing structures, driveways, and parking areas. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance.
      3) A scaled property drawing delineating locations of proposed buildings and other structures and height, dimensions and footprint of each.
      4) Distances of buildings and structures from lot lines.
      5) Configuration of the driveway and parking areas.
      6) A description of proposed use(s) of the building(s), land and structures.
      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.
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. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal applications and permits. 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 contained within, shall be maintained as part of the Township 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).

Section 2.5 Zoning Permit Withholding, Revocation and Expiration

A. Withholding Permit: A designated approving body, 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.

B. Revocation: A body 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 issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.

C. Expiration of Permit:

1. Permit Expiration Period: A zoning permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
    a. Where a zoning permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless the construction of utilities and roads have been substantially completed.
2. Extension of Permit Expiration Period: The body that approved a zoning permit may waive or extend the period of time in which the permit 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 maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit. In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
    a. In the case where the original zoning permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit 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 maintaining a good faith intention to proceed with construction.
3. Reapplication: Should a zoning permit expire and not be extended, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the zoning permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.

Section 2.6 Building Permit / Occupancy Permit 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 proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

Section 2.7 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. The Township may contract with other entities for assistance in inspections and determining the extent to which site modifications were completed in conformance with a Zoning Permit and this Ordinance, including road construction, grading and storm water systems. Such inspection fees shall be paid prior to the issuance of a zoning permit.

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.

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.
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 2.8 Performance Guarantee

A. Authority, Purpose, and Timing: To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body 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, be deposited with the Township Treasurer to insure faithful completion of the improvements. 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, 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 within forty-five (45) days after receipt of the notice from the applicant of the completion of such improvements. Where approval or partial approval is granted, the Township Treasurer shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

1. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved permit application, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant.

(Balance of Page Blank)

Section 2.9 Timely Action on Applications

A. General Intent: All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. Specific Guidelines: The following time provisions shall apply unless provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods under (2) and (4) below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a zoning permit for an agricultural building, single-family dwelling or two-family dwelling, or an accessory structure or use thereto, shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of a complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding a amendment petition, shall occur within ninety (90) days of the applicant's submittal of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to act on an application, as in the case of a rezoning petition, the Township Board shall take action on the application within ninety (90) days of the applicant's submittal of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, the Township Board shall take action on the application within ninety (90) days of such recommendation.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty (60) days of the applicant's submittal of a complete application.
5. Time Provisions for Public Hearing Notices: See Section 2.11.

Section 2.10 Application Fees

A. Application Fees Required: Fees for the administration and review of development proposals, including site plans, special land use applications, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Zoning Administrator 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 Fee: For any application for a zoning permit, variance, or other approval under this Ordinance, the Township Board or other reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. The applicant shall receive a copy of any professional review report.

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 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 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Gilford 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.
5. To any neighborhood organization that registers its name and mailing address with the Township Clerk for the purpose of receiving all or specific notices of public hearings, by mail. Such requests must be renewed every two (2) years to maintain hearing notifications. Fees may be assessed by the Township Board for the provision of these notifications.

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 the request will be considered, 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 Violations, Penalties and Remedies

A. Violations are a Nuisance Per Se:

1. Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of 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. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit 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 a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
3. For the purpose of this Section 2.10, "any person" shall include any person, firm, corporation, or agent, or any employee, servant, lessee, licensee, contractor, or subcontractor of the same.

B. Violations Are Municipal Civil Infractions / Penalties:

1. A violation of this Ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Offense	Minimum Fine	Maximum Fine
1st Offense	$ 75.00	$500.00
2nd Offense	$150.00	$500.00
3rd Offense	$325.00	$500.00
4th Offense and there after	$500.00	$500.00

2. In addition to the above fines, the violator shall pay the costs that the Township incurs in connection with the enforcement of this Ordinance, including the recovery of reasonable attorney fees and expenses.
3. Each day a violation occurs or continues shall constitute a separate offense. The imposition of any fees and costs shall not exempt the offender from compliance with this Ordinance.
   a. The owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense as a principal and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

C. Procedures:

1. Violation Notification: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give violation notification to the owner of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period not exceeding thirty (30) days, as determined practical by the Zoning Administrator. This violation notification is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to pay fines and costs, if any. This violation notification is authorized by this Article and intended to secure compliance with this Ordinance without imposition of fines or municipal infraction violation costs.
   a. Such violation notification shall be directed to one (1) or more owners of, or one (1) or more parties in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
2. Municipal Civil Infraction: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Supervisor or Township Board may initiate injunctive action in Circuit Court or any other court having jurisdiction.

D. Stop Work Order: At any time under subsection (C), the Zoning Administrator may issue a stop work order and all work on and use of the property shall be immediately stopped. The stop work order shall be posted on the property. The stop work order shall be in writing and shall be served upon the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work on or use of the property may be resumed. Any person who shall continue any use of or work on the structure or premises after having been served with a stop work order, except such work as is directed by the Zoning Administrator to remove violations or unsafe conditions, shall be liable for penalties set forth in subsection (C).

E. Lien: If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

F. 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.

(Balance of Page Blank)

End of Article 2

Article 3
ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.1 Purpose and Establishment of Districts

The purpose of this Article is to establish the districts into which the Township is divided and the regulations that apply to each district including the purpose of each district, the authorized uses in each district, and site development standards. For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Agricultural Districts
- A-1 Agricultural District

Residential Districts
- R-1 Rural Residential District
- R-MF Multiple Family Residential District
- R-MHC Manufactured Housing Community District

Commercial Districts
- C-1 Local Commercial District

Industrial Districts
- I-1 Light Industrial District

Other Districts
- PUD Planned Unit Development District

Section 3.2 Zoning District Map

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

B. Map Certification and Changes: 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 Gilford Township Zoning Ordinance adopted on the _____ day of _____, 2020.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

C. Final Authority: 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.

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, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. 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. 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 scope and 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 and structures specified for which the District has been established, and are subject to plot plan approval (Section 2.4) or site plan approval (Article 14) except where provided otherwise.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the purpose of the District and the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses and structures 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 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 Buildings and Structures). Examples of such accessory uses include household gardening and/or a private stable in association with a dwelling, the repair of vehicles in association with a vehicle sales dealership, a storage building in association with a retail sales facility, 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 is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to 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 amendment according to Article 17, then an application can be submitted for that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules and regulations.

Section 3.6 Site Development Requirements of Zoning Districts

A. 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 provisions of this Ordinance including:

1. Article 8: Signs.
2. Article 9: Off-Street Parking and Loading.
3. Article 10: Landscaping and Screening.
4. Article 11: Environmental Standards.
5. Article 12: Access and Private Roads.
6. Article 13: Additional Standards and Regulations for Specific Land Uses.
7. Article 20: Supplemental Provisions.

B. 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. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including area and lot width. Nothing in this subsection (C) shall be construed as prohibiting the combining of nonconforming lots or portions of nonconforming lots where all resulting lots are more conforming than prior to such combining.

D. No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein. Nothing in this subsection (D) shall be construed as prohibiting the combining of nonconforming lots or portions of nonconforming lots where all resulting lots are more conforming than prior to such combining.

E. 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 Manufactured Housing 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 of 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 Licensing and Regulatory Affairs and all other agencies pursuant to the Manufactured Housing Commission Act.

Table 3-1
PURPOSES of ZONING DISTRICTS

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

DISTRICTS	PURPOSE
ALL DISTRICTS (except where provided otherwise)	
All Districts	1) Uses shall protect environmental resources including wetlands, woodlands and water courses. 2) Districts shall be located in coordination with the Gilford 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.
AGRICULTURAL DISTRICTS	
A-1 Agricultural	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 within a rural setting. 4) See also the "All Districts" purpose statement above.
RESIDENTIAL DISTRICTS	
R-1 Rural Residential	1) Provide opportunities for single and two-family residences. 2) Meet the varied housing needs of current and future residents. 3) Ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services. 4) See also the "All Districts" purpose statement above.
R-MF Multiple Family	1) Provide opportunities for apartment, townhouse and similar multiple family developments to meet the varied housing needs of current and future residents. 2) See also the "All Districts" purpose statement above.
R-MHC Manufactured Housing Community	1) Provide opportunities for manufactured housing communities to meet the varied housing needs of current and future residents. 2) See also the "All Districts" purpose statement above.

Table 3-1 Continued Next Page. See End of Table for Footnotes.

Table 3-1
(continued)
PURPOSES of ZONING DISTRICTS

DISTRICTS	PURPOSE
	COMMERCIAL DISTRICTS
C-1 Commercial	1) Provide opportunities for commercial uses that primarily address the local day-to-day retail, office and service needs of Township residents, visitors and persons traveling in the immediate area of the Township, while also providing opportunities for commercial uses that draw from a more regional market, commonly occupy comparatively larger land areas, and/or rely on comparatively large buildings, subject to special review for compatibility. 2) Accommodate and encourage the planned unified and integrated grouping of commercial uses on a single parcel and in coordination with surrounding parcels. 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 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.
	INDUSTRIAL DISTRICTS
I-1 Industrial	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, limited demands on public services, and the absence of objectionable external affects. 2) Encourage site development and design 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.
	OTHER DISTRICTS
PUD Planned Unit Development	See Section 4.1, Planned Unit Development (PUD) District.

End of Table 3-1

(Balance of Page Blank)

Table 3-2
PERMITTED PRINCIPAL USES in AGRICULTURAL and RESIDENTIAL DISTRICTS[1]

See Footnotes at end of Table.

BR = Use Permitted By Right S = Special Land Use[1] – = Prohibited Use

	PRINCIPAL USES[1]	ZONING DISTRICTS			
		A-1	**R-1**	**R-MF**	**R-MHC**
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character				
1	Agriculture including hunt clubs.	**BR**	–	–	–
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	**BR**	**BR**	–	–
3	Extraction operations.	S	S	S	S
4	Recreation facilities dedicated principally to outdoor non-motorized recreation such as parks, sports fields, golf courses and country clubs, and campgrounds, but excluding shooting ranges.	S	S	S	–
5	Recreation facilities dedicated principally to outdoor motorized recreation including race tracks and remote control aircraft fields.	S	–	–	–
6	Shooting ranges.	S	–	–	–
	Uses of a Primarily Residential Character				
1	Assisted living facilities.	S	S	–	–
2	Manufactured housing communities.	–	–	–	**BR**
3	Multiple family dwellings.	–	–	**BR**	–
4	Open space preservation communities.	**BR**	**BR**	–	–
5	Single-family dwellings not in a manufactured housing community.	**BR**	**BR**	–	–
6	Two-family dwellings not in a manufactured housing community.	**BR**	**BR**	–	–
7	Child day care facility - family home; child foster care facility - family home; and adult foster care facility - family home.	**BR**	**BR**	–	–
8	Child day care facility - group home; child foster care facility - group home; and adult foster care facility - group home;	S	S	**BR**	–
	Uses of a Primarily Commercial, Business or Industrial Character				
1	Agricultural service establishment.	S	–	–	–
2	Airport.	S	–	–	–
3	Banquet hall of a residential, agricultural or lodge-like architectural character, including barn structures.	S	–	–	–
4	Bed and breakfast.	S	S	–	–
5	Child day care center.	S	S	S	S
6	Composting center.	S	–	–	–
7	Concrete plants.	S	–	–	–
8	Contractor's yard.	S	–	–	–
9	Equestrian center.	S	–	–	–
10	Human care facilities.	S	S	–	–
11	Kennel.	S	–	–	–
12	Medical clinic.		S	S	–
13	Landscaping services.	S	–	–	–
14	Lumber yards and saw mills.	S	–	–	–
15	Mobile home sales that rely on on-site storage or display of mobile home units.	–	–	–	S
16	Radio and television communication towers.	S	–	–	–
17	Recycling center.	S	–	–	–
18	Resorts, conference centers, and retreat facilities.	S	–	–	–
19	Retail and wholesale sales of trees, shrubs, flowers and other plant material.	S	–	–	–
20	Veterinarian clinic.	S	–	–	–
21	Wireless communication facility.[2]	S[2]	S[2]	–[2]	–[2]

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

Table 3-2 (Continued)
PERMITTED PRINCIPAL USES in AGRICULTURAL and RESIDENTIAL DISTRICTS[1]

See Footnotes at end of Table.

BR = Use Permitted By Right S = Special Land Use[1] – = Prohibited Use

	PRINCIPAL USES[1]	ZONING DISTRICTS			
		A-1	**R-1**	**R-MF**	**R-MHC**
	Other Uses Not Listed Above				
1	Clubs.	S	–	–	–
2	Private cemeteries.	S	S	–	–
3	Public facilities owned by Gilford Township such as township offices, fire stations, police offices and jails, cemeteries, and parks.	**BR**	**BR**	**BR**	**BR**
4	Public and semi-public facilities owned by other than Gilford Township and not otherwise addressed in this Table, including schools, churches, libraries, museums and other similar institutions.	S	S	S	S
5	Solar Energy Systems (SES).	See Sec. 13.19			
6	Utility substations and buildings for gas and/or electric services.	S	S	S	S
7	Wind Energy Systems (WES), Utility Grid.[3]	S[3]	–	–	–

Table 3-2 Footnotes:

1. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:

a. Any use that serves alcohol for consumption on the lot of sale.

b. The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.

c. Any use that exceeds a single building of 20,000 sq. ft. in gross floor area, or 40,000 sq. ft. in gross floor area among all buildings on the lot, excluding residential buildings and buildings used for agriculture.

2. See Section 13.24 regarding authorization of certain wireless communication facilities By Right (BR).

3. On-Site Use WES are classified as accessory structures and permitted in all districts, and those greater than 65 ft. in height are permitted in all districts as a Special Land Use (S) only. See Section 13.23 regarding definitions pertaining to On-Site Use and Utility Grid WES, and authorization of and requirements for On-Site Use and Utility Grid WES. Utility Grid WES are prohibited within the geographic area comprised of the southwest quarter (1/4) of Section 26, the southeast quarter (1/4) of Section 27, the northeast quarter (1/4) of Section 34, and the northwest quarter (1/4) of Section 35.

End of Table 3-2

(Balance of Page Blank)

Table 3-3
PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS[1]

See Footnotes at End of Table

BR = Use Permitted By Right S = Special Land Use[1] – = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS	
		C-1	**I-1**
	Uses of a Primarily Agricultural or Natural Resource Based Character[1]		
1	Agriculture.	–	**BR**
2	Extraction operations.	S	S
	Uses of a Primarily Residential Character		
1	Dwellings when located principally on a second and/or third story above a business.	**BR**	–
	Uses of a Primarily Commercial Character [1]		
1	Agricultural service establishment.	S	S
2	Ambulance station.	–	**BR**
3	Banquet hall.	S	–
4	Bed and breakfast.	S	–
5	Building material sales yards, lumber yards, and saw mills, including storage facilities for building materials including sand, stone, lumber, and contractor's equipment.	S	**BR**
6	Contractor's yard.	–	**BR**
7	Day care center.	S	–
8	Funeral homes and mortuaries, including a dwelling occupied by the facility owner or manager.	S	–
9	Health clubs and spas.	**BR**	–
10	Hospitals and hospice care facilities.	S	–
11	Hotels and motels including conference centers.	S	–
12	Assisted living facilities, nursing homes, convalescent homes, and hospice care facilities.	S	–
13	Kennel.	S	**BR**
14	Landscaping services.	–	**BR**
15	Laundry and dry cleaning facilities of a retail character with direct contact with the general public.	**BR**	–
16	Laundry and dry cleaning facilities of a wholesale character with limited contact with the general public.	–	**BR**
17	Manufactured housing construction, sales and repair.	–	S
18	Medical clinic.	**BR**	–
19	Mini-storage.	–	**BR**
20	Newspaper offices including production facilities.	–	**BR**
21	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**	–
22	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.	–	**BR**
23	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**	–
24	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**	–
25	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**	–
26	Radio and television broadcasting facilities including towers.	–	**BR**
27	Recycling facilities including collection stations.	–	**BR**
28	Recreation facilities of a commercial indoor or outdoor character including theaters, concert halls, bowling alleys, arcades, skating rinks, shooting ranges, and similar uses.	S	S
29	Restaurants, excluding drive-in, drive-through, and food-truck restaurants.	**BR**	–
30	Restaurants comprised in whole or part of drive-in, drive-through and food-truck restaurants.	S	–

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

Table 3-3
(Continued)

PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS[1]

See Footnotes at End of Table.

BR = Use Permitted By Right S= Special Land Use[1] – = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS	
		C-1	**I-1**
31	Retail sales of commodities on the premises such as groceries, drugs, packaged liquor, furniture, clothing, dry goods, books, flowers, jewelry and hardware, but excluding sexually oriented businesses.	**BR**	–
32	Retail and wholesale sales of trees, shrubs, flowers and other plant material, operated as a principally outdoor facility.	S	–
33	Sale and rental of new or used cars, boats, mobile homes, agricultural machinery, and other vehicles and equipment of similar large size, and items intended for tow, and including accessory maintenance and repair services.	S	**BR**
34	Sexually oriented business.	–	S
35	Tavern.	S	–
36	Towing services.	S	**BR**
37	Vehicle / car wash facility.	S	–
38	Vehicle service station.	S	S
39	Vehicle and similarly sized equipment sales and service.	S	**BR**
40	Veterinarian clinic.	**BR**	**BR**
41	Wholesale merchandising not otherwise addressed in this Table.	–	**BR**
42	Wireless communication facilities[2]	S[2]	S[2]
	Uses of a Primarily Industrial Character[1]		
1	Composting center.	–	S
2	Grinding and milling.	–	S
3	Junkyards.	–	S
4	Manufacture and assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer components.	–	**BR**
5	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**
6	Manufacturing, compounding, processing, treatment, fabrication, polishing, buffing or packaging of comparatively small size products such as drugs, perfumes, pharmaceuticals, toiletries, ceramics, clothing, jewelry, instruments, optical goods, and hardware, but excluding food products.	–	**BR**
7	Industrial processes not otherwise addressed in this Table including the manufacture of food products, heavy equipment, vehicles, ships, chemicals, steel, and metal alloys; foundries and steel mills; petroleum refining; and the mixing of raw materials on-site to create new articles.	–	S
8	Monument and art stone production and sales.	–	**BR**
9	Plastic molding and extrusion.	–	**BR**
10	Printing and publishing.	–	**BR**
11	Recycling center.	–	**BR**
12	Metal fabrication.	–	**BR**
13	Testing laboratories including production and processing.	–	**BR**
14	Tool and die manufacturing.	–	**BR**
15	Warehousing, bulk storage, transfer establishments, and truck terminals.	–	S

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

Table 3-3
(Continued)

PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS[1]

See Footnotes at End of Table.

BR = Use Permitted By Right S = Special Land Use[1] – = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS	
		C-1	**I-1**
	Other Uses Not Listed Above[1]		
1	Clubs.	S	–
2	Public facilities owned by Gilford Township including, but not limited to, township offices, fire stations, police facilities, cemeteries, and parks.	**BR**	**BR**
3	Public facilities owned by other than Gilford Township not otherwise addressed in this Table.	S	S
4	Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed in this Table.	S	–
5	Solar Energy Systems (SES)	See Sec. 13.19	
6	Utility substations and buildings for gas and electric services.	S	S

Footnotes for Table 3-3

1. Irrespective of the labeling of a cell in this table, the following are classified as a Special Land Use (S):

a. Any use that serves alcohol for consumption on the lot of sale.

b. The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.

c. 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 area exceeds eight hundred (800) square feet in area or where more than thirty (30) persons are permitted to occupy such area.

d. Any use that exceeds a single building of 20,000 sq. ft. in gross floor area, or 40,000 sq. ft. in gross floor area among all buildings on the lot, excluding residential buildings and buildings used for agriculture.

2. See Section 13.24 regarding authorization of certain wireless communication facilities by right (BR).

End of Table 3-3

Table 3-4[1]
Site Development Requirements[1]

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** regarding development standards for the R-MHC District.
See **Section 20.8** regarding development standards for accessory buildings and structures.

Zoning District	Minimum Lot Area	Minimum Lot Width (LW) and Frontage (FR)	Maximum Building Height	Maximum Building Coverage	Minimum Yard Setback		
					Front	Each Side	Rear
A-1 Agricultural Residential	1 acre[2]	LW: 200 ft.[3] FR: 66 ft.[3]	35 ft.[4] but not to exceed 2.5 stories	20%[5]	60 ft.[6,9]	20 ft.[7,9]	40 ft.[9]
R-1 Rural Residential	1 acre[2]	LW: 200 ft.[3] FR: 66 ft.[3]	35 ft.[4] but not to exceed 2.5 stories	20%[5]	60 ft.[6,9]	20 ft.[7,9]	40 ft.[9]
R-MF Multiple Family Residential	1 acre[2]	LW: 200 ft.[3] FR: 66 ft.[3]	40 ft.[4] but not to exceed 3 stories	40%[5]	40 ft.[6,9]	25 ft.[7,9]	30 ft.[9]
C-1 Commercial	1 acre[2]	LW: 200 ft.[3] FR: 200 ft.[3]	35 ft.[4] but not to exceed 3 stories	50%[5]	35 ft.[6,9]	20 ft.[7,9]	30 ft.[8,9]
I-1 Light Industrial	1 acre[2]	LW: 200 ft.[3] FR: 200 ft.[3]	35 ft.[4] but not to exceed 3 stories	50%[5]	35 ft.[6,9]	30 ft.[7,9]	30 ft.[8,9]

Footnotes for Table 3-4 – Site Development Requirements

1. **Other Standards and Regulations:** See also Article 8 - Signs, Article 9 - Off-Street Parking and Loading, Article 10 - Landscaping and Screening, Article 11 - Environmental Protection, Article 12 - Access and Private Roads, Article 13 - Standards and Regulations for Specific Land Uses, Article 20 - Supplemental Provisions, and other Articles as applicable.
2. **Minimum Lot Area:** See Section 6.2 regarding existing lots with deficient lot area, constituting "nonconforming lots".
3. **Lot Width / Lot Frontage / Configuration of Lots:**
   a) Depth/Width Ratio: The depth of a lot shall not exceed four (4) times its width.
   b) Lot Width and Frontage:
      1) The minimum lot width standards of Table 3-4 shall be measured at the required front yard setback. See Article 21 regarding definitions pertaining to lot width, yards and setbacks.
      2) In the A-1 and R-1 Districts, the minimum lot width shall be one hundred twenty-five (125) feet in the case where the lot gains direct access from a road within a platted or condominium subdivision and the road serves only those lots within such subdivision.
      3) In addition to (2) above, lesser lot widths and frontages than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, a resulting lot would be unnecessarily excessive in overall width or area, or otherwise result in impractical configurations. However, such reduction shall not result in a continuous lot frontage of less forty (40) feet and a lot width less than sixty (60) feet at the required front yard setback.
      4) See Section 6.2 regarding existing lots with deficient width or frontage ("nonconforming lots").
      5) See Article 12 regarding lot access requirements including by road frontage and/or easement.

4. Height Exceptions

a) A-1 District: Buildings and structures used for agriculture in the A-1 District 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 one (1) foot that the building or structure exceeds fifty (50) feet in height.

b) All Districts: The following are exempt from the height limitations of Table 3-4 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 and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:

1) Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, and ornamental towers; parapet walls not part of a residential 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 horizontal roof area and not to exceed seventy-five (75) feet in height from the ground below.
2) Those necessary appurtenances to mechanical or structural functions, such as elevator and stairwell structures, ventilators, heating or air conditioning equipment, water storage tanks, and transmission structures, but not to exceed a maximum height of fifty-five (55) feet in the C-1 District and sixty (60) feet in the I-1 District, measured from the ground below.
3) Chimneys, smoke stacks, water towers, public utility structures, radio and television transmitting towers and antennas, or microwave relay towers, wireless communication facilities, and similar facilities, but not to exceed one hundred seventy-five (175) feet in height above the ground surface below and shall be setback from all property lines an additional one (1) foot for each one (1) foot that the appurtenance exceeds the height limitation of Table 3-4. Communications receiving antenna serving a dwelling on the same lot shall not exceed thirty (30) feet above the ground below.

5. Maximum Building Coverage:

In the case of a nonconforming lot due to deficient lot area, the allowable maximum building coverage shall be increased the same percentage (%) as the extent to which the area of the lot is deficient. By example, in the case of a nonconforming 40,000 sq. ft. lot in the A-1 District, which is 33% less than the required 60,000 sq. ft. lot area, the maximum permitted building coverage shall be 33% greater than the normal 20% limitation, being 27%.

6. Front Yard Setback Measurements:

Front yard setback shall be measured from the front lot line, typically being the road right-of-way line from which the lot gains access. See Article 21 (Definitions) for definitions pertaining to lot lines, yards and setbacks, including in association with "flag lots".

7. 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, except that the setback for the yard along the right-of-way that functions most similarly to a side yard based on the configuration and orientation of the building 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 thirty (30) feet.

b) C-1 District: The minimum side yard setback of twenty (20) feet shall be increased to forty (40) feet along the segment of the side lot line that abuts another lot in an A-1, R-1, R-MF or R-MHC District.

c) I-1 District: The minimum side yard setback of thirty (30) feet shall be increased to sixty (60) feet along the segment of the side lot line that abuts another lot in an A-1, R-1, R-MF or R-MHC District.

8. Rear Yard Setbacks

a) C-1 District: The minimum rear yard setback of thirty (30) feet shall be increased to fifty (50) feet along the segment of the rear lot line that abuts another lot in an A-1, R-1, R-MF or R-MHC District.

b) I-1 District: The minimum rear yard setback of thirty (30) feet shall be increased to fifty (50) feet along the segment of the rear lot line that abuts another lot in an A-1, R-1, R-MF or R-MHC District.

9. Additional Setback Provisions

a) Cornices, eaves, gutters, chimneys, pilasters bay windows, and similar architectural features may project two and one-half (2.5) feet into the required setback area.

b) Unenclosed fire escapes and stairways, and balconies, may project into a required side or rear yard a maximum of five (5) feet.

End of Article 3

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 structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; 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 and development substantially consistent with the planned development pattern for the Township according to the Gilford 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 is permitted as 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 Township. 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 Gilford 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 is compatible with the Gilford Township Master Plan.
2. Non-Residential Uses in a Residential PUD: 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 and unloading, 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 not be possible without the modifications.

1. Unless a waiver is granted by the Township Board, 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 by the Township Board, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 13, Additional 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 waiver is sought.

Section 4.5 Approval Standards

A. Each application a PUD, including the site plan, shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Township Board, and 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 preapplication conference as provided by Section 14.3. Statements made in the course of a preapplication conference shall not be binding commitments.

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

1. The applicant shall submit to the Zoning Administrator a minimum of fifteen (15) 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) 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 rezoning petition and accompanying 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," to be accomplished by the Township Board's adoption of an amendment ordinance.

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 fifteen (15) 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 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 application materials including the final site plan. The Township Board shall take final action to approve, deny, or approve with conditions the final application materials including the final site plan. In reviewing the final materials, 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 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.
   b. No extension shall be granted under subsection (a) 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 are to 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, structures and uses within the Districts of this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended and 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, 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 its nonconformity, except as otherwise 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 structures may be erected on any single lot of record 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, 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 from the Zoning Board of Appeals according to Article 16. This subsection (1) shall not be construed to authorize any instances of noncompliance with area, width and/or frontage standards except nonconforming conditions in existence on or before the date of adoption or amendment of this Ordinance.
2. Adjacent 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 or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved 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, width and frontage requirements of this Ordinance.

Section 6.3 Nonconforming Uses

A. Limitations: 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 the following limitations:

1. Enlargement/Expansion: No nonconforming use shall be enlarged or increased in area or bulk or in the number of structures and buildings, 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) shall not prohibit the extension of a nonconforming use throughout any portion of a building in which it is located where 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 parking and loading/unloading regulations.
2. Change of Tenancy/Ownership: A change 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 Nonconforming Use: A lot occupied by a nonconforming use of land or structure, or combination thereof, which is subsequently occupied by a conforming use, shall thereafter conform to the regulations for the District in which such use is located and a nonconforming use shall 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 six (6) months, 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 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.

a. The restrictions of subsection (4) shall not apply in the case *of* a single-family or two-family dwelling constituting a nonconforming use, subject to the following conditions:
   1) The replacement dwelling shall comply with the applicable setback and height standards of the District in which it is located,
   2) The erection of the replacement structure is initiated within one (1) year of the previous structure's destruction or razing.
   3) The first story floor area of the replacement dwelling shall not exceed the previous dwelling's first story floor area as existing at the time of adoption of this Ordinance or amendment thereto.
   4) The replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within eighteen (18) months of such destruction.

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, as applicable.
6. Nonconforming Use and Structure in Combination: In the case where nonconforming status applies to a structure and use in combination, and the structure is removed or destroyed 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.

Section 6.4 Nonconforming Structures

A. Limitations: Where a lawful structure 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 structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

1. Enlargement/Alteration: No nonconforming structure may be enlarged 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 of a building that encroaches into a required setback, and an increase in the number of stories encroaching into a required setback.
2. Destruction: Should a nonconforming structure 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 conformity with 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, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
   a. *Single and Two-Family Dwelling Exception:* The limitations of this subsection (2) shall not apply in the case of single and two-family dwellings, excluding accessory structures thereto, when all of the following conditions are met:
      1) The walls of the replacement dwelling shall not extend beyond the foundation of the previous structure, but in no case shall the replacement dwelling shall be set back from all lot lines a minimum distance equal to fifty percent (50%) of the district's setback standards.
      2) A building permit for the erection of the replacement dwelling is issued within one (1) year of the previous structure's destruction, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction.
      3) The replacement structure is no more nonconforming in any aspect than the previous structure.
3. Relocation: Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. Minor Repairs: A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, provided there is compliance with subsections (a) and (b). 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, including the cubic area of any nonconforming portion of such structure.
   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 and structures that become nonconforming as a result of the boundary change.

Section 6.6 Historic Structures

Any structure that is listed on the State or National Register of Historic Places is exempt from the requirements of this Article where such requirements would substantially undermine the historic character of the structure. When such structure is subject to an administrative decision by the Township, comment from Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before such decision shall be made.

Section 6.7 Illegal Nonconformities

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

(Balance of Page Blank)

End of Article 6

Article 7
(RESERVED for FUTURE USE)

Balance of Page Blank

End of Article 7

Article 8
SIGNS

Section 8.1 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. Unregulated signage encourages vehicular and pedestrian 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 described above.

Section 8.2 Definitions

A. Awning/Canopy Sign: A sign part of or otherwise affixed to a sheet of canvas, plastic or other non-rigid material stretched on a frame so as to be roof-like in function for coverage of the ground area below and/or for architectural purposes. An awning/canopy sign may be in a permanently extended position or may be retractable.

B. Business Center: A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.

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

D. Flag or Flag Sign: A sign comprised of flexible cloth, plastic or other similar material, no greater in one (1) dimension than two (2) times the opposite dimension, attached to a pole or other support and which falls upon itself in the absence of wind.

E. Freestanding Sign: A sign that is erected upon or supported by the ground, including ground signs as defined herein and signs supported by one or more poles, columns or similar supports.

F. Ground Sign: A self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted, posted or otherwise affixed. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is affixed, and a sign that is supported by one (1) or more posts that are less than two (2) feet in height.

G. 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" refers to 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" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.

H. Marquee Sign: A sign affixed to a permanent rigid roof-like structure that extends from a building for coverage of the ground or entrance area below, and/or for architectural purposes, and which is not supported by columns, posts or other similar features.

A. Permanent Sign: A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, or a 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.

J. Projecting Sign: A sign, other than a wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located, irrespective of the direction from which the sign is intended to be viewed.

K. 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 or attracting attention to, advertising, identifying, expressing or making known something. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property.

1. Exception: 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, that do not exceed two (2) sq. ft. in area, and designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something, shall not be construed as a sign except under the following conditions:
    a. This exception shall not apply in the case where such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are placed on multiple structures or other supports that are each no greater than two (2) sq. ft. in area but exceed two (2) sq. ft. in total cumulative area and are intended to be read or viewed together for a single or unified message or purpose, and such arrangements shall constitute a sign.
    b. This exception shall not apply if such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are erected within 20 feet of a public road right-of-way and intended to be viewed from such right-of-way, and such arrangements shall constitute a sign.

L. 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.

M. Wall Sign: A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall and not extending more than eighteen (18) inches from the face of the wall, including signs painted on a building wall, window signs, and signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a sign attached to or otherwise part of a roof, a sign attached to a wall but which extends above the lowest portion of a roof, or a "projecting sign" as defined herein.

N. Window Sign: A sign that is attached to the interior or exterior of any window. Permanent window signs that are not affixed directly to a window or are positioned within twelve (12) inches of a window so that they are visible from the outside, shall be considered wall signs.

Section 8.3 Application and Permit Requirements

A. Permits and Review

1. Required Permit and Review: All signs shall require a zoning permit prior to placement, erection, replacement or alteration unless exempted by subsection (2). If site plan review is required for a proposed project that a proposed sign is to be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14, and a separate sign application shall not be necessary. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. No sign application shall be accepted or acted upon prior to the payment of all permit application fees.
2. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (1) but shall conform to all other regulations and standards of this Article including areas, heights and setbacks.
    a. Signs erected by a governmental entity in a public right-of-way.
    b. Window signs.
    c. Temporary signs authorized under Section 8.7.
    d. The maintenance or replacement of sign information including painting, cleaning and light bulb replacement, but excluding any structural or frame modifications.
    e. Freestanding signs less than six (6) sq. ft. in area and five (5) feet in height, and wall signs less than six (6) sq. ft. in area.

B. Application Information: Application for a zoning permit for a sign shall include the following minimum information, which may be submitted as part of a larger development application:

1. Name, address, and telephone number of the applicant and landowner, and address of the lot on which the sign is to be erected.
2. A copy of the approved or proposed site plan for the lot on which the sign is to be placed.
3. Construction specifications including dimensions, materials, height, ground clearance if applicable, total display area, method of attachment to the wall or ground, and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
4. Proposed specific location of the sign on the building and, in the case of a ground sign, its location on the lot and in relation to nearby buildings, structures, and property lines, and setbacks from lot lines, right-of-ways, and access drives.
5. The height, width and elevational view of the building if the proposed sign is a wall sign.
6. Lot area and frontage.
7. Elevational view of the sign including proposed sign copy.
8. Information concerning proposed illumination and electrical plan.
9. Certification by the manufacturer that the sign complies with the Michigan Construction Code.
10. Written consent of the owner or lessee of the premises upon which the sign is to be erected, if different than the applicant.
11. Other information as may be required to ensure compliance with all applicable laws and regulations.

Section 8.4 Design and Construction Standards

A. Materials, Construction and Maintenance:

1. All signs shall be constructed and maintained in a manner consistent with building code provisions including wind and vibrational forces and shall be maintained in good structural condition 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. All signs shall be kept neatly painted, stained, sealed or preserved 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.
2. A sign shall be integrally designed so that its elements are of a unified character and not comprised of an assemblage of different sign types and materials. In the case where two (2) opposing sign faces are of differing shapes and/or sizes, resulting in the back of one (1) face not being fully obscured by the opposing face of the sign, the exposed backing shall be of a finished material and designed and constructed to appear as an integral part of the entire sign and of a similar character.
3. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

B. Illumination.

1. Authorized Lighting:
   a. Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise.
   b. No illumination of signs shall occur except during periods when the use is open to the public, or otherwise under active use. This restriction shall not prohibit security lighting in compliance with Section 11.7.
   c. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, intermittent, moving or variable intensity illumination except as authorized in association with an electronic message center (EMC) sign.
3. Illumination Level.
   a. No sign illumination, direct or reflected, shall increase the light level on an adjacent lot beyond the level when such sign is not illuminated.
   b. No sign shall be of an illumination level, whether direct or reflected illumination, that creates an uncomfortable visual sensation or interference with the normal view of features in the proximity of the sign as viewed from a public right-of-way or adjacent lot, such illumination typically causing a person to squint or shield one's eyes when viewing the sign. Use of glaring undiffused lights or bulbs is prohibited. Sign illumination shall not distract motorists, create a traffic hazard, or be a nuisance to users of other properties.
4. Source and Projection of Illumination: The source of sign illumination shall be shielded from traffic 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 only directed

downward or from the side onto the sign face.
   a. This subsection shall not apply to neon lights and exposed bulbs, including marquees signs, provided such lights and bulbs shall not exceed fifteen (15) watts.
5. EMC Signs: See Section 8.9 regarding illumination for EMC signs.

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, circle, cylinder, cone or combination thereof, including any framing.
   a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than twenty-four (24) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and are greater than twenty-four (24) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
   b. Where a sign has two (2) faces placed back-to-back, and at no point are less than twenty-four (24) inches apart from one another, but the face 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.
   d. For signs that are designed as a three dimensioned substantially curved geometric form such as a sphere, cone, or cylinder, the area shall be computed as one-half the total surface of the geometric form.
2. Sign Setbacks:
   a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the nearest parts of the two signs as viewed from above in plan or bird's eye view.
   b. The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign 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 ground elevation directly below the sign face. The height of a sign placed upon a berm or other artificially raised ground area shall be measured from the base elevation of the berm or artificially raised ground area.

Section 8.5 Nonconforming Signs

A. General/Article 6: Nonconforming signs shall be subject to the provisions of Article 6 except as otherwise provided by the following:

1. Destruction: A nonconforming sign that is destroyed to an extent greater than fifty percent (50%) of the sign's replacement cost, exclusive of the foundation, shall not be reconstructed.
2. Maintenance: Normal sign maintenance is permitted including painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.
3. Change of Copy: Information and graphics displayed on a nonconforming sign may be changed provided that the change does not create any greater nonconformity or otherwise alter the sign's framing and structural features.

Section 8.6 Prohibited Signs:

A. Signs Prohibited: The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Article.

1. Signs that, 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.
2. Signs that obstruct free and clear vision of traffic signs and signals, road name signs, or approaching, intersecting or merging traffic.
3. Signs greater than twenty-four (24) sq. ft. in area, affixed to a parked vehicle or device intended for tow, where such vehicle or tow item is being used principally for advertising purposes due to its parked location rather than for transportation purposes.

4. Signs attached to a roof, signs that extend higher than the prevailing height of a roof's eave, and signs that extend higher than the surface of a roof in the absence of eaves.
5. Signs that obstruct ingress or egress from a required door, window or other required point of access.
6. Signs that represent a public hazard due to the manner of construction including connection to the ground or a structure, lack of maintenance and/or repair, potential for electric shock, or any other reason.
7. 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 or place.
8. Signs that have any moving or flashing lights, signs that revolve or have any visible moving parts, revolving parts or visible mechanical movement of any type, or signs that have other apparent visible movement irrespective of the cause of the movement.
    a. Banners, pennants, festoons, spinners and streamers, and similar devices, that move due to wind or mechanical devices and that are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise authorized in association with a temporary sign according to Section 8.7. This limitation shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 8.9.
9. 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 Section 13.18.
10. Signs erected or modified prior to obtaining all necessary approvals and permits for such erection.
11. All other signs not expressly authorized by this Ordinance.

(Balance of Page Blank)

Section 8.7 Permitted Temporary Signs

A. Authorization: In addition to all other signs authorized by this Article, temporary signs are permitted according to the requirements and limitations of this Section. Signs permitted by this Section shall not be applied toward the permissible sign areas or permissible number of signs authorized by other sections of this Article.

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; the availability of a dwelling or real estate for sale or rent; seasonal celebrations; signs erected during construction activities; and expressions of political, religious and ideological views.

C. Limitations: Temporary signs shall comply with the standards of Table 8.7-1 regarding sign type, number, area, height and setbacks. In the case where Table 8.7-1 does not address a district established under this Ordinance, the unaddressed district shall be subject to the same standards of the district to which it is most similar in the scope of permitted uses. The following additional limitations shall apply:

1. Illumination: A temporary sign shall not be illuminated within an Agricultural or Residential District, and shall not be illuminated from 11:00 p.m. to 7:00 a.m. in all other districts unless otherwise provided in this Section.

Table 8.7-1

See "Special Provisions" on following page.

Districts	Maximum Permitted Number of Temporary Signs and Corresponding Maximum Sign Area	Maximum Sign Height	Minimum Sign Setback From All Lot Lines
Agricultural and Residential	One (1) sign, not to exceed four (4) sq. ft. One (1) additional sign for a lot not used principally for residential purposes, not to exceed eighteen (18) sq. ft.	3' 6'	5' 20'
Commercial and Industrial	1 sign not to exceed 4 sq. ft. 1 sign not to exceed ten (10) sq. ft. 1 sign not to exceed 32 sq. ft. provided that if such sign exceeds 18 sq. ft., the sign shall not be displayed for more than 30 days during any 90 consecutive days.	3' 6' 8'	15' from all lot lines for all signs, except 30' if the adjacent yard is in a District other than a Commercial or Industrial District.

Table 8.7-1 Special Provisions

1. Multiple Tenants: In addition to the temporary signs authorized by Table 8.7-1, 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 space may display a temporary sign not exceeding a height of three (3) feet and an area of three (3) sq. ft. Such temporary signs shall be set back from all lot lines a minimum distance of ten (10) feet.

3. Exceptions for Temporary Activities: In addition to the temporary signs authorized by Table 8.7-1, additional temporary signs shall be permitted under the following conditions.
   a. *Construction Sites:* One (1) temporary sign is permitted on a lot on which a building is being erected or altered and for which all necessary zoning and building permits have been granted, provided such sign does not exceed thirty-two (32) sq. ft. in area and six (6) feet in height. Such sign shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than seven (7) days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
      1) In the case of a sign in association with the construction of a single-family or two-family dwelling, such sign shall not exceed a height of four (4) feet and four (4) sq. ft. in area.
   b. *Public Vote:* Temporary signs may be displayed during the forty-five (45)-day period prior to and the 15-day period after a public vote, and such signs shall not exceed six (6) feet in height and sixteen

(16) sq. ft. in area. No such sign shall be located within one hundred (100) feet of an entrance to a building in which a polling place is located.

c. *Real Estate:*
   1) In the case of the sale or lease of a lot, building, building space, or residence, one temporary sign shall be permitted for each three hundred (300) feet of road frontage. No sign shall exceed an area of six (6) sq. ft. and a height of four (4) feet except that in a Commercial or Industrial District, and on lots of a minimum area of twenty (20) acres in other districts, no such sign shall exceed an area of sixteen (16) sq. ft. and a height not exceeding six (6) feet.
   2) 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, or at least three (3) buildings used for commercial, industrial or institutional purposes, is permitted one (1) temporary sign not exceeding twenty (20) sq. ft. in area and five (5) feet in height. Such sign shall be removed after two (2) years after initial erection or after the sale of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.
d. *Roadside Stands:* One (1) temporary sign may be erected within forty (40) feet of a roadside stand provided such sign shall be not exceed sixteen (16) sq. ft. in area and six (6) feet in height, and shall be displayed only during the seasonal period when the purchase of produce is available on a daily basis.
e. *New Use:* In the case of the proposed use of a lot for other than a one-family or two-family dwelling purposes, and prior to the erection of a permanent sign, a temporary sign may be erected for a period not exceeding 60 days and shall be removed within fifteen (15) days after the use becomes operational, whichever occurs first. Such sign shall comply with the standards of Table 8.8-1, as if the temporary sign is a permanent sign.
f. *Wind-Blown and Inflatable Devices:* In addition to the temporary signs authorized by Section 8.7, wind-blown devices and inflatable devices such as balloons, pennants, spinners, and streamers, are permitted in a Commercial District only, and for a period not to exceed five (5) days during any calendar month. No inflatable devise shall exceed six (6) feet in height.

(Balance of Page Blank)

Section 8.8 Permitted Permanent Signs

Table 8.8-1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Nothing in this Table 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 other signs authorized by the Article, and the signs permitted by this Section shall not be applied toward the permissible sign areas and permissible number of signs authorized by other Sections of this Ordinance. See Section 8.7 regarding temporary signs.

Table 8.8-1
See "Table 8.8-1 Special Provisions" on following page.

FS = Free-Standing Sign **WS** = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
Agricultural Districts *See "Table 8.8-1 Special Provisions" For Signs For Dwellings.*	**FS:** 1 along each road frontage that includes public access to the lot. **WS:** 1 per road frontage except 1 additional sign is permitted for buildings in excess of 150' in length.	**FS:** 24 sq. ft. except that in the case of a lot with frontage on two separate roads that each permit lot access, the second sign shall not exceed 18 sq. ft. **WS:** 5% of the vertical area of the building façade to which the signage is attached, but not to exceed 32 sq. ft. per sign.	**FS:** 5'. **WS:** Top of wall to which it is attached, but no higher than 20'.	**FS:** 15', except 30' from an adjacent side or rear yard if such yard is in an Agricultural or Residential District.
Residential Districts *See "Table 8.8-1 Special Provisions" For Signs For Dwellings*.	**FS:** 1 per road frontage that includes public access to the lot. **WS:** 1 per road frontage except 1 additional sign is permitted for a building in excess of 150' in length.	**FS:** 24 sq. ft. except that in the case of a lot with frontage on two separate roads that each permit lot access, the second sign shall not exceed 12 sq. ft. **WS:** 5% of the vertical area of the building façade to which the signage is attached, but not to exceed 32 sq. ft. per sign.	**FS:** 5'. **WS:** Top of wall to which it is attached, but no higher than 20'.	**FS:** 15', except 30' from an adjacent side or rear yard if such yard is in an Agricultural or Residential District.
Commercial and Industrial Districts *See "Table 8.8-1 Special Provisions" For Signs For Dwellings*.	**FS:** 1 per road frontage that includes public access to the lot. **WS:** No restrictions on number of signs.	**FS:** 1 sq. ft. per 1' of building length, measured as a straight line between building corners, but no single sign shall exceed 48 sq. ft. **WS:** 10% of the vertical area of the building façade to which the signage is attached, but not to exceed 100 sq. ft.	**FS:** 12'. **WS:** Top of wall to which it is attached, but no higher than 25'.	**FS:** 15', except 50' from an adjacent yard if such yard is in an Agricultural or Residential District.

See "Table 8.8-1 Special Provisions" on following page.

Table 8.8-1 Special Provisions

A. Business Centers

1. Freestanding Signs: A business center shall be permitted one (1) free-standing sign according to the height, area and setback standards of Table 8.8-1. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
2. Ground Signs: In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains, does not exceed five (5) feet in height and twenty-four (24) sq. ft. in area, and complies with the setback standards of Table 8.8-1.
3. Wall Signs:
    a. A business center shall be permitted one (1) wall sign according to the height and area standards of Table 8.8-1.
    b. In addition to subsection (a), the business center shall be permitted wall signage for each business or tenant space, and shall comply with the following:
        1) The total area of all wall signs for all business and tenant spaces shall not exceed ten percent (10%) of the vertical area of the building façade to which the signage is attached, but no single sign shall exceed fifty (50) sq. ft.
        2) The total wall sign area for an individual business or tenant shall not exceed ten percent (10%) of the vertical area of the building façade to which the signage is attached, but no single sign shall exceed fifty (50) sq. ft.

B. Dwellings: Permanent signs on a lot on which the principal use is one (1) or more dwelling units shall comply with the following:

1. Single and Two-Family Dwellings: One (1) sign may be erected for each dwelling unit on a lot where such lot is used for single-family or two-family dwelling purposes, each sign not to exceed four (4) sq. ft. in area.
2. Multiple Family Dwelling: One (1) sign may be erected within ten (10) feet of a building entrance within a multiple family dwelling development. Such sign shall not exceed six (6) feet in height and six (6) ft. in area, and shall comply with the setback standards of Table 8.8-1.
3. Postal Address: The limitations of subsections (1) and (2) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, to facilitate identification of the property for postal, emergency, and other vehicles. Such sign shall not exceed two (2) sq. ft. in area.

C. Driveway/Entrance/Directional Signs: The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes:

1. One (1) sign is permitted at the intersection area of a public road and an access drive to a parking lot. 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 road right-of-way.
2. One (1) sign is permitted 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 six (6) feet in height, and shall comply with the setback standards of Table 8.8-1.
3. One (1) sign is permitted at a door of a building. Such sign shall have a maximum height of six (6) feet and shall not exceed six (6) sq. ft. in area. The sign shall not be farther than ten (10) feet from such door and shall comply with the setback standards of Table 8.8-1.
4. Nothing in this subsection (C) shall be construed as prohibiting or regulating signage painted or imprinted on the surface of an access way, parking lot or other surface over which vehicles are driven.

D. Drive-In/Drive-Through Signs: One (1) sign, with a maximum height of eight (8) feet is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 8.8-1 except that no such sign shall be located within thirty (30) feet of a road right-of-way. If such sign is legible from a road right-of-way, the area of such sign shall be included in the computation of total permanent wall or freestanding sign area for the lot, as applicable.

Section 8.9 Electronic Message Center (EMC) Signs

A. Authorization: EMC signs are permitted in all districts, subject to the provisions of subsection (B).

B. Standards: EMC signs shall comply with the following:

1. That portion of a sign comprised of an EMC sign shall not exceed twelve (12) sq. ft. in area.
2. That portion of a sign comprised of an EMC sign shall not exceed a height of eight (8) feet.
3. One (1) EMC sign may be erected on a lot, irrespective of the number of road frontages along the lot.
4. Lighting:
   a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of fifteen (15) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages, including animation and animation-like imaging, 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 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:

      $\sqrt{}$ of the product of (12 x 100) = 34.6 feet measuring distance

   d. The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500 nits from dusk to dawn and 2,000 nits during all other times of a day.
   e. An EMC sign shall not be operated in an Agricultural or Residential District between the hours of 7:00 p.m. and 7:00 a.m.

Section 8.10 Flags

A. Freestanding Sign/Permitted Number: A flag that meets this Ordinance's definition of "structure" constitutes a permanent sign, are permitted in all districts, and are subject to the provisions of subsection (B).

B. Standards: Flags are not subject to Table 8.8-1, and shall comply with the following:

1. In Agricultural and Residential Districts, no more than one (1) flag shall be erected on a lot. Such flag shall not exceed sixteen (16) sq. ft. in area and twenty (20) feet in height, shall be set back from all lot lines a minimum of twenty (20) feet, and may be erected in any yard.
2. In districts other than Agricultural and Residential Districts, the following provisions shall apply:
   a. One (1) flag shall be permitted, not to exceed thirty (30) sq. ft. in area and twenty-five (25) feet in height, and shall be set back from all lot lines a minimum of thirty (30) feet. Such flag may be erected in any yard.
   b. One (1) or more flags may be erected in addition to that which is permitted by subsection (a) subject to the following:
      1) No additional flag shall exceed six (6) sq. ft. in area and ten (10) feet in height and shall be set back from all lot lines a minimum of twenty (20) feet.
      2) Such flag may be erected in any yard.
      3) Fifty percent (50%) of the square footage of each such flag shall be applied toward the permissible total freestanding sign square foot area according to Table 8.8-1, but in no case shall more than two (2) such flags be erected.

End of Article 8

Article 9
OFF-STREET PARKING and LOADING

Section 9.1 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 9.2 General Requirements

A. Fractional Space: When measurements determining required parking spaces result in a fractional space, fractions of one-half (1/2) shall be disregarded. 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 Areas: Off-street parking 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 a temporary use approval granted 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: 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 five hundred (500) feet 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.

G. Joint Use of Parking Areas: 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 generally similar times during a typical day, 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 but such reduction shall not exceed ten percent (10%). If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements. Such reduction shall not exceed thirty (30%).
2. Record of Agreement: 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 joint use shall be approved if vehicular access between the two lots requires the use of a public or private road.

H. Barrier-Free Parking Spaces: Barrier-free 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 including the number of required spaces, minimum dimensions of spaces and access ramps, and required signage. Such spaces shall be placed in the most convenient locations to facilitate access to a building.

Section 9.3 Site Development Requirements for Off-Street Parking

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, excluding in the case of a one or two-family dwelling, 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. Measurements shall be from the nearest edge of the entrance. The Planning Commission may modify these standards as applied to a specific site plan based on review comments by the County Road Commission and/or Township Engineer.

C. Surface: Required off-street parking intended to accommodate four (4) or more spaces, including aisles and driveways, shall be paved with concrete, bituminous asphalt or similar material. Such body may waive this requirement in the case of a lot in an Agricultural or Residential 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.

1. Paving: Where paving is required, the pavement shall be comprised of a minimum of two (2) inches of asphalt, or six (6) inches of reinforced concrete, above a minimum of six (6) inches of compacted crushed stone. 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. Setbacks:

1. Side and Rear Yard Setbacks: Off-street parking areas shall be set back a minimum distance equal to the minimum required building setback according to Table 3-4 of Article 3.
2. Front Yard Setbacks: Off-street parking areas shall be set back a minimum distance equal to the required front yard setback according to Table 3-4 of Article 3.
3. Building Setback: Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang, except that in the case of a multiple family building, the minimum setback for a parking space shall be twelve (12) feet.

F. Lighting: Required off-street parking areas shall be provided adequate light levels to enable pedestrians to safely move through such areas during operational hours. All lighting shall comply with Section 11.7.

G. Landscaping and Screening: See Article 10.

H. Clear Vision: Off-street parking shall comply with Section 20.18.

I. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion through appropriate access management, including minimizing curb cuts, the Planning Commission may require development to include one or both of the following improvements, where practical and feasible, excluding agricultural and single-family residential uses. Refusal to comply with a request under this subsection (I) shall be justification for site plan denial.

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, through the extension of a driveway stub to the shared lot line.
2. Off-street parking areas shall include shared access drives serving two (2) or more lots including access drives associated with redevelopment or new construction. In the case of new development, a signed joint driveway agreement by all property owners involved shall be required prior to the issuance of a zoning permit. Driveways shall be designed to allow joint access in the future, and an agreement to allow future use of the drive for joint access shall be signed at the time of site plan approval. Shared drives shall be shown on site plans at the time of review by the Planning Commission.

K. Parking Spaces and Maneuvering Lanes:

1. Off-Street Parking: Each off-street parking space shall be provided with adequate maneuvering lanes for access. 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 Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	12 ft.	22 ft.	8.0 ft.	23 ft.
30°- to 53°	13 ft.	22 ft.	9.0 ft.	20 ft.
54°- to 74°	16 ft.	22 ft.	9.0 ft.	20 ft.
75°- to 90°	15 ft.	22 ft.	9.0 ft.	20 ft.
Stacking Lane	12 ft.	NA.	12.0 ft.	20 ft.

2. Drive-Through Requirements: In the case where customers are served in their vehicles by way of a window, or any other operation that can be generally described as a "drive-through" facility, the following design standards shall apply except where provided elsewhere in this Article.
   a. Drive-through lanes shall not located so as to undermine safe and convenient access to parking spaces in other portions of the lot.
   b. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
   c. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
   d. An escape lane shall be provided to permit a vehicle to exit the stacking lane.
   e. A drive-through lane shall be of such length to provide for a minimum of three (3) vehicles awaiting service at a window, in addition to the vehicle space directly in front of the window. Where the drive-through lane includes a menu board, a drive-through lane shall be of such length to provide for a minimum of three (3) vehicles awaiting to view the menu board in addition to the vehicle space directly in front of the menu board. For measurement purposes, a vehicle shall be equal to a length of twenty (20) feet. A drive-through lane shall not rely on or cross any public space, street, alley or sidewalk, and shall be located entirely within the lot that it serves.

L. Drive-Through Facilities:

1. Drive-through lanes shall be a minimum of ten (10) feet in width.
2. The capacity of a drive-through lane for queuing purposes shall be based on the centerline length of the lane, approaching the drive-through window, divided by twenty (20) feet per vehicle.
3. All drive-thru window lanes shall be separated by curbing, or other clearly visible demarcation, from any adjacent parking area and vehicle access way.
4. Exterior seating and play areas adjacent to a drive-through window lane or other vehicle access way shall be enclosed by a three (3) foot high fence.
5. A drive-through lane shall be set back a minimum of one hundred (100) feet from an Agricultural or Residential District.

Section 9.4 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 Planning Commission that the proposed parking for the specific use is sufficient to meet the parking needs of those who will patronize the use as well as the needs for the largest employee working shift. Such evidence may consist of arrangements for shared parking, evidence that the proposed use will also be patronized by pedestrians, or evidence from the parking history of the proposed use or a use similar to the proposed use at other locations.
   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 Planning Commission may subsequently require the applicant to construct additional parking spaces on the lot if the Planning Commission finds that the reduced number of 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 ten (10) 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 including visiting and on-staff medical personnel.

1. Housing, Lodging, and Care Facilities:
   a. **Bed and Breakfast:** One (1) space for each rental room.
   b. **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 five (5) enrolled persons, whichever is greater, and a drop-off area capable of accommodating six (6) vehicles.
   c. **Hospital:** One (1) space for each three (3) beds.
   d. **Motels and Hotels:** One (1) space for each sleeping unit.
   e. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
   f. **Nursing Facility, Convalescent Home, and Home for the Aged:** One (1) space for each five (5) 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 Fire Marshall.
   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 Fire Marshall.
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 or machinery 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 useable floor area exclusive of stall areas. Parking spaces available for the fueling of vehicles may be applied to meeting up to fifty percent (50%) of the required one (1) space for every two hundred (200) sq. ft. of useable floor area. See subsection (h) regarding parking for retail sales areas.
   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 six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
   f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 sq. ft. of usable floor area plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
   g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every twenty (20) 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 useable 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 fifty percent (50%) of the manufacture's hourly rated capacity for the system in use shall be required. Additional one (1) space shall be provided for each two hundred (200) sq. ft. of useable floor area devoted to waiting customers.
   e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to four (4) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, based on an average vehicle length of 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 plus sufficient area for three (3) stacking spaces for drive-through window purposes.
   i. **Mini-Storage:** Where an office is provided, three (3) spaces.
   j. **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.

1. **Religious Institutions:** One (1) space for each three (3) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, 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 or State Fire Marshall.
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 Fire Marshall), 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 five hundred (500) sq. ft. of gross floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats or five (5) linear feet of bench seating, 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 9.5 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 9.4.

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 twenty-five (25) 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:

Gross Floor Area	Spaces Required
Up to 5,000 sq. ft. of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 19,999 sq. ft. of gross floor area:	1 space.
20,000 to 119,999 sq. ft. of gross floor area:	1 spaces, plus 1 space per each 20,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 20,000 sq. ft.
120,000 or more sq. ft. of gross floor area:	5 spaces, plus 1 space per each 40,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 120,000 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 a different District or 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 setback except where such yard is adjacent to a Commercial 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.

End of Article 9

Article 10
LANDSCAPING and SCREENING

Section 10.1 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; enhance the appearance of off-street parking, other vehicular use areas and the township in general, in association with new development and modifications to existing landscapes; assure adequate buffering between differing 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 10.2 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.

Section 10.3 Landscape Plan Required

A. A landscape plan is required to be submitted as part of a site plan according to Article 14. The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 10.4 and 10.5). 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, and construction details for berms.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including 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.
6. Proposed maintenance program for the continued care and health of plant material.

Section 10.4 Landscaping/Screening Buffer Areas

A. Side and Rear Yard Buffer Areas: A landscaping/screening 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 building setback for the district according to Table 3-4 of Article 3 except that the minimum buffer width in Commercial and Industrial Districts shall be fifteen (15) feet along those portions of the lot that are adjacent to another lot in a Commercial or Industrial District.
2. Plant Material: The buffer area shall be planted and maintained with evergreen trees such as spruce, pines, or firs, and deciduous trees, and shrubs. While such plantings need not be evenly spaced within the buffer, the trees shall be provided at a rate of a minimum of one (1) evergreen tree per thirty (30) linear feet, one (1) deciduous tree per fifty (50) linear feet, and one (1) shrub per twenty (20) linear feet. Where a solid wall or fence is part of the buffer area, a minimum of fifty percent (50%) of the required plantings shall be located on the exterior side of such wall or fence.
3. Berm, Wall and/or Fence: 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 that the plantings required by subsection (2) does not adequately mitigate negative impacts. In the case where a berm, wall and/or fence is required or otherwise provided, the site plan approving body may reduce the required plantings by no greater than fifty percent (50%).
    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 immediate adjacent yard area on the adjacent lot unless the site plan approving body 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 both yards adjacent to a road.

B. Front Yard Buffer Areas: A landscaping/screening 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. Width: The buffer area shall extend from the front lot line for a minimum distance equal to the required front yard setback according to Table 3-4 of Article 3.
2. Plant Material: The buffer area shall be landscaped with a minimum of one (1) deciduous or evergreen tree 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 10.5 Parking Lot Landscaping and Screening

A. General Landscaping: There shall be provided a minimum of one (1) deciduous tree 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 and/or within twenty (20) feet of the edge of the parking lot. A minimum distance of five (5) feet shall be maintained between proposed tree or shrub plantings and the edge of curbing and pavement.

B. Screening: Where a parking lot contains six (6) or more parking spaces and is within view of an existing dwelling, public road, or Residential District, 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 between the height of one (1) foot to four (4) feet above the ground at the time of berm and/or plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character and shall have a growth habit so as to provide for a minimum eighty (80%) screen of the parking lot border between the height of one (1) foot to four (4) feet above the ground within three (3) years of berm and/or plant material installation. The applicant shall supplement plantings as necessary to ensure compliance with the required eighty percent (80%) screen, within six (6) months of notification by the Zoning Administrator.

Section 10.6 General Site Landscaping

In addition to the other landscaping and screening required by this Article, a minimum of one (1) additional tree shall be planted for each three thousand (3,000) square feet of impervious surface to be established on the lot including paved surfaces and buildings. Plantings may be uniformly spaced, clustered, and/or randomly scattered. Any remaining unpaved areas within the developed portion of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material.

Section 10.7 Minimum Standards of Landscape Elements

A. Plant Material Quality and Composition: Required plant material shall be living, free of insects and diseases, and hardy to the central Michigan climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, poplar, silver maple 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. Plant Material Size: Unless specified otherwise in this Ordinance, required plant material shall comply with the following size standards:

1. Deciduous Shade Trees: Minimum of two and one-half (2.5) inches in caliper measured four (4) feet above grade at the time of planting, and with the first branch a minimum of four (4) feet above grade when planted.
2. Deciduous Ornamental Trees: Minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade, with a minimum height of four (4) feet above grade when planted.
3. Evergreen Trees: Minimum of six (6) feet in height and with a minimum spread of three (3) feet at the time of planting.
4. Shrubs: Two (2) feet in height at time of planting except that intentional low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

C. Ground Covers: Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and a minimum fifty percent (50%) coverage after two (2) complete growing seasons.

D. Grasses: Grass areas shall be planted using species normally grown as permanent lawns in central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

E. Berms: Berms shall be constructed with slopes no steeper than one (1) foot of vertical rise for each three (3) feet of horizontal run (33 percent slope), with a minimum three (3) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan Berms shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded, and mulched, or planted. Berms shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion and to retain its height and shape. Berms shall be constructed to ensure proper site drainage and the avoidance of ponding.

F. Fences, Walls and Other Manufactured Landscape Elements

1. General Requirements: All required or otherwise proposed fencing, walls and other manufactured landscape elements 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.
2. Specific Requirements:
    a. Walls and fences shall be constructed so as to me a minimum of eighty percent (80%) opaque and no single open portion shall exceed one (1) sq. ft. in area.
    b. The finished side of fencing and walls shall face abutting properties.
    c. Walls shall be constructed of brick, poured concrete with a simulated brick or stone pattern, or be of similar construction that offers enhanced texture features and/or otherwise lessens the visual mass of the wall.
    d. See also Section 20.9 for additional provisions regarding fences and walls.

Section 10.8 Installation, Maintenance and Completion

A. Installation and Timing

1. General: 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. Trees, shrubs, hedges, and vines shall be mulched to a minimum depth of four inches (4”) at the time of planting.
2. Timing of Landscape Improvements: 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.
3. Performance Guarantee for Delayed Plantings: If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 2.8.

B. Protection of New Landscaping: Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

C. Protection of Existing Plant Material: If an approved site plan identifies existing plant material to be preserved, to remain, or to otherwise be undisturbed, protective measures should be implemented such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

1. Replacement of Damaged Plant Material: In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed plant material, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and other pertinent considerations:
    a. A damaged tree with a caliper of six (6) inches or less, measured four (4) feet above grade, shall be replaced with two (2) trees with a minimum caliper of two and one-half inches (2.5”) measured four (4) feet above grade.
    b. A damaged tree with a caliper greater than six inches, measured four (4) feet above grade, shall be replaced with one (1) tree with a minimum caliper of two and one-half inches (2.5”) measured four

(4) feet above grade for each four inches (4”) of caliper of fraction thereof of the damaged tree.

D. Maintenance: Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. Plant material shall be watered as necessary to ensure health and disease resistance. Unhealthy and dead material shall be replaced within one (1) month of notice by the Zoning Administrator unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.

Section 10.9 Modifications of Landscape and Screening Provisions

A. Modifications Authorized: The site plan approving body may modify the specific requirements of this Article according to subsection (B).

B. Basis for Modifications: Modifications may be granted where the site plan approving body finds that such modifications are in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the site plan approving body shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective and/or unnecessary screen than an alternative proposal.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening or visual enhancement effect.
3. Proposed modifications to the lot impact only a small portion of the lot and landscape improvements to only limited portions of the lot are appropriate.
4. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

End of Article 10

Article 11
ENVIRONMENTAL HEALTH and RESOURCE PROTECTION

Section 11.1 Purpose

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources and sensitive ecosystems, the provision of adequate sewage disposal and potable water, and the management of land uses regarding other environmental impacts such as exterior lighting, glare, and vibrations.

Section 11.2 Natural Resources

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction shall conform to this Ordinance and all local, county, state and federal rules and regulations including:

1. Michigan Department of Environmental Quality: Land uses shall comply with the requirements of the Michigan Department of Environmental Quality including those applying to:
   a. Airborne emissions.
   b. Water quality protection including discharges to surface and ground water.
   c. The use of and disturbances to wetlands including dredging and filling.
   d. The use of and disturbances to flood plains including construction within.
   e. Waste disposal.
   f. The loading, unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids.
   g. The storage of hazardous materials including requirements for secondary containment.
2. County Health Department: Land uses shall comply with the requirements of the County Health Department including those applying to potable water and sewage disposal.
3. County Drain Commissioner: Land uses shall comply with the requirements of the County Drain Commissioner including those applying to the provision and design of retention ponds and detention ponds.

B. Sensitive Lands:

1. Avoidance of Sensitive Resources: Where a portion of a parcel is characterized by sensitive or fragile environmental features, including woodlands, wetlands, hydric soils, water courses or flood plains, new development on the lot shall only occur on those portions of the lot void of such features where reasonably feasible. New development shall comply with all county, state and federal laws, rules and permit and approval requirements. No building shall be erected, and no clearing or excavation for a building shall be undertaken, within fifty (50) feet of a wetland or water course except upon a finding by the Planning Commission that no reasonable alternative is available.
2. Evidence of Permits: Except where required to do so by state or federal law, the Township shall not approve any land use that 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 permit.
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 site 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 or two-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 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.

Section 11.3 Storm Water Management

A. Applicability: Uses subject to this Section shall be limited to those uses subject to site plan approval according Article 14 of this Ordinance unless expressly provided otherwise by this Ordinance.

B. General Standards: Land use modifications shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, and maintain wildlife habitats. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:

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 including, but not limited to: 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. 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.
3. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
4. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
5. 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.
6. 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.
7. When a landowner is required to provide on-site storm water retention 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 whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.
8. Wetlands may be used for storm water management provided all necessary approvals and permits are acquired from the Michigan Department of Environmental Quality and any other agency having jurisdiction.

Section 11.4 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 11.5 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 direct means such as sensation by touch or observation of moving objects.

Section 11.6 Glare and Heat

Any operation which 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, including as a result of the opening of doors to such building or enclosure. See Sec. 11.8 regarding the screening of vehicle headlight glare.

Section 11.7 Exterior Lighting

A. General:

1. No Exterior lighting shall in any way impair the safe movement of traffic.
2. No exterior lighting including any reflected light or resulting glare shall create a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
3. No exterior lighting shall be used to attract attention to a building or other facility. This restriction shall not prohibit the use of ground-mounted lighting that enhances the architectural or landscape features of the facility.
4. Exterior lighting of signs shall comply with Article 8.

B. Non-Residential Uses: Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, vegetative and/or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such headlight screening shall not impair safe vertical or horizontal sight distance for moving vehicles.
2. 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 the lot lines and shall be so arranged to reflect light away from adjacent properties. Recessed lighting shall be utilized as may be necessary to ensure compliance.
   c. No more than 0.3 foot candle power of light shall cross a lot line at ground level, except that in the case where the adjacent use is in an Agricultural or Residential District, or is under residential use, no more than 0.1 foot candle power of light shall cross the respective lot line at ground level.
3. Subsections (1) and (2) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than 0.5 foot candle power of light shall cross a lot line at the ground surface in an Agricultural or Residential District, and such lighting is turned off during hours the facility is closed to the public.
4. Light fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the light source.

(Balance of Page Blank)

End of Article 11

Article 12
ACCESS

Section 12.1 Purpose

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access. 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 lots in the Township unless specified otherwise, and shall be applied in addition to the requirements of the County Road Commission and other provisions of this Ordinance.

Section 12.2 Lots to Have Access

A. Access Required: All lots hereinafter created in the Township shall be afforded vehicular access by having frontage on a public road or private road approved pursuant to this Ordinance, and 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. Such road frontage shall be a minimum of sixty-six (66) feet in width. In no case shall a private easement across one lot to provide access to another lot be construed as road frontage.

B. Exceptions: This Section shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

Section 12.3 Driveways

A. Approval Required: All plans for structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises and which shall be part of the required plot plan or site plan. Said plan shall be approved by the Zoning Administrator, or the Planning Commission in the case of a site plan, prior to the issuance of a Zoning Permit. No driveway shall be approved except upon conformance with this Article and other applicable provisions of this Ordinance including review and action by the County Road Commission. See definition of "driveway" in Article 21.

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

1. Perpendicular at Intersection: All driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. Paving: 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 fourteen (14) 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. Additional Standards for Non-Residential Driveways: Non-residential driveway ingress and egress points shall comply with the following additional standards:
    a. The nearest surface of a driveway shall be no 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 Planning Commission that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.
    b. The nearest surface of the driveway to another lot shall be no less than ten (10) feet except that the nearest surface of the driveway to another lot in an Agricultural or Residential District shall be no less than thirty (30) feet.
    c. The driveway intersection shall comply with the locational and design standards of the County Road Commission including turning radii, tapers, and cross-sectional design.
    d. See Section 9.3 regarding off-street parking aisles and related standards.
    e. This subsection (3) shall not apply to lots used exclusively for agricultural operations and on which no dwelling is present.

Section 12.4 Private Roads

A. Private Roads Permitted: Private roads as defined in Article 21 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:

1. Construction of Private Road: No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval by the Planning Commission. No permit is required for routine maintenance of existing roads such as road patching, resurfacing, and regrading of road surfaces.
2. Use of Private Road: No use of a private road shall be initiated prior to the issuance of a zoning permit signifying that the private road has been constructed according to the approved application.

C. Application for Zoning Permit for Private Road Construction: Application for the construction of 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:

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: Road easement agreement to 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 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 Purchaser aware that this lot has egress and ingress over this easement only. Tuscola County and Gilford Township have no responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private easement and may provide service only to the closest public road access."
3. "Maintenance Agreement: Road maintenance agreement to be signed by 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 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 of the road in the event the necessary maintenance 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 the private road except through such an assessment district.

D. Application for Zoning Permit for the Use of a 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 structure or use of a lot that relies upon such road for access until the Planning Commission grants final approval for use of the road. The Planning Commission shall grant such final approval when 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, if requested to do so, has completed a review of the 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 road easement agreement and road 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 road's compliance with this Ordinance.

E. Design Standards and Waivers: Private roads shall be constructed according to the standards of the Tuscola County Road Commission, according to the type and volume of traffic intended for the private road, except that the Planning Commission 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. In no case shall an alternative design feature be approved that does not comply with the following minimum standards:

1. Easement Width and Surface Width: A private road shall be within a private road easement of a minimum width of sixty-six (66) feet, and the private road shall have a minimum drivable surface width of twenty (20) 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.
2. Dead-End Roads: Private roads that terminate at a dead-end shall include a turnaround, such as a cul-de-sac or a hammerhead "T" turnaround, of adequate design specifications that the Fire Chief determines acceptable.
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. Intersections with Public Roads: Private roads shall intersect with other private and public roads at a ninety degree (90°) angle. Where constrained by environmental features, the Planning Commission may allow a reduced angle of intersection but not less than seventy-five degrees (75°).
5. Intersection Offsets: 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 between centerlines. This standard may be reduced upon receipt of a recommendation from the Township Engineer that such reduction is reasonable based on the specific conditions of the request and the public health, safety and welfare shall not be substantially undermined.
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 private road 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 ten (10) 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.
8. Elevation: The entire surface of a private road shall be a minimum of six (6) 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 run-off from the road surface, prohibit road 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 Environmental Quality.
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. All private road name signs shall be blue with white letters.

F. Existing Nonconforming Private Roads

1. Maintenance and Existing Lots: Private roads that 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 except where may be otherwise restricted or prohibited according to subsection (2) below. For the purpose of the subsection (1), a lot shall be construed as an "existing lot" if the alleged lot was 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 had been assigned a unique parcel number by the County Register of Deeds and has been individually assessed and taxed on that basis.
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 is inconsistent with the standards herein, and which serves five (5) or less lots or dwelling units, may be extended in length or be subject to an increase in the number of dwelling units or lots through the partitioning of land along such road or road extension, except upon a finding that the road will be capable of providing sufficient access including year round access for emergency vehicles. The Planning Commission may require improvements of such road as a condition of the establishment of additional lots or dwelling units, consistent with one (1) or more of the standards of this Article including the paving of such road.
   b. No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, and which serves six (6) or more lots or dwelling units, may be extended in length or be subject to an increase in the number of lots or dwelling units through the partitioning of land along such road or road extension, except in the case where the entire existing private road and any extension of such road is designed and constructed according to the standards of this Article, including the paving thereof.
   c. The site plan approving body may permit exceptions from subsections (a) and (b) only after the receipt of a report from the Township Engineer that documents the extent to which the existing road does not conform to the standards of this Article and the extent to which the existing road is capable of accommodating the anticipated increased levels in traffic without the undermining of its integrity for emergency vehicle use, and a statement of finding regarding whether the increased traffic may substantially undermine public safety and welfare.

End of Article 12

Article 13
Standards and Regulations for Specific Land Uses

Section 13.1 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, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of regulations presented in this Article, some Sections are accompanied by a further defined "purpose" statement.

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.
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.

Section 13.2 Adult and Child 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 lot coverage.

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. No play area shall be located in the required front yard setback.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area.
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. Operations between 10:00 p.m. and 6:00 a.m. shall be of a limited character only.
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 13.3 Airports

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. An airport shall not be established on any parcel less than one-hundred eighty (180) acres in area and 1,500 feet in width.
2. No runway shall be located within seven-hundred fifty (750) feet of a lot line.
3. No runway or other airport operations area shall be established within one thousand (1,000) feet of an existing dwelling.

B. Additional Standards and Requirements:

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. See Sec. 13.16 regarding private landing strips.

Section 13.4 Bed and Breakfast

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.

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 structures.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the structure shall be of a single family dwelling character.
3. Meals may be served to overnight guests only, and shall be limited to breakfast 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 120 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. No guest room shall be located in a basement or attic.
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 three (3) bedrooms available to guests but no less than two (2) lavatories and bathing facilities shall be provided.
7. No parking shall be in a road right-of-way or within a required front yard. Parking stalls shall be arranged in an orderly fashion. Parking in a side or rear yard shall be setback a minimum of ten (10) feet from side and rear lot lines. All parking areas shall be screened according to Article 9.
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.
10. The owner or operator of the facility shall reside within the same building as the guest bedrooms.
11. All guest rooms shall comply with the State Construction Code and the rules and regulations of the County Health Department.
12. No guest shall stay at the bed and breakfast for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

Section 13.5 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 lot coverage, except as follows:

1. The maximum building height standard of Table 3-4 may be exceeded provided all minimum yard setbacks are increased by two (2) feet for each one (1) foot that the building height standard is exceeded, but in no case shall a building exceed forty-five (45) feet in height.
2. In the case of single and two-family dwellings, such dwellings shall comply with the following minimum setbacks. In the case where lot lines are not present, setbacks shall be measured from where such lot lines would normally be expected under typical conditions.
   a. Minimum front yard setback: twenty-five (25) feet.
   b. Minimum rear yard setback: thirty-five (35) feet.
   c. Minimum side yard setback: ten (10) feet.

B. Additional Standards and Requirements:

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. A minimum of fifteen percent (15%) of the lot shall be set aside as open space and recreation and leisure areas. Of this minimum fifteen percent (15%) area, there shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount equal to a minimum of one hundred (100) square feet per patient bed according to design capacity but in no case shall the

outdoor usable area be less than ten thousand (10,000) square feet. No single required outdoor area shall be less than 1,000 square feet in area.

3. 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.
4. Adequate measures shall be made for clear and convenient access to all major entrances for emergency medical services.
5. In the case where the facility includes one (1) or more multiple family dwellings, such buildings shall also comply with Sec. 13.13.

Section 13.6 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 lot coverage.

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 and 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 13.7 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 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.
2. 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 uses.

Section 13.8 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:

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. Soil borings representative of the principal areas of the site, demonstrating the presence of suitable material for extraction and of suitable amounts
5. Proposed plans for fencing.
6. 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.

7. Proposed side slopes and depths for all portions of the extracted area, including interim and final slopes.
8. 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.
9. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
10. A detailed reclamation plan that complies with 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. 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 lot coverage, except as follows:

1. Minimum lot area shall be ten (10) 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 any road right-of-way, one hundred fifty (150) feet from all other lot lines, and two hundred (200) feet from a residence on another lot existing at the time an application is approved.

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 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 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 7:00 a.m. and cease no later than 6:00 p.m., and shall be operated on weekdays only. 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 on hours and days of operation.

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.

1. Screening shall be provided along all boundaries of the site that lack natural screening conditions through existing contours or evergreen tree growth. Such barriers shall consist of one or both of the following:
   a. Earth berms constructed to a height of six (6) feet above the elevation of the centerline of the adjacent public road and/or six (6) feet above the general level of terrain along interior property lines, whichever is higher. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.
   b. Plantings of evergreen trees or shrubbery, not less than four (4) feet in height at the time of planting and which are expected to grow to not less than six (6) feet in height at maturity, and sufficiently spaced to provide effective screening when six (6) feet in height.

9. Noise and vibration shall be managed so as to minimize impacts on nearby properties, including by the utilization of modern equipment designed to accomplish such purposes and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations that are not necessary in the operation of such equipment.
10. Air pollution in the form of dust shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust conditions injurious or substantially annoying to nearby property owners. All operational areas shall be treated as necessary to minimize dust conditions on nearby properties.
11. 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.
    a. 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.
    b. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
    c. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
    d. 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.
12. 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.
13. A performance guarantee may be required according to Section 2.8 may cover anticipated yearly or other periodic inspections.
14. All areas that 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 one hundred (100) 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, including the removal of all plant structures, foundations, buildings, stockpiles and equipment, 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 13.9 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 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.

B. Additional Standards and Requirements:

1. A solid fence or wall 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 comply with the setback requirements of Table 3-4 but in no case shall be less than 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 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 13.10 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 lot coverage, except as follows:

1. A kennel shall not be established on any lot less than five (5) 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 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 and the spread of disease, odor, and dust. 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 and dust. Odors shall not be detectable from beyond the lot lines.
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. Kennels are to be served by floor drains that connect to a sanitary sewer system approved by the County Health Department.
4. Habitual barking shall not be detectable from beyond the lot lines.
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. Outdoor runs, pens or exercise yards shall not be used between the hours of 9:00 p.m. and 7:00 a.m., and in the case of outdoor runs, pens or exercise yards that are within two hundred (200) feet of an existing dwelling, such areas shall be screened from the existing residence by a solid fence or wall of a minimum height of four (4) feet.
7. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

Section 13.11 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 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 of asphalt or concrete paved surfacing 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 of asphalt or concrete paved surfacing. Traffic direction and parking shall be designated by signaling, signs and/or painting.
3. No retail, wholesale, fabrication, manufacturing, office or service activities may be conducted from storage units.
4. Storage units shall not contain more than 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 storage units that shall be within a building, except that the outdoor storage of recreational vehicles and water craft may occur where expressly permitted according to an approved site plan. No outdoor storage shall occur within a front yard and within fifty (50) feet of a side and rear lot line.

6. Retail sales shall be permitted from an on-site office building provided such sales and display area shall not exceed one hundred (100) sq. ft. of floor area and products for sale shall be limited to those customarily used on-site is association with the storage compartments.
7. The exterior of buildings shall be of a unified consistent design and shall be of materials commonly associated with residential construction or be of such material so as to enhance the building's compatibility with the surrounding area. Concrete block construction, without simulated brick, stone or similar treatment, is prohibited.

Section 13.12 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 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. An operator's or caretaker's residence may be established within or outside of the motel.

Section 13.13 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 lot coverage, except as follows:

1. The minimum front yard setback shall be fifty (50)) feet.
2. The minimum side and rear yard setback shall be thirty (30) feet.
3. The maximum height of a building shall not exceed two (2) stories and thirty-five (35) feet. The site plan approving body may approve a maximum building height of three (3) stories and thirty-five (35) feet upon its finding that such building heights will enhance the preservation of special natural resources on the lot and/or there are existing or proposed site features that shall ensure the compatibility of the buildings with the surrounding area. In no case shall any portion of a building within fifty (50) feet of a side or rear lot line lot line exceed twenty-five (25) feet in height.

B. Additional Standards and Requirements:

1. 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 thirty (30) feet.
2. No building shall exceed two hundred fifty (250) feet in length except upon a finding by the site plan approving body that that architectural features and/or other site conditions support the building's scale with the surrounding area.
3. There shall be provided easily accessible and usable open space in an amount of fifteen percent (15%) or more of the site 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 1,000 square feet in area if it is to be applied toward meeting the minimum required open space.
4. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lot and access drives not otherwise comprising a road right-of-way.
5. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
6. 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 buildings.
7. 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.

8. The minimum floor area for multiple family dwelling units shall be as follows:
   a. Efficiencies: 400 sq. ft. of heated living area.
   b. One bedroom units: 550 sq. ft. of heated living area.
   c. Two bedroom units: 750 sq. ft. of heated living area.
   d. Three or more bedroom units: 950 sq. ft. of heated living area, plus 150 sq. ft. of heated living area for each additional bedroom in excess of the third bedroom.

Section 13.14 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 lot coverage.

B. Additional Standards and Requirements:

1. A building of more than two hundred (200) square feet in area shall be provided, 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.
3. 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.
4. Outdoor broadcasting of voice or music is prohibited.
5. 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 including tire and wiper replacement but excluding oil changes.
   b. All vehicle display and storage areas shall be asphalt or concrete paved except where the 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 13.15 Open Space Preservation Communities

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. Additional Standards and Requirements:

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, 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 for a dwelling 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. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District.
   b. Lot width: Minimum lot widths for dwellings 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 sixty (60) feet in width.
4. Setbacks
   a. The following front, side and rear yard setbacks 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 parcel. Where the 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 setback 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 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.

5. 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.
   a. 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.
   b. 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 Township Board to be a public nuisance, with the assessment of costs upon the property owners.
6. Open Space Preservation Area, Character, and Priorities
   a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. 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 parcel 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.
7. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a potable 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.
8. 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: OSPCs are subject to site plan approval according to Article 14 (Site Plan Review) in addition to the following:

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 parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. 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.
   a. The conventional plan referenced in subsection (2) above 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, 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.

Section 13.16 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 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 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 13.17 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 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) – (E) 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 listed 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 one-hundred (100) vehicles arriving and/or departing the facility, the facility shall have frontage along and have direct access to a paved primary road or state highway.
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.
5. All outdoor storage, service and maintenance areas shall be screened according to the side and rear yard landscaping/screening buffer requirements of Article 10.
6. All outdoor lighting shall comply with Section 11.7.

C. Additional Standards and Requirements Applicable to Campgrounds:

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of five-hundred (500) feet.
2. Buildings, structures, areas designated for camping, and areas devoted to the storage or parking of vehicles not otherwise part of camp sites, shall be located a minimum of one hundred (100) feet from all property lines.
3. Each campsite shall be at least twelve hundred (1,200) 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 one (1) permanent dwelling may be established to serve only as the residence for a year round manager or caretaker.
6. A 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. There shall be no camping or parking activities within thirty (30) feet of the center line of an access road.
12. 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.

D. 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 warning signs as required by the Department of Natural Resources, but in no case shall such signs be 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 be one-half (1/2) hour after sunrise or 8:00 a.m., whichever is earlier, to one-half (1/2) hour before sunset, according to sunrise and sunset times published by the National Weather Service. 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.
10. No retail sales to the public shall take place on the premises, except that this limitation shall not prohibit the sale of items to persons for use in the facility at the time of sale. Sales shall be limited to accessory items to the use of firearms such as ammunition, hats, licenses, game birds, and clothing. Sales of guns, rifles, and other firearms are prohibited.

E. 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 any lot in an Agricultural or Residential District.
2. Minimum lot size shall be forty (40) acres.
3. Golf courses and country clubs shall have direct access onto a paved public road.
4. 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.
5. 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 are located a minimum of two hundred (200) feet from the center of the fairway.
6. 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.
7. 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.
8. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Tuscola County Health Department and local building codes.
9. 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.
10. 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.
11. 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.

12. A single residence may be established on the same lot as the golf course provided it is occupied only by a caretaker or other similar employee of the facility.
13. 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 parcel as an outdoor recreational facility.

Section 13.18 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" 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 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.
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.
        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 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 structure 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.
b. All performances shall occur on a stage elevated at least eighteen inches (18") over the immediate floor level and removed at least six feet (6) from the nearest employee or patron.

8. A manager's station shall be provided.
   a. 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.
   b. The manager's station shall be clearly identifiable, shall be no greater than fifty (50) sq. ft. in area, and shall be raised a minimum of eighteen (18) inches above the floor elevation to which the public has access.
9. 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.
10. Rest rooms shall not contain any video reproduction equipment.

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.
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 13.19 Solar Energy Systems

A. Definitions: The following terms, phrases and definitions shall apply for the purpose of this Article.

1. Solar Energy System (SES): A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. Small Solar Energy System (Small SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of no more than two thousand (2,000) sq. ft. A Small SES typically serves a single residential unit, agricultural operation, business or other singular facility, located on the same lot as the Small SES.
3. Medium Solar Energy System (Medium SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. A Medium SES commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots.
4. Large Solar Energy System (Large SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than ten thousand (10,000) sq. ft. and/or is used principally to provide service to customers not located on the same lot as the Large SES, irrespective of the cumulative area of the panels. A Large SES commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots including in association with energy utility providers.
5. Self-Contained Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan.
6. Solar Collection Panels: Panels or tiles made of semiconductor devices and commonly referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted panels are panels attached to the ground by a pole, metal frame or other similar support structure.

B. Compliance with Table 3-4: Solar energy systems shall comply with the standards of Table 3-4 except as provided otherwise by this Section.

C. Small Solar Energy Systems (Small SES)

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall include all information required by Section 2.4(B) including the delineation of all SES structures and facilities, and all structures on adjacent properties within fifty (50) feet of a shared lot line.
2. Small SES General Provisions: Small SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this requirement. When deemed necessary, the Zoning Administrator may require a report from a qualified person with documented training, certification and/or licensing in the generation of glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads.
3. Small SES Roof-Mounted Systems
    a. No system part of a Small SES roof-mounted system shall extend more than four (4) feet above the roof surface directly below such system part, but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.
4. Small SES Ground-Mounted Systems
    a. Small SES ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of fifteen (15) feet from all side and rear lot lines.
    b. Small SES ground-mounted collection panel systems and associated equipment shall not exceed fifteen (15) feet in height as measured from the ground below.
    c. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within thirty (30) days of notification by the Zoning Administrator, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.
        1) The Zoning Administrator may permit a repair period greater than thirty (30) days if the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant

D. Medium Solar Energy Systems (Medium SES)

1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is permitted as an accessory use only, and only in the C-1 and I-1 Districts. A Medium SES shall be subject to site plan approval according to Sec. 6.04 of this Ordinance.
2. Medium SES General Provisions
    a. Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report to the Planning Commission, prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section.
3. <u>Medium SES Roof-Mounted Systems</u>: No part of a Medium SES roof-mounted system shall extend more than six (6) feet above the roof surface directly below such system part but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.
4. <u>Medium SES Ground-Mounted Systems</u>
    a. Ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of fifteen (15) feet from all side and rear lot lines. The setback shall be increased to thirty (30) feet along those segments of a shared lot line where the adjacent lot is in an Agricultural or Residential District.
    b. Ground-mounted solar collection panels shall not exceed eighteen (18) feet in height.
    c. In the case of ground mounted solar panels located on a lot that is adjacent to a lot in an Agricultural or Residential District, including on the opposite side of a public road, screening shall be provided along such shared lot lines. The screening shall consist of evergreen trees of a minimum of six (6) feet in height at the time of planting and with a projected growth rate of a minimum of six

(6) inches per year and to a minimum projected height of twenty (20) feet, and spaced no greater than twelve (12) feet apart measured on-center. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.

1) In the case where a dwelling is present within seventy-five (75) feet of a shared lot line, a second row of tree plantings shall be provided and placed no greater than twelve (12) feet from the first row as measured on-center, with the second row of trees positioned in a staggered formation to the first row so as to have trees spaced at no greater than six (6) feet on-center as viewed from the shared lot line.
2) Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
3) The Planning Commission may decrease the number of required plantings, required plant spacing and/or planting height requirements, by a maximum fifty percent (50%) where specific conditions warrant such modifications such as, by example, the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. In no case shall required screening along a public road right-of-way be reduced.

d. Ground-mounted Medium SES shall comply with the Small SES requirements regarding cessation of operations, abandonment and/or disrepair.
e. Fencing that may be installed as part of a ground-mounted Medium SES shall be exempt from the fence height restrictions of this Ordinance including Section 4.10, subject to site plan review, but in no case shall such fencing exceed seven (7) feet in height. Where fencing is to be erected in excess of five (5) feet in height, a minimum of fifty percent (50%) of the required tree plantings shall be on the exterior side of the fencing. Where fencing is to restrict the free flow of air by more than ten percent (10%) opacity of the fence, the Planning Commission may require additional vegetative screening measures to minimize the visual impact of such fencing. If fencing is proposed, fencing details shall be submitted as part of the required site plan.

E. Large Solar Energy Systems (Large SES)

1. Large SES Authorization, Review and Approval Procedures: Large SES are permitted as a special land use only, and only in those districts so specified in Tables 3-2 and 3-3 of Article 3. Large SES shall comply with special land use application, review and approval provisions of Article VI of this Ordinance including site plan review.
2. Large SES General Provisions: Large SES shall comply with the site development standards of subsection (D) for Medium SES.

F. Self-Contained SES: Self-Contained SES are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restrictions of this Section.

1. Heights: Self-contained solar energy systems shall not exceed four (4) feet in height above the structure to which it is attached. In the case of roof-mounted self-contained SES, no system part of the SES shall extend more than four (4) feet above the roof surface directly below such system part, but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

G. Exempt SES: The following are exempt from the regulations of this Section.

1. Roof-mounted SES that function as shingles or are otherwise shingle-like in general character.

Section 13.20 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 lot coverage.

B. Additional Standards and Requirements:

1. The facility shall have frontage on and gain direct access to 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 13.21 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. Buildings shall be setback a minimum distance of fifty (50) feet from the front lot line and thirty (30) feet from side and rear lot lines, except the side and rear yard setback shall be increased to fifty (50) feet where the adjacent lot is in an agricultural or Residential District.
2. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be setback a minimum distance of thirty (30) feet from all lot lines except the setback shall be increased to fifty (50) feet where the adjacent lot is in an Agricultural or Residential District. Setbacks for canopies shall be measured from the edge of the canopy.

B. Additional Standards and Requirements:

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. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure, excluding air and water hoses, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such structure.
3. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than ten (10) days and shall be maintained on the lot only for the purpose of repair or transfer. 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 or wall. Such fence or wall shall be set back a minimum of twenty (20) feet from side and rear lot lines.
4. 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.
5. All lighting mounted to the underside of a canopy shall be fully recessed.
6. 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.
7. The sale of vehicles is prohibited.
8. All areas subject to vehicle use, including storage, shall be of a paved asphalt or concrete surface.
9. Driveways and ingress/egress areas shall comply with the following:
    a. No driveway shall be less than twenty (20) feet from a lot line excluding entrance areas within the road right-of-way.
    b. No driveway or ingress/egress area shall be less than twenty (20) feet in width and shall be no greater than thirty (30) feet in width, as measured at the road right-of-way line.
    c. No driveway or ingress/egress area shall be closer than sixty (60) feet from another driveway or ingress/egress area on the same lot along the same road frontage, as measured along the road right-of-ay line between the nearest edges of such driveway or ingress/egress area.

Section 13.22 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 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 feet (100) 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, except exercise or dog run areas for dogs or paddocks associated with the keeping of animals in excess of three-hundred (300) pounds, shall be conducted within a totally enclosed building.
3. No animals shall be permitted in outdoor exercise or run areas between the hours of 10:00 p.m. and 7:00 a.m.
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 13.23 Wind Energy Systems (WES)

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

1. Ambient: Ambient is defined as the sound pressure level exceeded 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. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. Habitable Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is habitable.
6. IEC, International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
7. ISO, International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
8. On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.
9. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
10. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
11. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
12. 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.
13. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
14. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
15. Wind Energy System (WES): A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
16. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

B. On Site Use WES: An On Site Use WES is intended to primarily serve the needs of the consumer. An On Site Use WES with a tower higher than 65 feet shall be considered a Special Land Use. On Site Use WES with no towers or towers 65 feet or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 65 feet in height used to conduct a wind site assessment for possible installation of an On Site Use shall also be a Special Land Use.

Prior to the installation of an On Site Use WES with a tower higher than 20 meters, an application for a Special Land Use permit shall be filed with the local government that will include applicant identification; a site plan; documentation that sound pressure level, construction code,tower, interconnection (if applicable), and safety requirements have been met; and proof of the applicant's public liability insurance.

1. Property Set-back: The distance between an On Site Use WES and the owner's property lines shall be at least 1 ½ times the height of the WES tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. No part of the WES structure, including guy wire anchors, may extend closer than

ten feet to the owner's property lines.

2. Sound Pressure Level: On Site Use WES shall not exceed 55 dB(A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
3. Construction Codes, Towers, & Interconnection Standards: On Site Use WES including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use WES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
4. Safety: An On Site Use WES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a WES employing a horizontal axis rotor.

C. Wind Site Assessment for Utility Grid WES: Prior to construction of a Utility Grid WES, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer towers also known as meteorological or "Met" towers shall be considered a Special Land Use. Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

1. Applicant identification.
2. A site plan.
3. A copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment.
4. Proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

D. Utility Grid WES: A Utility Grid WES is designed and built to provide electricity to the electric utility grid. Utility Grid WES shall be considered a Special Use. In view of the amount and complexity of material and the specificity of the application required hereunder, the applicant may request consideration of a not yet completed (preliminary) site plan and, in connection with that request, may submit such materials required by this Section as the Applicant has then been able to accumulate. This shall be done in a series of public meetings whereby each stage of the project may be adequately presented for review. Prior to the installation of a Utility Grid WES, an application for a Special Use permit shall be filed with Gilford Township and processed according to Article 15 and shall include the following:

1. Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved if application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information.
2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Site Plan: The site plan shall include all information as required by Article 14 including the following:
   a. The project area boundaries.
   b. The location, height, and dimensions of all existing and proposed structures and fencing.
   c. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
   d. Existing topography.
   e. Water bodies, waterways, wetlands, and drainage channels.
   f. All new infrastructure above ground related to the project.
   g. Maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.
4. Insurance: Proof of the applicant's public liability insurance.
5. Consent Documents: Copies of any written waivers from neighboring property owners.
6. Sound Pressure Level: Copy of the modeling and analysis report.

7. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
8. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
9. Environmental Impact: Copy of the Environmental Impact analysis.
10. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
11. Shadow Flicker: Copy of the Shadow Flicker analysis.
12. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
13. Decommissioning: Copy of the decommissioning plan.
14. Complaint Resolution: Description of the complaint resolution process.
15. Fee and Escrow: An applicant shall remit an application fee, and if required, an escrow deposit, in the amount specified in the fee schedule adopted by the Board. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

E. Utility Grid WES Standards. The Utility Grid WES project shall meet the following standards and requirements:

1. Property Set-Back: The following setbacks and separation requirements shall apply to all wind turbines within a Utility-Grid WES.
   a. Setbacks from Property Lines:
      1) Leased Property: A setback for a wind turbine from the property lines of adjacent leased property is not required.
      2) Non-Leased Property: The distance between a wind turbine and the property lines of adjacent non-leased properties shall be at least 1.25 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
   b. Setbacks from Habitable Structures: The distance between a wind turbine and any residence, school, hospital, church, or public library, or any other habitable structure shall be at least 3.0 times the height of the wind turbine or a distance of at least 1,400-feet, as measured from the top of the blade in its vertical position to the centerline of its base in each case, whichever is greater.
   c. The distance between a wind turbine and the centerlines of roads and other public rights-of-ways (does not include County drain easements) shall be shall be at least 1.25 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
   d. The distance between a wind turbine and the nearest railroad shall be at least 1.0 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
   e. The distance between a wind turbine and the nearest above-ground public electric power line or telephone line shall be at least 1.0 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
2. SCADA and or Meteorological Towers: SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
3. Sound Pressure Level: The sound pressure level generated by a Utility Grid WES shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
   a. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid WES will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid WES, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
4. Construction Codes, Towers, and Interconnection Standards: Utility Grid WES including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.

Utility Grid WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid WES shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

5. Safety: All Utility Grid WES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WES. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a WES employing a horizontal axis rotor.
6. Visual Impact: Utility Grid WES projects shall use tubular towers and all Utility Grid WES in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WES of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
7. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
    a. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid WES.
8. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional 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.
    a. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
    b. 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.
    c. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions.
9. Electromagnetic Interference: No Utility Grid WES shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WES. No Utility Grid WES shall

be installed in any location within the line of sight of an existing microwave communications link where operation of the WES is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

10. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
11. Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
    a. The anticipated life of the project.
    b. The estimated decommissioning costs net of salvage value in current dollars.
    c. A surety bond is the required form for a performance bond and payment bond, intended for decommissioning and restoration.
    d. The anticipated manner in which the project will be decommissioned and the site restored.
    e. State the standard for inactivity shall be twelve (12) months.
12. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
13. Conflicting Provisions: In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Scale WES, the provisions of this section shall control.
14. Mitigation Agreement: The applicant may be required to enter into an agreement with the Township to provide certain specified benefits to the Township to mitigate or otherwise address reasonably expected negative impacts on properties adjacent to or in the vicinity of the proposed WES.

Section 13.24 Wireless Communication Facilities

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

1. Collocate/Colocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
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 that 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 Township.
    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 20 (twenty) feet or 10% (ten percent) 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 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 wireless communication facility application 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. See Tables 3-3 and 3-4 of Article 3 regarding in which districts a Class Two wireless communication facility is authorized.

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. Soils data and engineering implications for footing/foundation specifications.
i. 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, measured from the leading edge of the tower's base to the respective lot line, except as follows:
   a. In the case where the adjacent lot is occupied by a dwelling, the minimum setback from the dwelling shall be one hundred fifty percent (150%) of the tower's height.
   b. Where the adjacent lot is within a Commercial or Industrial District, the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet, measured from the shared 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 approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred ninety five (195) feet is necessary to adequately provide service to areas currently under served. 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 Distance Between Towers: No Class Two wireless communication facility, in excess of one-hundred (100) feet in height, shall be established within one (1) mile of another such facility except upon a finding by the approving body that a lesser distance is necessary to adequate serve an area currently under served and no practical alternative is available.
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. Towers and antennas including support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current 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:
      1) 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 one (1) year 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.

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 and review 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 site development proposals and ensure 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, 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).
    b. Uses 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. 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 the information presented may be more conceptual in character and 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 runoff flow direction and preliminary location of detention/retention basins; general grading including existing and proposed topographic contours with contours at no greater than five (5) apart and proposed limits of clearing; vehicular circulation including general road alignments, access ways to parking areas and configuration of parking spaces and associated circulation; approximate lot areas and lot lines; solid waste storage areas; conceptual signage; and conceptual landscaping including vegetative screening along with proposed wall and fence locations.
2. Approval Action: 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.
3. 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 Planning Commission 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 site plan submittal 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 and other agencies or individuals selected to review the site plan. Copies shall also be transmitted to the Township Board in the case of a site plan that is part of a special land use application. 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 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 by such respective bodies 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 prepared by a Michigan-licensed professional surveyor, 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.
    c. Zoning classification of applicant's lot.
    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 stormwater and sanitary sewer, septic systems, 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 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 including the number of employees during peak shifts . Proposed traffic control measures (signs) shall also be indicated.
   d. Landscape plan prepared according to and identifying the information required by Article 10.
   e. Accessory 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 grades, 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 unified development, the number, type and location of each type of residential and/or nonresidential 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 Action 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 provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission 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. The Planning Commission shall 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 made part of an approval shall be stated in writing together with the reasons. See Sec. 20.2 regarding conditional approvals.

1. Revised Final Site Plan: The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for approval are of such an extent or character that a fully revised set of documents is necessary before an approval can be granted.
2. Special Land Use: In the case of a site plan that is part of a special land use application, the Planning Commission shall act on the site plan as if it is an integral part of the special land use application and shall not pass separate motions for each.

F. Issuance of Zoning Permit / Building Permit Required: Upon final approval or conditional approval of a site plan by the Planning Commission, 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.

G. 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 Planning Commission chairperson, or the Township Clerk in the case of a site plan part of a special land use application, with the date of approval specified.

H. As-Built Drawings: The applicant shall submit to the Zoning Administrator 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 and pipes including by type, size, and location; the location of manholes and catch basins; the location of fire hydrants; above and below ground valves; the depth and volume of retention/detention basins and side slopes; and plan and profile views of roads and sanitary and storm sewer lines.

1. Identification of Drawings: As-built drawings shall be clearly titled as “As-Built Drawings” and shall include the name, address and phone number of the preparer; the date of preparation and last revision; a bar scale; a north arrow; and the seal of a professional engineer.
2. Review of Drawings: The Zoning Administrator shall review the as-built drawings to ensure their completeness and may refer the matter to the Township Engineer for confirmation. Incomplete or otherwise inadequate drawings shall be returned to the applicant with a written identification of deficiencies that must be corrected.

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 Article 8-Signs, Article 9-Off-Street Parking and Loading, Article 10-Landscaping and Screening, Article 11-Environmental Protection, Article 12- Access, Article 13-Additional Standards and Regulations for Specific Land Uses, and Article 20-Supplemental Provisions.

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A), all site plans shall comply with 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 11, 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 to the greatest extent 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 practical.
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 the Gilford 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 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 2.5.

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 be one (1) or more of the following:
   a. A change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, exterior building walls, freestanding signs, and outdoor storage areas or other outdoor use areas.
   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. An increase of more than four (4) parking spaces.
   d. A change in a building floor plan that does not alter the essential character of the use and does not require an increase of more than four (4) parking spaces.
   e. An increase in the number of dwelling units, or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds three (3) feet at any single point.
   f. An increase of more than three (3) feet in building height.
   g. The addition of a building or the expansion of a building or other structure by two hundred (200) sq. ft. or more.
   h. The relocation of outdoor storage areas or other outdoor use areas.
   i. 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 site plan approving body that originally approved the site plan, 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) 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 grade 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 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 the zoning permit issued for the approval site plan may become null and void according to Section 2.5. 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 have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

Section 14.9 Staff and Professional Assistance

As part of site plan review and/or deliberations, the Planning Commission and Township Board may seek the assistance of Township staff and professionals with appropriate expertise including attorneys, planners and engineers. Costs incurred for such services shall be paid by the applicant according to the schedule of fees adopted by the Township Board.

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 zoning permit 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. Public Hearing and Planning Commission / Township Board Action

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 according to Section 14.3(D), the Planning Commission shall hold a public hearing on such application before taking action on the application according to Section 14.3(E). Notice of the hearing shall comply with Section 2.11.
2. When evaluating the application, the Planning Commission shall refer to the approval standards set forth in Section 15.6 in addition to the Section 14.4 standards for site plan approval. Action on the application by the Planning Commission 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 of approval, conditional approval or denial. See Section 20.2 regarding conditional approvals.
4. An application for a Special Land Use shall not be considered as part of an application for an amendment to this Ordinance. A proposed amendment, including a rezoning, shall be processed and acted upon prior to any consideration of a Special Land Use application that is dependent on such amendment.

Section 15.3 Changes

A. Site Plan: Changes to an approved site plan for a Special Land Use, which 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 zoning permit 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 Special Land Use application; and the expansion or increase in intensity of the Special Land Use including the erection of additional buildings and the extension of authorized hours of operation.

Section 15.4 Appeals

A person aggrieved in association with a Special Land Use decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this Ordinance according to Article 16.

Section 15.5 Reapplication

No application for a zoning permit 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 Planning Commission. 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 the following standards:

1. The application shall be consistent with the Gilford Township Master Plan.
2. 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 structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. 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.
5. 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.
6. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
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.

B. Site Plan Approval Standards: In addition to compliance with the above general standards in subsection (A), an application for a Special Land Uses shall comply with the site plan approval standards of Section 4.4.

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 2.5 and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than five (5) years. Where such a permit has expired, the use shall not be reinitiated or operational 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, 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: In accordance with Public Act 110 of 2006 as amended, a ZBA is hereby established. The ZBA shall consist of three (3) members appointed by the Township Board by majority vote. One (1) of the regular members shall be a member of the Planning Commission. One (1) regular or alternate member of the ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members as authorized by subsection (B), shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board shall 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 by the Township Board. 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 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 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 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 Open Meetings Act.

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

Section 16.4 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as 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.

Section 16.5 Appeals for Administrative Reviews

A. Authority: 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. The ZBA shall not have the authority to review decisions on special land use, amendment and planned unit development applications.

B. Standards: The ZBA shall reverse or otherwise modify the action or decision being appealed only if it finds that the action or decision appealed meets one (1) or more of the following conditions:

1. Was arbitrary or capricious.
2. Was based upon an erroneous finding of a material fact.
3. Constituted an abuse of discretion.
4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
5. Required procedures were not followed.

C. Procedures:

1. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review 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 five (5) copies of the application shall be submitted along with any required application fees.
2. Stay: An appeal of an administrative decision shall stay all proceedings in furtherance of the decision appealed unless the officer or body that made the decision being appealed certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay 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: Upon receipt of an application for administrative review, 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 administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
   a. The ZBA shall not consider new information that had not been presented to the administrative 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 administrative decision with an order to consider the new information and affirm or modify its original decision.
4. 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. See Sec. 2.9 regarding timely action. 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 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 the action subject to the appeal. 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.

Section 16.6 Interpretations

A. Authority: The ZBA shall hear and decide upon requests 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: In deciding on an interpretation, the ZBA shall be guided by the following:

1. A zoning district boundary interpretation shall be guided by Section 3.2.
2. A text interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
3. 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.
4. All text interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for a text 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 written application 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 five (5) 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. See Sec. 2.9 regarding timely action. 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 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 make an interpretation.
    a. A decision providing an interpretation 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 16.7 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 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. 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, which 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 the particular lot.
2. The practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. The variance will relate only to property described in the variance application.
4. 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.

5. The variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of surrounding property in the neighborhood or District.
6. Strict compliance with the site development requirement in question would unreasonably prevent the property from being used for a permitted purpose, or would render conformity unnecessarily burdensome.
7. 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). A minimum of five (5) 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. See Sec. 2.9 regarding timely action. 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 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 grant a variance.
    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, according to Section 2.8. 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 20.2 regarding conditional approvals.

D. Expiration: A variance shall become null and void unless the construction authorized by such variance has been commenced within one-hundred eighty (180) days after the granting of the variance and that the applicant demonstrates a good faith effort to pursue completion of the project. The ZBA may extend this time restriction with one (1) extension of no more than one hundred eighty (180) days, upon 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, and that the applicant is making a good faith effort to pursue completion of the project.

E. Resubmittal: No application for a variance that 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 16.8 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 insure 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 17
ZONING MAP and TEXT AMENDMENTS

Section 17.1 Purpose

This Article establishes procedures for the review and action on amendment petitions. Ordinance amendments 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 intended that this Ordinance not 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 Township ordinances; and to meet a public need for new or additional land uses in appropriate locations.

Section 17.2 Initiation of Amendments

Petitions 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. Zoning Map Change: When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land that is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
    a. 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.
    b. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing north orientation; the property's location, right-of-ways and easements within and adjacent to the property; and the delineation of adjacent land uses and adjacent zoning district classifications including on the opposite side of adjacent roads.
    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 zoning district classification 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: Upon reviewing the application materials and finding them to be satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the hearing shall comply with Section 2.11. An 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, the minimum matters to be considered shall include:
    a. Is the amendment petition supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
    b. Is the amendment petition supported by reference materials, 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 Zoning Map Amendments: If the petition involves an amendment to the official zoning map, referred to as a rezoning, minimum matters to be considered shall include:
   a. Are there conditions related to the petition that have changed that justify the zoning district change including trends in land development and/or public services and facilities 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 district change substantially and adversely affect the value of the surrounding land?
   d. Is the site's environmental features compatible with the uses permitted in the proposed district, and will development under the district change be likely to adversely affect environmental conditions?
   e. Can the subject parcel comply with all requirements of the proposed zoning district?
   f. Is the subject property able to be put to reasonable economic use under the current zoning district?
   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 precedents that might result from the approval or denial of the petition?
4. Planning Commission Recommendation: 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, and shall transmit the proposed amendments and its recommended action to the County Planning Commission.

C. Township Board Action: 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.

1. County Planning Commission Review: The Township Board shall not take action on a petition prior to receiving the advisory comments of the Tuscola County Planning Commission, except that if the Township Board has not received the County Planning Commission's comments within thirty (30) days of the submittal by the Township Planning Commission to the County Planning Commission, the Township Board need not delay taking action on the petition.
2. Additional Hearing: The Township Board may hold additional hearings if the Township Board considers it necessary. The Township Board shall grant an additional hearing to any interested property owner who has filed a written request to the Township Clerk in the form of a certified mail letter. A hearing under this subsection (2) 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 requested additional hearing.

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 such amendment ordinance, 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 a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the amendment ordinance's effective date, 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) except where the Township Board expressly provides for a greater number of days.

Section 17.4 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.

End of Article 17

Article 18

(RESERVED FOR FUTURE USE)

Balance of Page Blank

End of Article 18

Article 19

Reserved for Future Use

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

1. Insure 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.

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 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 2.8.

Section 20.3 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated on any lot in the Township unless 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 exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, substations, water storage tanks, and similar above-ground facilities and uses associated with such essential services, and shall be subject to all requirements of this Ordinance.

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 authorize 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) use classified as a principal use according to Tables 3-2 and 3-3 of Article 3 shall be established on a lot except in compliance with all procedural, use and site development requirements for each individual use, including compliance with Tables 3-2 and 3-3 regarding authorized uses in each district, Table 3-4 of Article 3 regarding site development requirements, and the procedural requirements for each use including plot plan review, site plan review and/or special land use review.

Section 20.6 Single Family Dwelling Standards

A. All single family dwellings and modifications thereto shall comply with 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. Floor Area: The dwelling shall have a minimum total floor area of nine hundred (900) square feet, measured from the exterior faces of exterior walls.
2. Roof Pitch: A minimum of seventy percent (70%) of the roof area of the dwelling shall reflect a minimum roof pitch of 4:12 vertical rise to horizontal run.
3. Michigan Construction Code: The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and any fire codes of the Township. 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 and in that event such federal or state standard or regulation shall apply.
4. Foundation: 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.
    a. 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". There shall be no exposed wheels, towing mechanism, undercarriage, or chassis.
5. Additions: 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. Storage Area: 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 an attic area, in closet areas, or in a separate structure 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 of vehicles.
7. Sewage Disposal and Potable Water: The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
8. Exterior Surface: 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 of the dwelling, and shall be promptly repaired upon deterioration or other damage.
9. Innovation: Nothing in this Section is intended to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed homes, provided there is compliance with the standards of this Section.

Section 20.7 Temporary Dwellings – Occupancy and Storage

A. Authorization and General Provisions: Temporary dwellings on a lot, for occupancy and/or storage, are prohibited except as authorized according to this Section.

B. Occupancy of Temporary Dwelling:

1. During Repairs: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on a lot while the existing permanent dwelling on the same lot is under repair due to damage 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.
2. New Home Under Construction: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on a 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.
3. Application: Application for and authorization of a temporary dwelling according to this subsection (B) shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B) and a letter signed by the applicant setting forth the need for the temporary dwelling.
4. Standards
   a. In the case of a permit issued pursuant to this subsection (B), a temporary dwelling may be placed in any yard and shall comply with the setback standards of the District for the permanent dwelling.
   b. 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 is available to provide necessary sewage disposal.
5. Permit Duration and Removal
   a. The permit issued by the Zoning Administrator shall be for a period not exceeding one hundred eighty (180) days. 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.
   b. 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 occurs first. A performance guarantee may be required at the time a permit is issued to ensure the temporary dwelling is removed upon the termination of the permit.

C. Occupancy of Recreational Vehicle on Occupied Lot for Temporary Visitation: Recreational vehicles may be used as temporary dwellings on a lot on which an occupied permanent dwelling is present. Such recreational vehicle shall not be located on the lot for more than fourteen (14) days during any four (4) consecutive calendar months, and shall not be subject to yard or setback restrictions.

D. Storage of Recreational Vehicle on Occupied Lot: Unoccupied recreational vehicles may be maintained on a lot on which an occupied permanent dwelling is present, and are not subject to yard or setback restrictions.

E. Storage and Occupancy of Temporary Dwellings 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 the following limitations and requirements:

1. District and Lot Area Restrictions: The lot shall be located in the A-1 District only, and shall be a minimum of ten (10) acres in area.
2. Setbacks: The recreational vehicle shall comply with the setback requirements for permanent dwellings according to the District in which it is located.
3. Duration: The recreational vehicle shall not be located on the lot for more than fourteen (14) days during any four (4) consecutive calendar months. In the case where the recreational vehicle is served by an on-site septic system approved by the county health department, and by electrical service from a public utility provider, the recreational vehicle shall not be located on the lot for more than thirty (30) days during any four (4) consecutive calendar months.
4. Number: No more than one (1) recreational vehicle shall be located on the lot at any one (1) time.
5. Maintenance/Licensing/Registration: The recreational vehicle shall be maintained in good condition and shall not be permitted to exhibit a state of disrepair. 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.

6. Zoning Permit: A 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 shall approve such a permit upon finding that the application and supporting materials demonstrate conformance with all requirements of this Section. 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.

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 structure or building, provided however that a permit is not required in the case of a building or structure that occupies a ground area of less than two hundred (200) sq. ft. and is not of a permanent character, such as in the case of the absence of footings, a foundation, or similar structural attachment to the ground or other structure, but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

C. Placement and Setbacks:

1. Front Yard: No accessory building or structure shall be located in a front yard except in the case of a residentially-used lot in an Agricultural District, subject to the following requirements:
   a. The lot is a minimum of ten (10) acres in size.
   b. The accessory building shall be positioned so as not be in front the dwelling's front elevation, as viewed from the lot's road frontage at a point perpendicular to the middle of the dwelling's front elevation.
   c. The accessory building shall be set back from the front lot line a minimum distance of one hundred fifty (150) feet and if the accessory building is greater than one thousand (1,000) sq. ft. in area, the accessory building shall be set back from the front lot line a minimum distance of ten (10) additional feet for each one hundred (100) sq. ft. of floor area in excess of one thousand (1,000) sq. ft.
   d. The accessory building shall not exceed two thousand (2,000) sq. ft. in area.
2. Side and Rear Yard Setbacks:
   a. Accessory buildings and structures serving a principal non-residential use, such as a commercial or industrial facility, shall comply with the required side and rear yard setbacks delineated in Table 3-4 of Article 3.
   b. Accessory buildings and structures serving a principal residential use are permitted in side and rear yards subject to the following table, which correlates minimum required setbacks with the square footage of the accessory building or structure.

Ground Area/Floor Area of Accessory Structure	Less than 200 sq. ft.	200 sq. ft. to 500 sq. ft.	501 sq. ft. to 1,000 sq. ft.	1,001 sq. ft. to 2,000 sq. ft.	2,001 sq. ft. and greater
Minimum Required Lot Line Setback	5'	10'	20'	40'	50'

3. Separation Distances: An accessory building shall not be located within ten (10) feet of another building 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.
4. 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 maximum height standards of the District according to Table 3-4 of Article 3 except that within a Residential District, no accessory building or structure shall exceed twenty-five (25) feet in height unless otherwise exempted by Footnote 4 of Table 3-4.

E. Number, Area, Size and Lot Coverage: The provisions of this subsection (E) apply to Agricultural and Residential Districts unless otherwise specified, and shall not apply to accessory buildings used principally for agricultural purposes.

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 five (5) acres or greater in area, in which case one (1) additional building and/or covered structure may be established for each whole five (5) acres comprising the lot, up to a maximum of a total of four (4) such buildings and/or covered structures.
   b. Subsection (a) shall not apply to accessory buildings and/or roofed structures less than one hundred fifty (150) sq. ft. in floor or ground area, up to a maximum of two (2) such structures.
2. Maximum Total Area of All Accessory Buildings:
   a. The maximum total square foot area of all accessory buildings on a lot in an Agricultural or Residential District shall not exceed ten percent (10%) of the lot area except that in no case shall such total square foot area exceed eighteen hundred (1,800) sq. ft. in Residential Districts and three thousand (3,000) sq. ft. in Agricultural Districts. In the case of a lot in a Commercial or Industrial District, used principally for single-family or two-family dwelling purposes, the maximum total square foot area of all accessory buildings on such lot shall not exceed ten percent (10%) of the lot area except that in no case shall such total square foot area exceed eighteen hundred (1,800) sq. ft.
   b. No accessory building shall 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.

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:

1. Agricultural Districts: The construction of buildings and structures that customarily function as accessory to a principal structure or use such as, by example, a detached private garage for a dwelling, is prohibited in Agricultural Districts prior to the simultaneous issuance of building permits from the Building Inspector for all such accessory and principal buildings and structures.
2. Residential Districts: The construction of buildings and structures that customarily function as accessory to a principal structure or use is prohibited in Residential Districts prior to the issuance of building permits from the Building Inspector for such accessory and principal buildings and structures, and the construction of the foundation for the principal building shall be completed prior to any construction activities in association with an accessory building or structure. Nothing in this subsection (G) shall be construed as prohibiting a temporary dwelling authorized pursuant to Section 20.7, Temporary Dwellings.

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, cargo 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. This restriction shall not apply in the case where such items are used solely as part of agriculture occurring on the lot, the lot is a minimum of five (5) acres in area, and the lot is in the A-1 District.
3. Any use, 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. An accessory building or roofed structure serving a residential use 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.

Section 20.9 Fences and Walls

A. General Provisions: All fences and walls shall comply with the following irrespective of the purpose of the fence or wall or the manner in which it is used:

1. Setbacks: Fences and walls shall not be subject to setback requirements except as may be required elsewhere in this Ordinance.
2. Materials: Fences and walls shall be constructed of materials designed and intended for such purposes. In no case shall a fence or wall be constructed of rotting lumber, pallets, glare-producing materials, rubbish, trash, tires, vehicle or vehicle component parts, tree stumps or limbs, or any materials that encourage habitats for pests or vermin.
3. Maintenance: All fences and walls shall be maintained in good exterior and structural condition.
4. Clear Vision: No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection. See Section 20.18 regarding clear vision zones.
5. 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 in this Ordinance.

B. Agriculture: Fences and walls accessory to agriculture as defined in Article 21 shall be subject to the following restrictions:

1. Type and Height: Containment of farm animals may be by a fence and/or wall. Any portion of such fence or wall in excess of four (4) feet in height as measured from the ground below shall be of unified open construction so as to permit the free flow of air through a minimum of seventy-five percent (75%) of the fence, but shall not exceed eight (8) feet in height measured from the ground below. In no case shall a containment fence or wall in excess of four (4) feet in height extend into the required front yard setback according to Table 3-4 of Article 3.
2. Barbed and Electrified Devices: Fences and walls intended solely for the purpose of the containment of farm animals may include barbs, spikes, nails, or other sharp or electrified devices.
3. Zoning Permit Not Required: Fences and walls for the containment of animals shall not require a zoning permit.
4. General Provisions: See also subsection (A).

C. Residential Uses: Fences and walls accessory to single-family and two-family residences shall comply with the following:

1. Type and Height:
   a. No fence or wall exceeding four (4') in height, measured from the ground below, shall be erected in a front yard, and 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. The unified open construction requirement shall not apply in the case of a fence or wall that does not exceed three (3) feet in height.
   b. No fence or wall exceeding six feet (6') in height, measured from the ground below, shall be erected in any side or rear yard. Where the fence or wall is located on a berm, the berm height shall be included in the measurement of the fence/wall height.
2. Barbed and Electrified Devices: Fences and walls with barbs, spikes, nails, or other sharp or electrified devices are prohibited.
3. Finished Side Orientation: In the case where a proposed fence or wall is within twenty (20) feet of a lot line, the finished side of the fence or wall shall face the abutting lot.
4. Zoning Permit Required: No fence or wall shall be erected prior to the issuance of a zoning permit.
5. General Provisions: See also subsection (A).

D. Commercial, Industrial, Public, Institutional and Multiple Family: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public, institutional, and/or multiple family use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions of Article 14. In addition, the following shall apply:

1. Heights: Fence and wall heights shall comply with the same standards applicable to residential uses except where the site plan approving body determines modifications to such height standards are warranted due to surrounding conditions, security issues, or other pertinent factors.
2. Specifications: Site plan documents shall include construction details and specifications for fences and walls including specifications for posts, footings, the manner of securing fencing to posts, height specifications, and related construction information.
3. Finished Side Orientation: The finished side of the fence or wall shall face the abutting lot.
4. Zoning Permit Required: No fence or wall shall be erected prior to the issuance of a zoning permit.

E. 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.
3. Snow Fences: This Section shall not apply to seasonal snow fences provided such fences shall not exceed four (4) feet in height and shall not be erected prior to November 1 and shall be removed no later than April 1.

Section 20.10 Home Occupations

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 in excess of $10,000 annually in value, 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.
   b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part in an accessory building in an A-1 District.

B. Authorization: The operating or conducting of a home occupation is permitted according to this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted in all districts as an accessory use to the principal residential use of a lot. A zoning permit is not required for the establishment of such a home occupation but such occupation shall comply with the standards of subsection (C).
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and permitted in the A-1 District 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 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 on the residential lot; 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: Class 1 and 2 home occupations shall comply with the following standards:

1. Management. A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
2. 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.
   a. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 8.
   b. A Class 1 home occupation shall not occupy more than thirty percent (30%) of the gross floor area of any story of a dwelling and may occupy no more than fifty percent (50%) of the area of a basement. A Class 2 home occupation shall not occupy more fifteen hundred (1,500) sq. ft. of the accessory building in which it is located.
3. Nuisance Conditions and Hazardous Materials.
   a. 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.
   b. 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.
4. Employees. In the case of a Class 1 and Class 2 home occupation, no employee shall be present on the lot during the ordinary course of business except employees residing in the dwelling. This provision

shall not prohibit the arrival of up to one (1) additional employee to the premises for the purpose of receiving daily instructions for work to be performed off of the lot and provided there is compliance with subsection (6) below regarding traffic.

5. Utilities. No Class 1 or Class 2 home occupation shall result in a demand for utilities beyond what might be reasonably expected by a dwelling, including electricity, potable water and sewage disposal.
6. Traffic and Parking.
   a. Traffic in association with a home occupation shall not result in more than ten (10) pedestrian and/or vehicular arrivals during the daily course of business, including those by customers, salespersons, delivery persons, or other business visitors.
   b. A minimum of one (1) and maximum of three (3) off-street parking spaces shall be provided for home occupation purposes. The parking spaces shall be clearly visible to vehicle drivers and comply with the dimensional requirements of Article 9. This subsection (b) shall not apply upon the Township's determination that the home occupation shall not result in customer or service provider parking on a typical daily basis.
7. Setbacks. An accessory building housing a Class 2 home occupation shall not be located within fifty (50) feet of a lot line.
8. Outdoor Operations and Storage. 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 except as may be expressly authorized in a side or rear yard as part of an approved site plan that identifies such outdoor area and the effective screening of such area.

Section 20.11 Keeping of Animals as Accessory Residential Use

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

1. "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.
2. "Household pets" shall be defined as animals commonly maintained in a residence including dogs, cats, fish, birds, hamsters and similar animals.
3. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
4. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.
5. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.
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, and wild cats such as tiger, lion, and ocelot.

B. Keeping of Wild and Vicious Animals: No vicious and/or wild animal shall be kept permanently or temporarily in any District except in an approved accredited American Association of Zoologies Parks and Aquariums facility.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used 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.

1. Noise: Pets shall be managed so as to prohibit nuisance conditions associated with excessive noise including excessive dog barking.
2. 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.
3. Containment: Pets shall be contained within the dwelling or otherwise on the lot. Unrestricted or otherwise free-roaming off-lot 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 in the A-1 District only. This subsection (D) shall not apply to agriculture as defined in Article 21.

1. Small Livestock:
   a. There is no minimum lot area requirement for the keeping of small livestock, but in no case shall such livestock be kept within a platted subdivision or site condominium.

b. At no time shall the density of such livestock exceed one (1) animal per four thousand (4,000) sq. ft. comprising the lot.
c. Any building or structure housing small livestock shall be set back no less than fifty (50) feet from a lot line.

2. Medium Livestock:
   a. The keeping of medium livestock shall occur only on a lot of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed one (1) animal per one-half acre comprising the lot.
   c. 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 shall occur only on parcels of three (3) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed two (2) animals for the first three (3) acres and one (1) additional animal for each additional one (1) acre comprising the lot.
   c. Any building or structure housing large livestock shall be set back no less than fifty (50) feet from a lot line.
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 animals may be maintained on said parcel 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.
   c. All livestock shall be completely enclosed by a fence or other means, of an adequate height, design and construction to contain the animals.
   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 adjacent property or uses.

Section 20.12 Farm Markets / Roadside Stands

A. Definition: For the purpose of this Section, the following definitions shall apply:

1. Farm Product: A product harvested as part of an agricultural operation and/or comprised principally of processed agricultural products that results in a new product. Examples of agricultural products include Christmas trees; fire wood; fruits and vegetables; honey, jams and preserves; honey; and maple syrup.
2. 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 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.

B. Authorization: Farm markets are permitted in the A-1 District only, subject to the provisions of this Section. Nothing is this Section shall be construed to prohibit a "farm market" as defined in the most current Generally Accepted Agricultural Management Practices (GAAMPs) as published by the Michigan Agriculture Commission, provided such farm market is in compliance with such GAAMPs.

C. Standards:

1. 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. All display, sales and parking areas shall comply with the setbacks standards of Table 3-4.
3. No parking shall be permitted in a public right of way. An area shall be provided for the orderly accommodation of a minimum of three (3) parking spaces.

4. Access drives shall be wide enough to accommodate two vehicles side-by-side.
5. The seasonal sales area shall not result in traffic hazards. Access drives shall be wide enough to accommodate two vehicles side-by-side.
6. Suitable containers for rubbish shall be placed on the premises for public use, and the seasonal sales area shall be kept free of litter.
7. No sales and/or display area shall exceed six hundred (600) square feet in area.

D. Exemption: The standards of this Section regarding setbacks, access drives and parking shall not apply to farm markets that have a product display area no greater than thirty-two (32) square feet in area.

Section 20.13 Outdoor Residential Swimming Pools

A. Definition: For the purpose of this Section, a "swimming pool" shall be defined as a basin or water containment device for swimming and/or 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.

B. Permit/Application: No outdoor swimming pool on a residentially-used lot 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 shall be accompanied by a plot plan according to Section 2.4(B), which identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

C. Standards

1. No swimming pool shall be located in a front yard.
2. The interior wall surface of a pool shall comply with the same side and rear setback standards as required for the dwelling, according to Table 3-4 of Article 3.
3. No swimming 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.

Section 20.14 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 detached units, two-family units and multiple family developments, shall comply with all standards of the district within 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 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 a final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator 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, such as 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 County Road Commission unless private road approval has been granted under this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium 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 2.8.

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 20.15 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 and/or an outdoor swimming pool or spa, 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 Ordinance.

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

1. Districts, Lot Area, Yards and Setbacks:
   a) An outdoor furnace shall be located in the A-1 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.
2. 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, including the requirements of this Section.
3. Chimney Height: The outdoor 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 other lots where such buildings are within four hundred (400) 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, examples of prohibited fuels include 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 waste; 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 20.16 Prohibited Vehicles in Residential Districts

A. Prohibited Vehicles Identified: Any vehicle that meets one or more of the following conditions is prohibited from being parked or stored overnight in a Residential District whether such parking or storage occurs outdoors or indoors:

1. Vehicles that have more than two axles.
2. Vehicles that have a gross vehicle weight rating in excess of 7,500 pounds that are used principally or regularly for commercial or industrial purposes including transporting of cargo, equipment or passengers.
3. Any vehicle that exceeds thirty (30) feet in length or nine (9) feet in height.
4. Tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, and graders.

B. Exceptions: Subsection (A) shall not prohibit the parking of the following vehicles in Residential Districts provided all specified conditions are met:

1. Semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, graders and other earthmoving vehicles, where such vehicles are parked or stored overnight on a lot currently under construction and such construction requires the use of such vehicles.
2. Recreational vehicles as regulated elsewhere by this Ordinance.
3. Vehicles expressly authorized as part of an approved home occupation or other use.
4. Agricultural vehicles and machinery on a lot devoted to agriculture and for which the vehicles and/or machinery is used.
5. Buses and commercially licensed vehicles on a lot devoted to the operation of a school, church or other institution located on such lot or on the lot on which the authorized driver of such vehicle resides.
6. Emergency vehicles such as ambulances and fire emergency vehicles, but excluding tow-trucks.
7. One (1) vehicle that does not meet one (1) or more of the standards of subsection (A)1 – (A)6 above provided there is compliance with the following.
    a. The lot is a minimum of five (5) acres in area.
    b. No more than one (1) such vehicle shall be parked or stored on the lot, and the vehicle shall be parked in the rear yard only and at a minimum distance of one-hundred (100) feet from side and rear lot lines.
    c. The vehicle is parked a minimum of two-hundred (200) feet from any existing dwelling on another lot.

Section 20.17 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, displayed or maintained outdoors.

B. Display and Sales: Outdoor display and/or sales of materials and products in association with a commercial or industrial use 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 and/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, landscape supply materials, 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 outdoors provided the display and/or sales area does not extend more than five (5) feet from the wall of a building dedicated to such use and the display 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 such 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.

1. Storage of Garbage and Waste: In the case of the storage of daily garbage, trash and similar refuse to be stored outdoors for subsequent disposal, the following restrictions and requirements shall apply:
   a. Such stored materials shall be within containers that shall be screened by an enclosure constructed of wood, concrete, bricks or similar durable materials, the specifications for which shall be specified in the site plan submitted for the use including materials, dimensions, and wall and gate construction details.
   b. Such storage can be consolidated to as few locations as practical and so located to minimize public view.
   c. No such storage shall occur in a front yard.
   d. Such storage areas shall be kept free of litter and shall be maintained to minimize negative impacts upon surrounding land uses and buildings.
   e. In the case where the stored material is to be stored in a container for subsequent emptying into a waste vehicle by mechanical means, the container being commonly referred to as a "dumpster," such container area shall have a concrete pad of a minimum of six (6) inches in thickness.

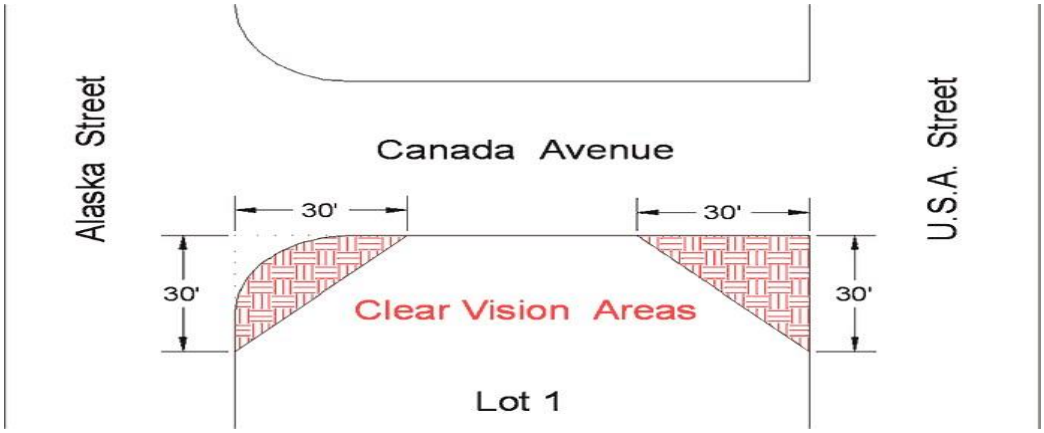
D. Junk Yard: Nothing in this Section shall be construed as authorizing a junk yard as defined in Article 21 and regulated elsewhere by this Ordinance.

Section 20.18 Clear Vision Zone

A. Intersecting Roads: No fence, wall, hedge, screen, sign, structure, vegetation, vehicle or other obstruction shall be located so as to impede vision between the height of three (3) and ten (10) foot above road grade within the triangular area formed at the intersection of any two (2) road right-of-way lines, as measured by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection. See figure below.

B. Intersecting Driveways: In the case of a driveway used for other than single-family or two-family dwelling purpose, including a driveway or curb-cut that leads to an off-street parking area, which intersects with a public road, the limitations of subsection (A) shall apply to such intersection area.

C. Exception: 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 unless otherwise determined by the approving body that the particular fence and its location would unreasonably undermine public safety.



Section 20.19 Yard Sales

In the case of the sale of items belonging to members of the household residing on the lot where the sale is being conducted, and which may be commonly referred to as a yard sale or garage sale, the maximum number of such sales events, irrespective of length of duration, shall not exceed four (4) during any calendar year and each sales event shall not exceed five (5) consecutive calendar days in duration. A permit shall not be required for yard sales. A yard sale shall not provide for the sale any pre-packaged products produced off-premises or products purchased with the principal intent of resale. See Article 8 regarding permitted signs.

Section 20.20 Artificial Ponds

A. Artificial Pond Defined: For the purpose of this Section, "artificial pond" shall be defined as a body of water created other than by natural environmental conditions including detention and retention ponds part of storm water management systems, where such body of water is to have a designed or constructed surface area greater than six hundred (600) sq. ft. or a depth greater than five (5) feet. The term "artificial pond" shall also include land areas in excess of six hundred (600) sq. ft. designed to be inundated by water as a result of man-made alterations of existing water bodies including creeks, streams, rivers, lakes and ponds.

B. Application and Approval Procedure: Artificial ponds accessory to a single-family or two-family dwelling shall be subject to Zoning Administrator approval according to Section 2.4 and the standards of this Section. The Zoning Administrator shall issue a zoning permit for such pond upon finding that the application complies with the standards and regulations of this Section and Ordinance. All other artificial ponds shall be subject to site plan approval according to Article 14, in which case the Zoning Administrator shall not issue a zoning permit for such artificial pond until the Planning Commission grants approval of the pond application. Special land use approval for an extraction operation, according to Article 15, shall be required in the case where more than twenty-five hundred (2,500) cubic feet of material is to be excavated for the artificial pond and is to be placed at a location other than the lot on which the pond is to be placed.

1. Other Agency Approvals: An artificial pond application shall be accompanied by an approved permits from the Michigan Department of Environmental Quality Permit and County Drain Commissioner, as may be required.
2. Engineering Specifications: An artificial pond application shall include comprehensive engineering specifications for the proposed pond, prepared by a Michigan-licensed civil engineer. Such specifications shall address the following minimum information:
   a. A water body profile with elevations and changes in slope illustrated at no greater than two (2) foot intervals.
   b. Dimensions of the pond including maximum depth, width, and length.
   b. Soil evaluation for the site with any necessary corrections for seepage.
   c. Specifications for spillways or drains, foundation preparation, and fill placement.
   d. A detailed plan for stormwater runoff provisions where excavated material will be collected and maintained on site, demonstrating the avoidance of areas prone to stagnant ponding.

C. Standards and Requirements

1. Setbacks and Lot Coverage:
   a. An artificial pond shall be set back a minimum of fifty (50) feet from all existing right-of-ways and fifty (50) feet from all other lot lines. No such pond shall cross from one lot to another lot.
   b. No artificial pond shall cover more than seventy-five percent (75%) of the area of a lot on which it is located provided a minimum of fifty percent (50%) of the required minimum lot area, as specified in Table 3-4 of Article 3, is comprised of year-round non-submerged land.
   c. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.
2. Artificial Pond Location, Design and Construction
   a. No artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:4, to a depth of five (5) feet.
   b. Erosion control shall be provided for all filled or disturbed surface areas including the water body margin. These areas shall be covered or treated during all phases of construction to prevent material from being wind-blown onto neighboring properties or eroded by runoff.
3. Landscaping and Screening:
   a. All material excavated for the artificial pond shall be deposited on the lot on which the artificial pond is located and suitably landscaped to assure the appearance of natural landforms, unless the Planning Commission grants approval for the removal of excavated material from the site.
   b. All surface areas disturbed by excavation and filling activities, which are intended to be above the water level of the pond, shall be provided with a minimum four (4) inch layer of arable topsoil. The area shall be landscaped with grass or other live material except where the approving body expressly permits otherwise.
   c. The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening, because of the pond's location and character in relation to surrounding land uses or circulation systems, is beneficial to assure compatibility between land uses or otherwise protect the public health, safety, or welfare.

   d. Upon a determination by the approving body that the proposed artificial pond poses a danger to area residents, all uses shall be enclosed by an approved fence of a minimum height of six (6) feet. Such fence must be substantial enough to prevent trespass and placed no closer than twelve (12) feet to the water's edge at the pond's maximum capacity.

4. Reclamation Plan: An application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed or should the pond area be subsequently abandoned or discontinued as a feature on the lot. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to any pond excavation activities taking place. The reclamation plan shall provide for the proper seeding of the reclaimed area except where an alternative use is approved.
5. Other Requirements
   a. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use.
   b. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Gilford Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
   c. The applicant shall have the responsibility and obligation to stop work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line, conduit or other utility feature is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel.

Section 20.21 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, except where may be regulated elsewhere by this Ordinance including Section 20.7, Temporary Dwellings, and Section 20.22, Large Outdoor Gatherings. 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 subject to Section 20.22, Large Outdoor Gatherings. 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 Township Board or Zoning Administrator 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: An issued 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 2.8. A Certificate of Occupancy shall be required for buildings as may be required by the Construction Code.

1. No 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 and the approving body finds an extended time frame will not unreasonably undermine public health, safety and welfare. However, in no case shall such initial authorization exceed a three (3) month period and in no case shall more than one (1)

additional authorization period be granted, not to exceed three (3) 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.

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 (100) 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.

Section 20.22 Temporary Large Outdoor Gatherings

A. Authorization: Temporary uses that are designed for or otherwise result in the gathering of more than one-hundred fifty (150) people at any one (1) time during any continuous two (2) hour period as part of an outdoor event are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses may include, by example, outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Exemptions: This Section shall not apply to the following.

1. Family Events: This Section shall not apply to events held as part of a family event. A "family event" shall be construed to be an event attended principally by persons related by blood, marriage, domicile arrangement and/or similar relationship, along with acquaintances of such family members, for the purpose of celebrating or acknowledging the family or a family member, where such event occurs on property owned by one (1) or more of the family members. Examples of family events include birthdays, weddings, reunions, funeral gatherings, and academic and religious graduations and ceremonies. "Family events" shall not be construed to include events to which the general public is invited or otherwise permitted to attend.
2. Yard Sales, Estate Sales and Auctions: This Section shall not apply to yard sales, estate sales, and auctions for the sale of personal property or other items and goods located on the lot of the auction, provided such personal property, items and/or goods are owned by one (1) or more persons occupying such lot but excluding the auctioning of items transferred to the lot for the principal purpose of sale including what are commonly referred to as "consignment auctions."
3. Buildings for Assembly Purposes: Activities conducted indoors and/or outdoors on a lot on which a building is present that is designed and approved for assembly use by the Township, such as churches, banquet facilities, libraries, schools and recreation buildings.

C. Application: An applicant shall submit a completed application for a temporary large gathering to the Zoning Administrator on a form established for that purpose. The application shall include the following:

1. Description: A detailed description of the proposed temporary gathering including the following:
    a. Proposed tents, structures and other modifications to the site and the size and location of each.
    b. Proposed parking areas, access points to and from the property, and traffic control measures to minimize safety hazards and congestion.
    c. Proposed measures and locations for portable restrooms, solid waste storage and disposal, and litter control.
    d. The nature of any entertainment to be provided and the location of such entertainment areas, and any sound amplification devices including a list of all sound producing and amplification equipment with an indication as to amplification capacity, number of units to be used, location and placement of such units, and their method of operation.
    e. The location of emergency services and facilities that may be part of the event operations.
    f. Measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, vehicle ingress and egress, on-site traffic circulation, and emergency services such as fire protection and medical/ambulance services.

2. Drawings: A clearly legible scaled drawing delineating the proposed location of all temporary buildings, structures, tents, parking areas, access points into the lot and intended interior circulation patterns, and similar features, and their distance to existing buildings on adjacent lots. 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 Township Board finds parts or all of such submittal information to be necessary.
3. Evidence Of Ownership or Permission: The application shall identify all persons having ownership interest in the lot on which the gathering is to held, and their signatures in support of the application, along with the applicant's name and signature if not having an ownership interest.

D. Review and Action: The Township Board shall be the approving body for temporary large gatherings. The Township Board may refer an application to the Planning Commission, building officials, and emergency services officials including police and fire officials, to solicit comments regarding public health, safety and welfare concerns. Applications shall be acted upon in the order of the date and time when a complete application is received. The Township Board may conduct a public hearing as it may determine appropriate, in which case the noticing requirements of Section 2.11 shall apply.

E. Permit Duration, Performance Guarantee and Removal, and Additional Costs:

1. Duration: No permit issued under this Section shall be authorized for a period exceeding seventy-two (72) hours except in the case where the applicant demonstrates to the satisfaction of the Township Board that the nature of the temporary gathering requires a longer duration and the Township Board finds an extended time frame will not unreasonably undermine public health, safety and welfare. In the case of an approved application, the permit shall specify the date by which the termination and removal of the temporary use and associated facilities shall occur. The temporary facilities established in association with the large gathering shall be removed from the lot no later than as specified on the permit.
2. Performance Guarantee: Township Board may require a performance guarantee according to Section 2.8 to ensure the site is restored to its condition prior to such event.
3. Additional Costs: Township costs for ensuring the public health, safety and welfare, including police, fire, and other emergency services, and utility services, to the extent they exceed the normal operating costs of the Township, shall be the responsibility of the applicant. Payment for such additional services shall be made to the Township a minimum of seven (7) days prior to the event.

F. Approval Standards: Temporary large gatherings including support facilities shall comply with the site plan approval standards of Article 14 except where the Township Board finds that specific standards need not apply due to the temporary nature of the use and provided the Township Board 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 Township Board shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, and the adequacy of each.

2. Setbacks: Unless expressly approved otherwise by the Township Board upon finding that conditions are present that support exceptions, the area of the lot on which any temporary activities shall occur, including parking areas, performance stages, tents, restroom facilities, and lighting, shall be setback a minimum of seventy-five (75) feet from lot lines and shall not be located within two-hundred (200) feet of a dwelling on another lot.
2. Tents, Buildings and Structures: All tents, buildings and structures erected or used for a temporary gathering shall comply with the following:
   a. Shall be of such sizes and locations so as not to have a substantial negative impact on surrounding properties due to such matters as visibility, accessibility, traffic flow, parking and other site issues.
   b. Shall be installed, constructed, used, occupied and maintained in compliance with the provisions of federal, state and local rules and regulations.
   c. Shall be removed at the conclusion of the temporary gathering or upon the expiration of the permit, whichever occurs first, or as otherwise specified on the permit.
3. Environmental Protection.
   a. Operations shall meet federal, state and local environmental health requirements, including those of the County Department of Public Health pertaining to adequate and safe supply of potable water; restroom facilities; food and beverage storage, handling and servicing; disposal of solid waste; and all other operations having bearing on environmental health.
   b. The conducting of the temporary gathering shall conform to federal, state and local rules and regulations regarding the protection of environmental resources including the soil erosion and sedimentation requirements of the County Drain Commissioner and the Michigan Department of

Environmental Quality requirements regarding wetlands, stream crossings and water quality protection.

4. Lighting. If any activities of the temporary gathering are to occur after daylight hours, sufficient lighting shall be provided and in such manner so as to shield or eliminate direct and nuisance illumination beyond the boundaries of the lot used for the temporary gathering.
5. Parking and Traffic. There shall be provided one (1) or more parking areas of sufficient total area and which support safe and orderly circulation for the maximum number of people to attend the temporary gathering at any single time. Traffic control measures shall be provided to ensure safe and orderly vehicular and pedestrian circulation including on-site circulation and the flow of vehicular and pedestrian traffic onto public or private road right-of-ways.
6. Sound Producing and Amplifying Equipment. Sound producing and amplification equipment shall be operated so as to minimize nuisance conditions upon nearby properties. No sounds emanating from a lot used for the temporary gathering shall be a nuisance or disturbance to the peace and tranquility of the citizens of the Township. Amplified sound shall not occur between the hours of 10:00 p.m. and 8:00 a.m. unless expressly authorized by the Township Board.
7. Emergency Services. Adequate emergency services shall be provided as may be directed so by the County Sheriff and/or local fire authorities, including adequate facilities for communication with emergency service providers.
8. Cumulative Impacts: When evaluating an application, the Township Board may consider the cumulative effect of the proposed event in relation to other approved events including those approved but not yet conducted.
9. Frequency: During any calendar year, the maximum number of times that a lot may be used for conducting any temporary use subject to approval under this Section shall not exceed two (2), and no two (2) events shall be conducted on the same lot less than thirty (30) days apart from one another.
10. Public Health, Safety and Welfare. The application demonstrates that within the context of the subject property and surrounding area, all operational aspects of the proposal are practical and clearly capable of being implemented as presented, and support the protection of public health, safety and welfare, including parking, circulation, location of gathering areas and temporary and permanent structures, lighting and noise levels.
11. Performance Bond: The approving body may require the Owner and/or Operator to post a performance bond with the Township in a form acceptable to the Township Treasurer and in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage collection and disposal. A bond may also be required to cover the costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the temporary gathering, including emergency services, traffic and/or crowd control.

End of Article 20

Article 21
DEFINITIONS

Section 21.1 Construction of Language

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

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

B. The word "person" includes a corporation, association, partnership, trust, firm, or similar organization or 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", or "parcel".

E. The term "shall" is always mandatory and not discretionary. The term "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 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 Gilford in the County of Tuscola, 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

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 permits 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 permits otherwise.

Acre: An area equal to 43,560 sq. ft.

Addition: A structure added to a previously constructed structure.

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.

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" may be referred to as a "farm" and shall not be interpreted to include kennels, equestrian centers and similar activities that do not comprise the commercial production of farm products.

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.

Applicant: A person or other entity submitting an application under this Ordinance for a zoning permit or other approval or action.

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 including pinball games, video games, air hockey,. 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.

Attic: That part of a building that is immediately above the ceiling of the top story and within the roof framing.

Basement: See "Story-Related Definitions."

Bed and Breakfast: A structure erected and/or modified for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and only a breakfast meal for overnight guests, and which serves as the full-time residence of the owner and reflects a residential architectural theme to such an extent that the structure appears as a single family dwelling when viewed from adjacent roads and lots. A tourist home may also be commonly referred to as a "tourist home." The manner in which rooms are made available, such as through direct contact with the owner or through internet services such as Airbnb and VRBO, by example, is not a distinguishing criteria as to whether a use constitutes a bed and breakfast as defined above.

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 and/or audible screening purposes, or for a visual landscape feature.

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" includes manufactured homes, mobile homes, and modular homes, and any roofed enclosure 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.

Building Code: Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as foundations, footings, framing, roof loads, ventilation systems, plumbing systems, electrical systems and fire protection.

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

Building Height: The vertical distance measured from the average finished grade along the front of the building where it abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. See figure at end of this Article.

Building Inspector: An individual or entity authorized to administer the Michigan Construction Code in the Township.

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.

Child 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 two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, 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.

Child Day Care Facility: A private home in which the operator permanently resides as a member of the household in which 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.

a. Family Home: A child day care facility with the approved capacity to receive one (1) but less than seven (7) minor children.
b. Group Home: A child day care facility with the approved capacity to receive more than six (6) but not more than twelve (12) minor children.

Child Foster Care Facility: A private home in which minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 Public Act 288, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

a. Family Home: A child foster care facility with the approved capacity to receive one (1) but not more than four (4) minor children.
b. Group Home: An adult foster care facility with the approved capacity to receive more than four (4) but fewer than seven (7) minor children.

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.

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 standards pertaining to lots.

Conference Center: A facility used for service organizations, businesses and professional organizations for meetings, discussion and/or presentations for attendees. A conference center may include food services. A conference center may be part of a hotel or resort.

Contractor's Yard: A site on which a construction contractor stores equipment, tools, vehicles, building materials, and/or other appurtenances used in or associated with building, construction or utility services. A contractor's yard may include outdoor or indoor storage, or a combination of both, and accessory office space.

Convalescent Home: A state-licensed facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care, and are generally unable to care for themselves properly. A convalescent home may also be referred to as a nursing home.

District: See Section 3.1.

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, into a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private road as defined in this Ordinance, irrespective of the driveway's length.

Dwelling, Multiple Family: A building or portion thereof 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 dwelling unit, unattached to any other dwelling unit, designed and used exclusively by one family for living, cooking and sleeping purposes. A single family dwelling may occupy the entire area of a building or a portion thereof.

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 except as may be authorized pursuant to Section 20.7.

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.

Equestrian Center: A structure and/or land use designed for the conducting of horse shows, training exhibitions, horse auctions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

Erected/Erection: Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities including excavations, fill, grading, drainage, and the like.

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, the storage of or shelters for service equipment, maintenance depots, and similar above ground faculties.

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 parcel, 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 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, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. 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: See definition of "agriculture."

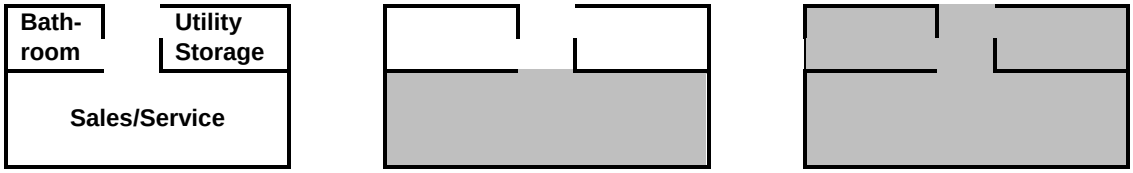
Farm Product: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, 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.

Fence/Wall: An accessory structure typically constructed of wood, plastic, brick, stone, concrete, or simulated materials to appear the same, and comparatively narrow in width, to serve as an obscuring screen, physical barrier, boundary demarcation and/or decorative landscape element.

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

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.



Floor Plan **Usable Floor Area** **Gross Floor Area**

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

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

Home Occupation: See Section 20.10.

Hospital: A state-licensed facility for human care for the provision of 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 Yard: Any outdoor area or building used for (a) and/or (b) below:

a. The abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials such as paper, rags, glass, cans, bottles, appliances and construction materials.
b. 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 or wrecking yard. A junk yard shall not be construed to include a building devoted to the display and/or sale of used items such as furniture, machinery and clothing.

Kennel: A kennel is defined to include (a) or (b) below, individually or in combination:

a. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more similar animals, three (3) months of age or older, are kept for compensation, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.
b. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more livestock, three (3) months of age or older, are typically maintained for two (2) or more consecutive weeks for the purpose of rehabilitation and/or the provision of an environment in which to spend their final years before death, and may be commonly referred to as an "animal rescue," "dog rescue," and/or "horse rescue" facility.

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 including irrigation systems, 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 parcel described by metes and bounds. 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.

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 and fifty (150) feet. See figures at end of this Article.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured 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 other than a corner lot having frontage on two (2) roads.

Lot Lines: The lines bounding a lot. See figures 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 lot line most parallel to and nearest the road from which access is obtained. The front lot line shall not be construed to be the lot line adjacent to the road right-of-way.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, the rear lot line shall be 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. A side lot line separating a lot from another lot or lots is an "interior side lot line".

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 Width: The straight line horizontal distance between the side lot lines, measured where the required front yard setback line intersects with the side lot lines, unless regulated elsewhere by this Ordinance.

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 and transported to a lot for placement and final construction stage including connection to utilities. Manufactured housing includes mobile homes and modular housing units.

Manufactured Housing Community: A parcel 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.

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 shall not include facilities for overnight patient care or major surgery.

Mini Storage: A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares, and access to such stalls or lockers is not typically necessary 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 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 area, width and/or other dimensional requirements of the District in which it is located.

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.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice emanating from a lot and which is a cause or source of annoyance for the occupant of another lot, so as to cause substantial harm or discomfort

to the occupant of such other lot.

Occupancy Permit: A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of the Construction Code.

Off-Street Parking: A parking area outside of a right-of-way and located on the same lot it is intended to serve, except as may be approved otherwise.

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

Parcel: A lot described by metes and bounds or described in a recorded plat or, in the case of a site condominium, a condominium unit.

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: An enclosed platform at an entrance to and attached to a building. “Enclosed” shall be construed to mean that more than ten (10) percent of the exterior perimeter of the porch, excluding that portion attached to the building, 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: An unenclosed platform at an entrance to and attached to a building. “Unenclosed” shall be construed to mean that the porch is unroofed and no more than ten (10) percent of the exterior perimeter of the porch, excluding that portion attached to the building, 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 lot is devoted and the main purpose for which the lot exists.

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 Stable: An accessory structure and/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 and shall not be construed as a home occupation.

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, such as 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, but excluding wireless communication facilities.

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 living quarters mounted on or drawn by another vehicle. A recreational vehicle may be commonly referred to as travel trailer, camper trailer, pop-up, motor home, and/or pickup camper.

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."

Resort: A building or group of buildings containing more than five (5) dwelling units and/or guest rooms, that provides a substantially greater level of recreational and/or leisure-time activities, which may include golf, horseback riding, swimming and water sports, shuffleboard, tennis, hiking, spas, and similar activities, and may furnish services customarily associated with a hotel including restaurant services, tavern, and convention facilities.

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.

Retreat Facilities: 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."

Road, Private: A private way or means of approach for use and operation of vehicular traffic 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 lots.

Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

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.

Sexually Oriented Business: Refer to Section 13.18 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.

Sign: Refer to Section 8.2 of Article 8 for definitions pertaining to signs.

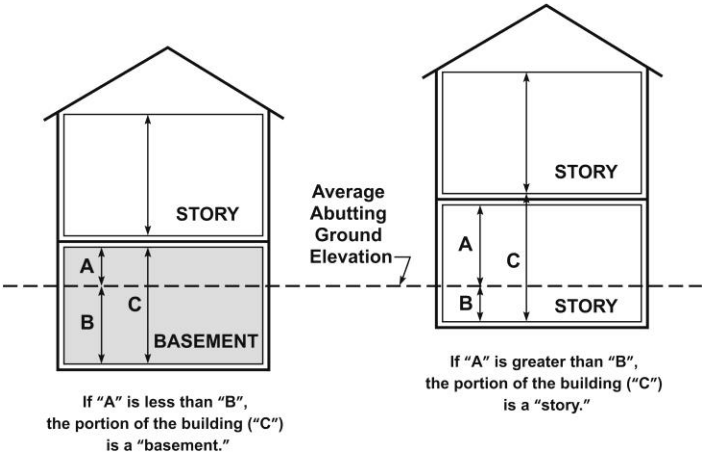
Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan 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.

Special Land Use: Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses 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.

Story-Related Definitions:

a. **Basement:** That floor area and 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 to such floor area, along the entire perimeter of the walls surrounding the floor, is greater than the vertical distance from such average elevation to the ceiling above such floor area. The average outdoor abutting ground elevation shall be determined by taking measurements at ten foot (10') intervals along the entire perimeter wall length. A basement shall not be construed as a story. See figure.

b. **Half Story**: The uppermost area located under a pitched roof and the uppermost full story, the usable floor area of which does not exceed one-half (1/2) of the floor area of the uppermost full story, is a minimum of two hundred (200) sq. ft. in area, has a minimum ceiling height of seven (7) feet six (6) inches at some point, and has an exterior wall height from the half-story floor surface to the pitched roof surface of a minimum of four (4) feet.



c. **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, satellite dishes and free-standing signs.
b. Any enclosed and/or roofed area, wholly or partly, that exceeds two-hundred (200) sq. ft. in 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:

a. 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."
b. Paved surfaces such as sidewalks, driveways and roads.

Tavern: An establishment that services alcoholic beverages for principal consumption on the premises.

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.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance is not be 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 13 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 figures 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 road right-of-way 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 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.

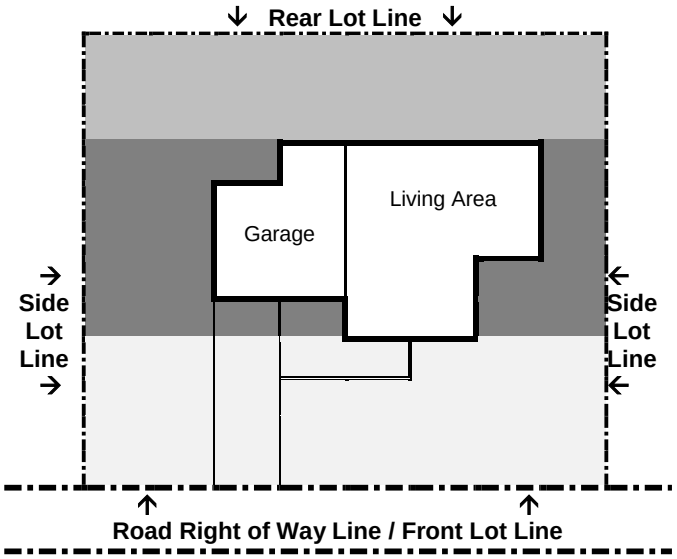
Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

Zoning District: See 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.

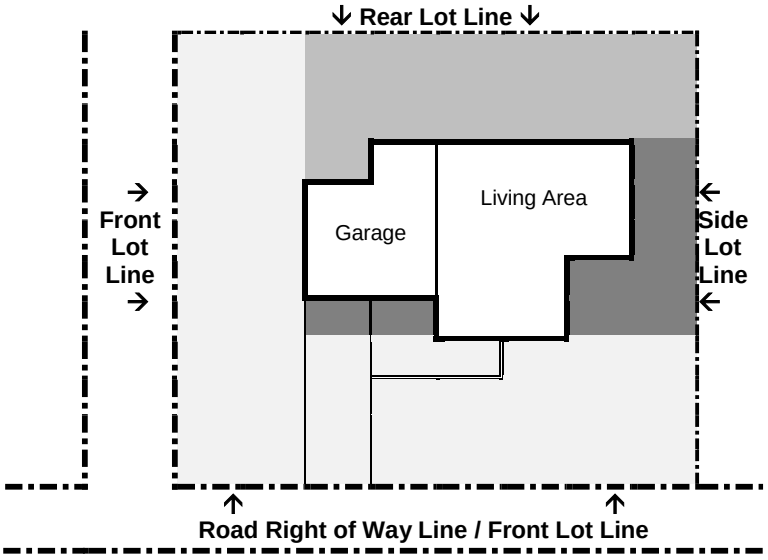
LOT LINES and YARDS

INTERIOR LOT

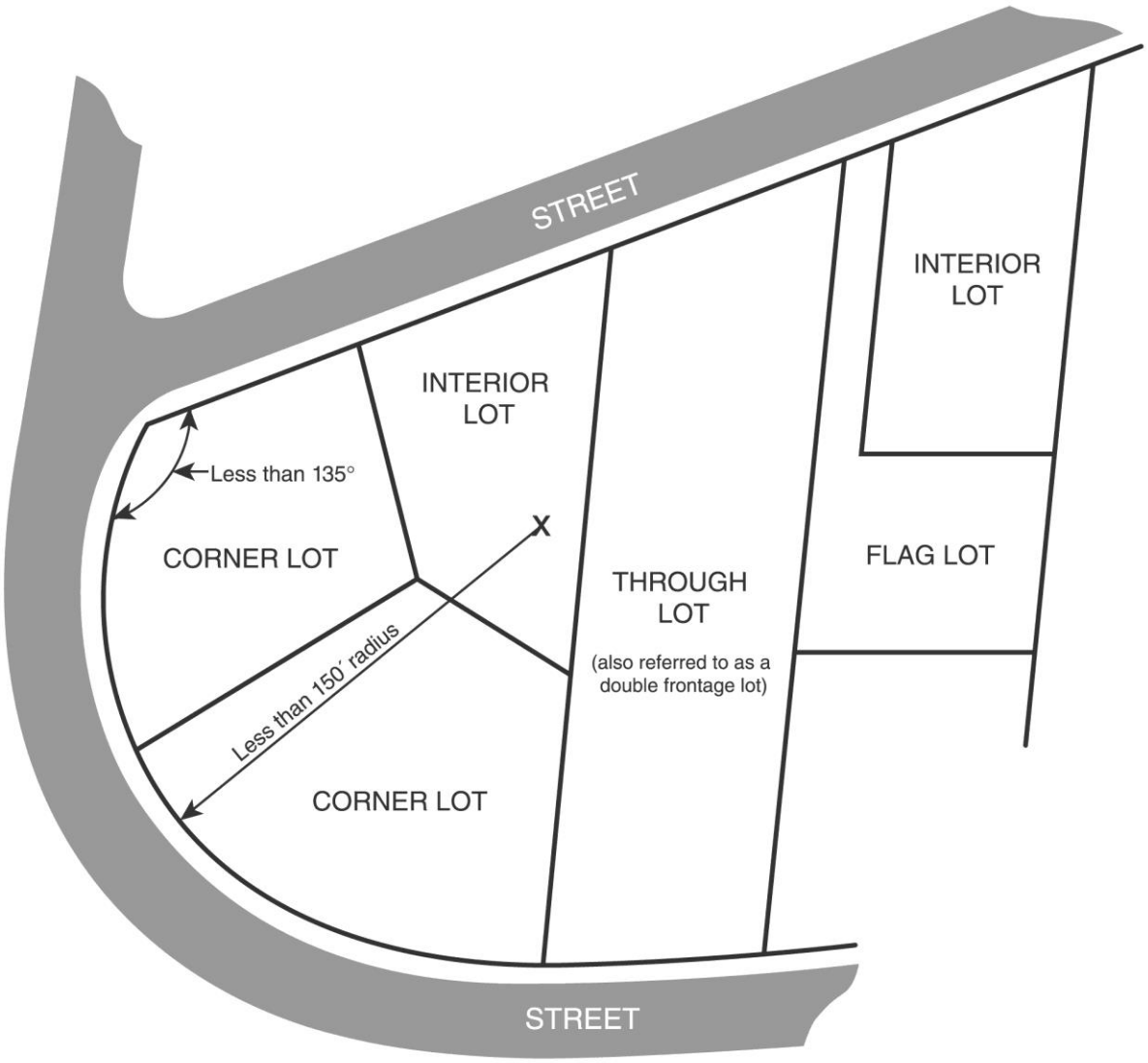


Front Yard
Side Yard
Rear Yard

CORNER LOT

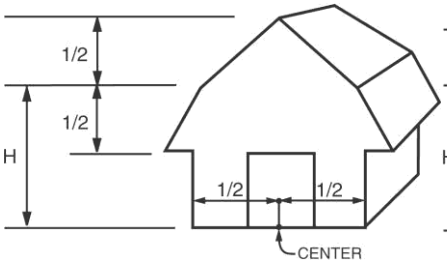


LOT TYPES



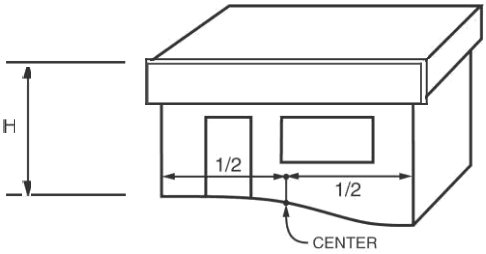
(Balance of Page Blank)

MEASURING BUILDING HEIGHT

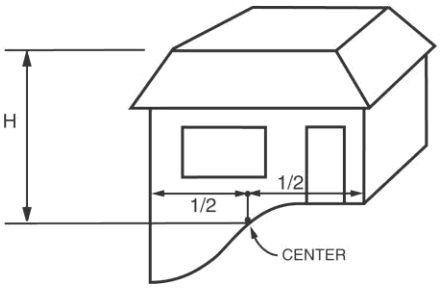


GAMBREL ROOF

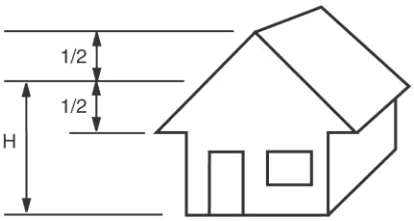
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

End of Article 21

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 Severance Clause

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 parcel, lot, land, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, land, use, building or structure not specifically included in said ruling.

Section 22.3 Vested Right

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 provided in Article 6, Nonconforming Lots, Uses and Structures.

Section 22.4 Repeal

The Gilford Township Zoning Ordinance adopted and effective February 5, 2009, and amendments thereto, is 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 Gilford, Tuscola County, Michigan on _____ , 2020.

End of Article 22