



PINE RIVER TOWNSHIP ZONING ORDINANCE

PINE RIVER TOWNSHIP, GRATIOT COUNTY, MICHIGAN

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PINE RIVER TOWNSHIP ZONING ORDINANCE

Ordinance No. 5

Pine River Township
Gratiot County, Michigan

THE TOWNSHIP OF PINE RIVER ORDAINS:

Preamble

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

CHAPTER 1

General Provisions

SECTION 101. SHORT TITLE. This Ordinance shall be known as the Pine River Township Zoning Ordinance.

SECTION 102. PURPOSE AND OBJECTIVES. The general purpose of this Ordinance is to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

1. Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
2. Protect the community's quality of life and enhance the social and economic stability of the Township.
3. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
4. Guide efforts to provide public services, such as waste disposal, transportation, education, recreation, and public safety.
5. Establish standards to guide physical development of each Zoning District and of the Township as a whole and provide for enforcement of said standards.
6. Educate citizens and public officials about their shared responsibilities for wise use of community resources.
7. Strive to balance one property owner's right to the peaceful use and enjoyment of his or her lot with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

SECTION 103. INTERPRETATION. The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits that relate to the use of land or buildings. Nor is this Ordinance intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations permits, easements, covenants or agreements that may

be in force, the provisions of this Ordinance shall control. Where provisions of any other Ordinance or regulation of Pine River Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

SECTION 104. SEVERABILITY. It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of this Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part hereof.

SECTION 105. REPEAL. The prior Pine River Township Zoning Ordinance is hereby repealed on the effective date of this Ordinance. However, said repeal shall not abate any action now pending under or by virtue of the prior Zoning Ordinance. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the prior Zoning Ordinance that was existing at the time of the passage and effective date of this Ordinance.

SECTION 106. EFFECTIVE DATE. The Ordinance shall take effect seven (7) days following the publication of a notice of its adoption, or as otherwise provided by the Michigan Zoning Enabling Act.

SECTION 107. LIABILITY. The Township Zoning Administrator or any person charged with the interpretation and enforcement of this Ordinance, acting for the Township in good faith and without malice in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

SECTION 108. ILLEGAL OR UNLAWFUL USES. Any use that is illegal or unlawful under state or federal law is illegal in Pine River Township.

CHAPTER 2

District Regulations

SECTION 201. DIVISION OF THE TOWNSHIP. For the purposes of this Ordinance, all land within Pine River Township except public rights-of-ways is divided into the following Zoning Districts:

AG	Agricultural
LDR	Low Density Residential
HDR	High Density Residential
O	Office Service Business
LC	Light Commercial
HC	Heavy Commercial
I	Industrial

SECTION 202. OFFICIAL ZONING MAP. The boundaries of Zoning Districts are defined and established as shown on a map entitled "Pine River Township Zoning Map," which accompanies this Ordinance. This Zoning Map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Pine River Township Clerk or his/her designee. The Zoning Map is subject to change in the manner provided by the Michigan Zoning Enabling Act.

SECTION 203. INTERPRETATION OF BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
2. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
3. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance from as indicated by given distance or scaled dimension.

SECTION 204. SCOPE OF REGULATIONS. No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a lot shall be made unless it conforms to the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, lot area and dimensions, setback of structures from public thoroughfares and neighboring properties, and the area of a lot that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

SECTION 205. DISTRICT REGULATIONS TABLES. The Regulations for all Zoning Districts are summarized in the following two tables. These tables do not include all the specific requirements of this Ordinance, which are contained in the Ordinance text. In case of any inconsistency between the following tables and the Ordinance text, the Ordinance text shall prevail and control over the tables. The reader is urged to read the applicable portions of the full Ordinance text before making any decision regarding use of a lot or structure in Pine River Township.

1. **USES TABLE.** This table generally describes the Permitted Uses and the Special Uses in each Zoning District. Uses that are not specifically listed in a Zoning District are prohibited in that District. In case of any conflict or inconsistency between the table and the Ordinance text, the Ordinance text shall control.

USES TABLE		
District	Permitted Uses	Special Uses
<p>AG Agricultural</p>	<p>Apiaries Cemeteries Day Care, In-Home Licensed Dwellings, Single, Two Family Farm Animals, Raising/keeping Farming Field crops Food Production Greenhouses and Nurseries Hatcheries Home Occupation Parks/Playgrounds Public/semi-public buildings Public/private conservation areas Accessory Uses</p>	<p>Agribusiness Agricultural Equipment Sales and Service Animal Feeding Operations and Livestock Production Bed and Breakfast Child Day Care Facilities Contractor's Establishments Commercial Recreation Energy Storage Facilities Golf Courses and Country Clubs Institutions – Religious, Health, Educational, Social Kennels Manufactured Home Developments Medical Marihuana Home Occupation Mini-storage Mining and Quarries Natural Resource Extraction Outdoor Assembly Planned Unit Development Public Buildings Public Service Installations RV Campground Sanitary Landfills State Licensed Residential Care for 7-12 people Warehousing and Distribution Wind Energy Facilities Telecommunication Towers and Facilities</p>
<p>LDR Low Density Residential District</p>	<p>Day Care, In-Home Licensed Dwellings, Single and Two Family Home Occupation Accessory Uses</p>	<p>Bed and Breakfast Child Day Care Facilities Golf Courses and Country Clubs Institutions without alcohol– Religious, Health, Educational, Social Medical Marihuana Home Occupation Planned Unit Development Public Buildings Parks/Playgrounds State Licensed Residential Care for 7-12 people</p>
<p>HDR High Density Residential District</p>	<p>Child Care Facilities Dwellings, Single and Two Family Home Occupation Accessory Uses</p>	<p>Dwellings, Multiple Family Golf Courses and Country Clubs Institutions without alcohol – Religious, Health, Educational, Social Manufactured Home Developments Medical Marihuana Home Occupation Planned Unit Developments Public Buildings Parks/Playgrounds State Licensed Residential Care for 7-12 people</p>
<p>O Office Service Business District</p>	<p>Commercial School, Indoor Financial Institutions Laboratories Offices</p>	<p>Energy Storage Facilities Institutions without alcohol – Religious, Educational, Health, Social</p>

District	Permitted Uses	Special Uses
<p>LC Light Commercial District</p>	<p>Auto, RV, Vehicle, Bike, Farm Implement Sales and Rental Bed and Breakfasts Building Materials Sales Car Washes Commercial Garages Commercial Schools Commercial Recreation Day Care/Child Care Dry Cleaning and Laundry Stores Financial Funeral Homes Golf Driving Ranges Greenhouses/Nurseries Grocery Stores Institutions – Educational, Health, Religious and Social Laboratory Mini-storage Motel/Hotel Offices Outdoor Sales, Permanent Personal Services Public Buildings Public Service and Utility Installations Restaurants Retail Sales Taverns/Bars Theaters, Indoor and Outdoor Veterinary Clinics and Hospitals Warehouses Accessory Structures – up to a total of 400 s.f. – over 400 see Sec. 803</p>	<p>Automotive Gasoline and Service Sales Centers for a collective grouping of two (2) or more of the principal Permitted Uses in this district Drive-In Retail and Service Establishments Energy Storage Facilities Manufactured Home Sales Miniature Golf Courses Parks/Playgrounds Substance Abuse Rehabilitation Facilities Temporary Transient Amusement Wholesale Business Accessory Structures – over 400 s.f. – under 400 see Sec. 802 Manufacturing which is non offensive to the neighboring land uses with no outdoor storage of raw material or of finished product is allowed. All types of production activities shall occur within a fully enclosed facility, meeting all Michigan and federal environmental laws, regulations and requirements.</p>

<p style="text-align: center;">HC Heavy Commercial District</p>	<p>Auto, RV, Vehicle, Bike, and Farm Implement Sales and Rental Bed and Breakfasts Building Materials Sales Car Washes Commercial Garages Commercial Schools Commercial Recreation Day Care/Child Care Dry Cleaning and Laundry Stores Financial Funeral Homes Golf Driving Ranges Greenhouses/Nurseries Grocery Stores Institutions - Educational, Social, Religious, Health Laboratory Mini-storage Motel/Hotel Offices Outdoor Sales, Permanent Personal Services Public Buildings Public Service and Utility Installations Restaurants Retail Sales Taverns/Bars Theaters, Indoor and Outdoor Veterinary Clinics and Hospitals Warehouse and distribution Accessory Structures – up to a total of 400 s.f. – over 400 see Sec. 903. Bulk Handling Contractor Buildings, Storage Yards for building and other types of construction Manufacturing with no outdoor storage of raw materials is allowed. All types of production activities shall occur in a fully enclosed facility, meeting all Michigan and federal environmental laws, regulations and requirements. Finished products may be stored outside and may be offered for retail sale. Outside storage shall comply with other sections of this zoning ordinances included fences, hard surfaces, and Accessibility. Commercial Broadcast, Electronic Storage Truck Terminals Warehousing</p>	<p>Accessory Structures – over 400 s.f. – under 400 see Sec. 902. Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paints and Chemicals Energy Storage Facilities Planned Industrial Parks for the collective grouping of two (2) or more of the principal Permitted Uses in this district Wholesale Business</p>
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I Industrial District	Bulk handling. Contractor buildings, storage yards for building, other construction Commercial broadcast, electronic Storage Truck terminals Warehousing Commercial Garages Bulk Blending Plants Elevators Flammables Storage Machine Shops Manufacturing Metal Plating and Finishing Mini-storage Outdoor Storage Public Service and Utility Facilities Research and Development Establishments Commercial Schools Rail Freight Terminals Wholesale Business Accessory Structures	Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paints and Chemicals Energy Storage Facilities Junk Yards Medical Marihuana Caregiver Distribution Facility Medical Marihuana Growing Facility Planned Industrial Parks for the collective grouping of two (2) or more of the principal Permitted Uses in this district Sewage Treatment and Disposal Sexually Oriented Businesses
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2. **DIMENSIONS TABLE.** This table specifies general lot dimensions and setback requirements for lots in each Zoning District. In case of any conflict or inconsistency between the table and the Ordinance text, the Ordinance Text shall control.

DIMENSIONS TABLE

District	AG	LDR	HDR	O	LC	HC	I
Lot area minimum	43,560 s.f.	30,000 s. f.	21,780 for first DU plus 2,000 s.f. /eff. 2,500 s.f./ one bedroom 3,500 s.f./two bedroom 5,000 s.f./three bedroom 6,500 s.f./four bedroom plus 1,500 s.f. for each bedroom >4	21,780 s.f.	43,560 s.f. without sewer and water. 10,000 s.f. with sewer or water.	43,560 s.f. without sewer and water. 21,780 s.f. with sewer or water.	43,560 s.f. with sewer or water. 87,120 s.f. w/o sewer or water.
Lot width minimum	150'	100'	200'	150'	150' w/o water and sewer 80' with water or sewer	200' w/o sewer 120' with sewer	200' w/o water and sewer 120' with water or sewer
Front yard minimum	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway	80' as measured from the centerline of the roadway
Rear yard minimum	50'	50'	40'	40'	50'	50'	50'

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Side yard, minimum each	15' each side yard, except where a side yard abuts a road R.O.W. line, the minimum shall be 80' as measured from the centerline of the roadway.	20' each side yard, except where a side yard abuts a road R.O.W. line, the minimum shall be 50' as measured from the centerline of the roadway	10' for each side yard, except where a side yard abuts a road R.O.W. line, the minimum shall be 30' as measured from the centerline of the roadway.	Minimum of 20' for one side yard, but a minimum total of 50' for both side yards.	Minimum of 10' for 1 side yard, 25' for both side yards.	Minimum of 25' for 1 side yard, 50' for both side yards.	Minimum of 20' for one side yard, 50' for both side yards.
Minimum housing unit	1000 s.f. single story, 720 s.f. ground floor for multiple story.	1000 s.f. single story, 720 s.f. ground floor for multiple story.	1000 s.f. single story, 720 s.f. ground floor multiple story 400 s.f./eff. 550 s.f./one bedroom 640 s.f./two bedroom 900 s.f./three bedroom 1,000 s.f. >4 bedrooms	Not applicable	Not applicable	Not Applicable	Not Applicable
Max. height	35'	35'	35'	35'	35'	35'	40'
Max. lot coverage	None	50%	8 du/acre	None	None	None	None
Accessory Structure	See Sec. 304.	See Sec. 404	See Sec. 504	None	See Sec. 804	See Sec. 904	See Sec. 1004

CHAPTER 3

AG – Agricultural District Regulations

SECTION 301. INTENT AND PURPOSE. The purpose of this Section is to establish a district for agricultural and single family residential uses associated with farming operations, together in a compatible environment. The purpose of this zone is to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance.

SECTION 302. PERMITTED USES.

1. Apiaries
2. Cemeteries
3. Day Care, In-Home Licensed
4. Dwellings, Single, Two Family
5. Farm Animals, Raising/keeping
6. Farming
7. Field crops
8. Food Production
9. Greenhouses and Nurseries
10. Hatcheries
11. Home Occupation
12. Parks/Playgrounds
13. Public/semi-public buildings
14. Public/private conservation areas
15. Accessory Uses

SECTION 303. SPECIAL USES.

1. Agribusiness
2. Agricultural Equipment Sales and Service
3. Animal Feeding Operations and Livestock Production
4. Bed and Breakfast
5. Child Day Care Facilities
6. Commercial Recreation
7. Contractor's Establishments
8. Energy Storage Facilities
9. Golf Courses and Country Clubs
10. Institutions – Religious, Health, Educational, Social
11. Kennels
12. Manufactured Home Developments
13. Medical Marihuana Home Occupation
14. Mini-storage
15. Mining and Quarries
16. Natural Resource Extraction
17. Outdoor Assembly
18. Planned Unit Development
19. Public Buildings
20. Public Service Installations
21. RV Campground
22. Sanitary Landfills
23. State Licensed Residential Care for 7-12 people
24. Warehousing and Distribution
25. Wind Energy Facilities
26. Telecommunication Towers and Facilities
27. Large Solar Energy Systems

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 304. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet.
2. Lot Width, minimum – One hundred and fifty (150') feet.
3. Front Yard, minimum – Eighty (80') feet from the centerline of the roadway.
4. Rear Yard, minimum – Fifty (50') feet.
5. Side Yard, each, minimum – Fifteen (15') feet, except where abutting a right-of-way, the minimum is eighty (80') feet as measured from the centerline of the roadway.
6. Dwelling Unit, minimum – One thousand (1000) square feet for a one story dwelling and seven hundred twenty (720) s.f. on the ground floor for two stories.
7. Height, maximum – Thirty-five (35') feet.
8. Lot coverage, maximum percent- None.
9. Accessory Structures
 - a. An accessory structure may not occupy more than 25% of a required rear yard plus 25% of any non-required rear yard.
 - b. A minimum of 30 feet must be kept between all buildings
 - c. All accessory structures under 200 square feet not otherwise regulated must be constructed at least 8 feet from adjacent property lines and must be no closer than the height of the building eave or the median height of the structure. For all other accessory structures, a minimum setback of 15 feet from the side lot lines and 20 feet from the rear lot line is require. For accessory structures adjacent to a road right-of-way, the setback for any size accessory structure is 80 feet from the centerline of the right of way.

CHAPTER 4

LDR – Low Density Residential District Regulations

SECTION 401. INTENT AND PURPOSE. This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings.

SECTION 402. PERMITTED USES.

1. Day Care, In-Home Licensed
2. Dwellings, Single and Two Family
3. Home Occupation
4. Accessory Uses

SECTION 403. SPECIAL USES.

1. Bed and Breakfast
2. Child Day Care Facilities
3. Golf Courses and Country Clubs
4. Institutions without alcohol– Religious, Health, Educational, Social
5. Medical Marihuana Home Occupation
6. Parks/Playgrounds
7. Planned Unit Development
8. Public Buildings
9. State Licensed Residential Care for 7-12 people

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 404. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Thirty thousand (30,000) square feet. Lot Width, minimum – One hundred (100') feet.
2. Front Yard, minimum – Eighty (80') feet from the centerline of the roadway.
3. Rear Yard, minimum - Fifty (50') feet.
4. Side Yard, each, minimum - Twenty (20') feet, except where abutting a right-of-way, the minimum is fifty (50') feet as measured from the centerline of the roadway.
5. Dwelling Unit, minimum – One thousand (1000) square feet for a one story dwelling and seven hundred twenty (720) s.f. on the ground floor for two stories.
6. Height, maximum – Thirty-five (35') feet.
7. Lot coverage, maximum percent – Fifty (50%) percent.
8. Accessory Structures –
 - a. No portion may be erected in the front yard.
 - b. All accessory structures under 200 square feet not otherwise regulated must be constructed at least 8 feet from adjacent property lines, and must be no closer than the height of the building eave or the median height of the structure. For all other accessory structures, a minimum setback of 15 feet from the side lot lines and 20 feet from the rear lot line is required. For accessory structures adjacent to a road right of way, the setback for any size accessory structure is 80 feet from the centerline of the right of way.
 - c. May not occupy more than 25% of required rear yard plus 25% of any non-required rear yard.
 - d. Minimum of 20' between all buildings.

CHAPTER 5

HDR – High Density Residential District Regulations

SECTION 501. INTENT AND PURPOSE. The HDR Residential District is intended to provide a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of higher density than in the LDR district, but with equivalent quality. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including apartment structures and related institutional uses.

SECTION 502. PERMITTED USES.

1. Child Care Facilities
2. Dwellings, Single and Two Family
3. Home Occupation
4. Accessory Uses

SECTION 503. SPECIAL USES.

1. Dwellings, Multiple Family
2. Golf Courses and Country Clubs
3. Institutions without alcohol – Religious, Health, Educational, Social
4. Manufactured Home Developments
5. Medical Marihuana Home Occupation
6. Parks/Playgrounds
7. Planned Unit Developments
8. Public Buildings
9. State Licensed Residential Care for 7-12 people

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 504. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – 21,780 s.f. for first Dwelling Unit plus
2,000 s.f. /efficiency
2,500 s.f./ one bedroom
3,500 s.f./two bedroom
5,000 s.f./three bedroom
6,500 s.f./four bedroom
plus 1,500 s.f. for each bedroom >4
2. Lot Width, minimum – Two hundred (200') feet.
3. Front Yard, minimum – Eighty (80') feet from the center line of the roadway.
4. Rear Yard, minimum – Forty (40') feet.
5. Side Yard, each, minimum – Ten (10') feet, except where abutting a right-of-way, the minimum is thirty (30') feet.
6. Housing Unit, minimum – One thousand (1000) square feet,
seven hundred twenty (720) s.f. for two stories,
400 s.f./efficiency
550 s.f./one bedroom
640 s.f./two bedroom
900 s.f./three bedroom
1,000 s.f. >4 bedrooms
7. Height, maximum – Thirty-five (35') feet.
8. Lot coverage, maximum percent – Eight (8) dwelling units per acre.
9. The size and placement of accessory structures shall be determined at the time of site plan review.

CHAPTER 6

Planned Unit Development (PUD)

SECTION 601. INTENT. This Chapter is intended to encourage innovation in land use patterns and variety in design for development of large lots under unitary control, as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.

SECTION 602. PERMITTED USES AND STANDARDS. A Planned Unit Development (PUD) may include all Permitted Uses and Special Uses listed for the Zoning District that applies to its site, AND for two Zoning Districts that immediately precede and follow it in the following list of districts:

AG, LDR, HDR, O, LC, and HC

For example, a PUD proposed for a Lot zoned HDR could include all Uses identified for the AG, LDR, HDR, O, LC, and HC Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Permitted Use in another, it may be treated as a Permitted Use for the PUD.

SECTION 603. USE DENSITY AND LOT COVERAGE. Lot Coverage limits for the applicable Zoning District must be met overall, with the following additions.

1. **RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS.** For a PUD located in the COMM or O Zoning Districts, up to fifty (50%) percent of the allowable Lot Coverage may be devoted to structures for residential Uses.
2. **NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS.** For a PUD located in the LDR or HDR Zoning Districts, up to twenty (20%) percent of the allowable Lot Coverage may be devoted to structures for nonresidential Uses.
3. **RESIDENTIAL DENSITY.** The maximum residential density shall be one (1) dwelling unit for every four thousand (4,000) square feet of Lot area. Single Family Two Family and Multiple Family Dwellings shall meet the Dwelling Unit Area requirements specified for the HDR Zoning District.

SECTION 604. USE DENSITY AND LOT COVERAGE. Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height limitations and minimum Yards between Dwelling structures shall be as specified for the LC Zoning District. However, if plots in a PUD are proposed for resale as either fee simple Lots or Site Condominiums, said Lots or condominium units, and any buildings thereon, must meet the Lot Dimension and Yard requirements for the HDR Zoning District.

SECTION 605. BUFFERING FOR RESIDENTIAL USES. When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.

- a. **SEPARATE BUILDINGS.** In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
- b. **WITHIN SAME BUILDING.** When residential and nonresidential Uses occupy space in a single Building in a PUD, a continuous physical separation must be provided between spaces devoted to said Uses. Access doorways are allowed, but the separation must provide at least a one (1) hour fire rating between residential and nonresidential space.

SECTION 606. OPEN SPACE. At least ten (10%) percent of any Lot containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses

may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.

SECTION 607. PARKING AND CIRCULATION. Parking for Uses in a PUD shall conform to the requirements of individual uses. Roadways in a PUD are intended to be Public Streets, and must be built to the standards of the applicable public agency.

SECTION 608. APPLICATION AND PROCESSING

1. How Initiated. The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.
2. Pre-Application Conference. The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Land Use Administrator, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
3. Application. An application for a PUD permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the PUD is intended. The Township Clerk shall stamp date all materials received, retain the original documents, and distribute the copies appropriately.
4. Application Information. The application shall provide the following information:
 - a. A legal description of the property, including the street address, tax code number, and zoning district.
 - b. The name, address, and telephone number of the applicant.
 - c. Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
 - d. Identification of the zoning district in which the subject lot is located and the PUD requested.
 - e. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
 - f. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
 - g. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.
5. Site Plan. All PUD applications require the submission of a site plan in accordance with the provisions of this Ordinance.
6. Right of Entry. The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
7. Application Fee. The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
8. Initial Review. The Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.
9. Escrow Deposit. The Zoning Administrator shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process

the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s)

SECTION 609 NOTICE, HEARING AND DECISION

1. **NOTICE.** Notice shall be provided in accordance with the Michigan Zoning Enabling Act, at least 15 days prior to the public hearing, to the applicant, the owners of property within 300 feet of the proposed site, and occupants of all structures within 300 feet of the proposed site. Notice shall also be published in a local newspaper at least 15 days prior to the public hearing.
2. **PUBLIC HEARING.** The Planning Commission shall hold a public hearing on the application. The hearing shall proceed as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant/owner and other persons attending the hearing. Close public hearing
3. **ADMINISTRATIVE REPORT.** Following the public hearing, the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township to present a report that analyzes the application with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.
4. **STANDARDS AND BURDEN.** In deciding a request for a PUD, the Planning Commission shall be governed by the following principles and standards:
 - a. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
 - b. In considering an application for a PUD, the following factors shall be considered:
 1. Whether all required information has been provided and fees paid.
 2. Whether the purpose of this Article would be served by the proposed uses.
 3. Whether the PUD is consistent with the objectives and goals of the Master Plan.
 4. Whether the proposed PUD will adversely affect neighboring lands.
 5. Whether the proposed PUD is compatible with and will not adversely affect the natural environment.
 6. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.
5. **CONDITIONS.** The Planning Commission may impose reasonable conditions including duration and review periods in granting a PUD. Conditions imposed shall meet all of the following requirements:
 - a. 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 or activity under consideration, residents, and landowners immediately adjacent to the proposed PUD and the community as a whole.
 - b. Ensure that public services and facilities affected by a proposed PUD will be capable of accommodating increased service and facility loads caused by PUD.
 - c. Promote the use of land in a socially and economically desirable manner.
 - d. Be related to the valid exercise of the police power and purposes that are affected by the proposed PUD.
 - e. Be necessary to ensure compliance with the standards set forth in this Article.
 - f. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.
 - g. The approval of any PUD shall include approval of a detailed site plan for the PUD under Chapter 16 of this Ordinance.
6. **PLANNING COMMISSION DECISION.** The Planning Commission shall approve, approve with conditions, or deny the PUD permit. The decision shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. A majority vote of the members of the Planning Commission is required for a decision. The Planning

Commission shall issue its decision in an open meeting, either orally or in writing. If submitted orally, the Planning Commission's decision and reasons shall be recorded in its minutes.

7. **APPEAL.** The Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission on an application for a PUD. Appeal shall be to the Circuit Court.
8. **RUNS WITH THE LAND.** Unless otherwise specified in the conditions, a PUD runs with the land.
9. **RECORDING OF DEVELOPMENT AGREEMENT.** If a PUD is granted, with or without conditions, the Township, at the expense of the applicant, shall cause a development agreement reflected the terms of the approved PUD permit and all required conditions to be prepared and signed by the owner of the property, and record such development agreement with the Gratiot County Register of Deeds.
10. **REAPPLICATION.** An application for a PUD that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.
11. **REVOCACTION.** The Planning Commission, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a PUD in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the PUD permit.

CHAPTER 6a

Open Space Preservation Development Option (OSPDO)

SECTION 601A OSPDO GENERAL PRINCIPLES

1. Eligible Property.
 - a. All property in Pine River Township that is zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre if not served by a public sewer system, or 3 or fewer dwelling units per acre if served by a public sewer system may be developed according to either of the following:
 1. the existing conditions and requirements for the zoning district in which the property is situated, or
 2. the OSPDO option in this section. If the latter option is selected, the property shall be developed under the conditions and requirements of this section, other applicable ordinances, laws, codes, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
 - b. The OSPDO option may not be exercised if:
 1. the option has previously been exercised with respect to the subject land; or
 2. the development thereunder depends on the extension of a public sewer or public water supply system, unless development of the land without the exercise of the OSPDO option would also depend upon such an extension.
2. Guarantee of Preservation of Open Space.
 - a. An applicant seeking to develop land under the OSPDO option must set aside a portion of that land, as explained below, as dedicated open space through an irrevocable conveyance that guarantees that the dedicated open space will remain perpetually in an undeveloped state and be maintained in the manner approved by the Township. This conveyance must be in the form a permanent conservation easement, established according to MCL 324.2140, et seq, of the Natural Resources and Environmental Protection Act.
 - b. The purpose of the conservation easement described above is to ensure that the dedicated open space will be (i) protected from all forms of development and retained in an undeveloped state (except as otherwise allowed herein); (ii) shown on an approved site plan; and (iii) never changed to another use.
 - c. The conservation easement, at a minimum, must contain provisions that:
 1. Indicate the allowable use(s) of the dedicated open space with site plan approval.
 2. Prohibit the dumping or storing of any hazardous materials or refuse on the dedicated open space.
 3. Prohibit any activity that may cause risk of soil erosion on the dedicated open space.
 4. Prohibit the use of motorized off-road vehicles on the dedicated open space.
 5. Prohibit cutting, filling, or removal of vegetation (with the exception of invasive species) from wetland sites on the dedicated open space.
 6. Prohibit the use of pesticides, herbicides, or fertilizers within or adjacent to wetlands on the dedicated open space.
 7. Require that either the person or entity having an ownership interest in the dedicated open space, the person or entity having the right to use the open space, or the applicant (or its successor) maintain the open space, as the Township Planning Commission determines.
 8. Provide standards of scheduled maintenance of the dedicated open space.
 9. Provide for maintenance of the dedicated open space to be undertaken by the Township Board, and the costs thereof assessed against the person or entities responsible for maintaining the dedicated open space, if: (i) the person(s) or entities which the Township Board declared to be responsible for its maintenance fails to adequately maintain the open space, or (ii) the Township Board determines that the dedicated open space is a public nuisance.
 10. Reflect that the conveyance is recorded on every deed of property in the development.

11. Provide that, if the land trust or conservancy holding the conservation easement ceases to exist, the dedicated open space reverts to Pine River Township.
 - d. The conservation easement is to be held by the Township or a recognized land trust or conservancy approved by the Township Planning Commission, must be in a form acceptable to the Township, and must duly recorded in the Gratiot County Register of Deeds office. This provision does not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Planning Commission and the land uses continue as approved in the OSPDO area plan.
3. Cohesive Neighborhood. The proposed OSPDO development must be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas must be equally available to all residents of an OSPDO.
 4. Unified Control. A proposed open space development must be under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. The applicant must provide documentation of such ownership or control in the form of agreements, contracts, etc., that indicate that the development will be completed in its entirety as approved and continued to be maintained as approved.

SECTION 602A PRINCIPAL PERMITTED USES AND ACCESSORY USES

1. Principal Permitted Uses. Except as otherwise indicated in this Chapter and excluding common areas or dedicated open space areas in an OSPDO, only detached single-family residential dwellings that have a minimum of 1,000 square feet of living area are permitted in an OSPDO.
2. Agricultural Land Uses. Agricultural land uses are permitted uses in an OSPDO as provided herein.
3. Accessory Uses.
 - a. Accessory uses and buildings incidental to the principal permitted uses are allowed in areas of an OSPDO that are not part of the dedicated open space areas.
 - b. Accessory uses and buildings incidental to the permitted recreational, conservation, and agricultural uses (including passive recreational activities, roadside stands, storage buildings, barns, and silos when part of a farming operation) are allowed in the dedicated open space areas.

SECTION 603A DEDICATED OPEN SPACE REQUIREMENTS.

1. Minimum Project Size. The minimum size of an OSPDO is 10 acres of contiguous land.
2. Permitted Uses of Open Space Land. All land in an OSPDO development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement, or an approved land improvement, must be set aside as common land for recreation, conservation, or farm or other agricultural land uses, or otherwise preserved in an undeveloped state. Grading is permitted if minimal and with the intent to use existing topography.
3. Clustering.
 - a. Dwelling units in an OSPDO must be grouped such that the grouping results in the dedicated open space in an OSPDO development being at least 60% of the total buildable area on the subject property.
 - b. At least 60% of the total dedicated open space must be linked as a single unit.
4. Dedicated Open Space. The dedicated open space must be located such that it preserves significant natural resources and connects open spaces throughout the development with adjacent open space. Open space along the exterior public roads must have a depth of at least 100 feet (either landscaped with natural vegetation or preserved in a natural wooded condition). All vegetation must be native to the area. The open space along the exterior public roads must be landscaped with at least 1 tree for each 20 feet of road frontage.
5. Conservation Easement. The applicant must set aside the dedicated open space through a permanent conservation easement.

6. Connection to Adjacent Dedicated Open Space or Area. The Township may require that dedicated open space connect with adjacent dedicated open space, public land, or existing or planned pedestrian or bicycle paths.
7. Allowable Structures on Dedicated Open Space Land. Any accessory structure or building may be erected in the dedicated open space in accordance with an approved OSPDO development plan. The total floor area of such an accessory structure or building may not, in the aggregate, exceed 1% of the required dedicated open space area.
8. Recreational Facilities. The following recreational facilities are permitted on the dedicated open space land: a neighborhood park, a golf course, a picnic area, a children's play area, a greenway, recreational trails, soccer, softball, and baseball fields, bicycle paths, or similar recreational facilities that provide a feature of community-wide significance and enhance residential development. Notwithstanding, at all times at least 50% of the entire land area proposed to be the subject of an OSPDO development must be maintained in an undeveloped state, by means of a conservation easement.
9. Calculating Open Space. Except as provided below, any undeveloped land, in the boundaries of the subject lot that is a buildable area of the land may be included as required dedicated open space, including land used for farms or other agricultural land uses.
10. Areas Not Considered Dedicated Open Space. The following land areas may not be included in calculating dedicated open space:
 - a. The area of any private or public street, or right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater retention and treatment areas.
 - d. Any submerged land area.
11. Minimum Open Space. The proposed OSPDO development must contain at least as much dedicated open space as would otherwise be required by the existing underlying zoning district.
12. Access to Dedicated Open Space. All owners of lots in an OSPDO must be permitted access to the dedicated open space. Use of dedicated open space may be restricted to dwelling owners in the development.

SECTION 604A DENSITY CALCULATIONS.

In no case may the density of residential dwellings in an OSPDO development exceed the density allowed by the underlying zoning district. The maximum density in an OSPDO development is to be determined as follows:

1. The applicant must prepare and submit to the Pine River Township Planning Commission a parallel design for the project showing a feasible development under the requirements of all State, County, and Township requirements and regulations. The design should include all information required for preliminary plat designs. The Planning Commission thereafter must review the design and determine the number of lots that could feasibly be constructed on the subject property following the parallel design. This number, as determined by the Planning Commission, is the maximum number of dwelling units allowable for the OSPDO project. It must be determined by the Planning Commission that this parallel plan is able to be physically constructed and meet all current applicable regulations should the OSPDO request be denied or not constructed. The Planning Commission shall determine and declare this number following a public hearing. If there is a question regarding water, septic, wetlands, or floodplains, the Planning Commission may request validation from the proper regulatory authority.
2. In calculating maximum density under this Section, the Planning Commission may consider only buildable areas; existing water, wetlands, and roadways may not be considered.

SECTION 605A DESIGN STANDARDS

1. Natural Features Preservation. The OSPDO development must be designed to promote the preservation of natural features. Individual lots, buildings, streets, and parking areas must be designed and situated to minimize alteration of the natural environment. If animal or plant habitats of significant value exist on the site, the Planning Commission as a condition of approval may require that the open space development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
2. Location of Lots. Where practical and feasible, residential lots in an OSPDO development must be laid out as follows:
 - a. In locations that minimize the alteration of the natural environment.
 - b. On the soil most suitable for subsurface septic disposal.
 - c. In locations least likely to block or interrupt scenic views as seen from public roadways.
3. Setbacks. The following design parameters will be used to establish setbacks:
 - a. Minimum front, rear, and corner yard setbacks are 50 feet.
 - b. Minimum side yard setback is 15 feet on one side with a total for both sides of 50 feet.
 - c. Minimum rear-yard setback 25 feet.
 - d. Minimum distance between dwelling structures is 30 feet.
4. Minimum Lot Width. The minimum lot width is 80 feet as measured from the front building line.
5. Dwelling Placement. Dwelling placement must be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors, or similar problems. Dwelling placement on a lot must be as far as possible from agricultural areas, but in no case may they be closer than 100 feet from said areas.
6. Septic Tanks and Fields. The placement of septic tanks and fields must comply with the requirements of applicable state, county, and local governing units. Drain fields may be placed in dedicated open space or transition areas if permitted by state, county, and local regulations.
7. Road Access. Direct access onto a County road or State highway is required for an OSPDO development, and the nearest edge of any entrance or exit driveway may be located no closer than 200 feet from any existing street or road intersection (as measured from the nearest right-of-way line).
8. Internal Roads. Internal roads within an OSPDO development shall be public.
 - a. All roadways constructed must satisfy existing applicable requirements with respect to storm drainage system, storm sewers, drain inlets, manholes, and bridges. The drainage requirements for each development must be established by the Gratiot County Drain Commission Board. All roads designed for an open space development must be approved by the Township Planning Commission before construction.
 - b. An inspection fee shall be paid by the developer prior to site plan review, so that the Gratiot County Road Commission may ensure proper and safe road construction. Fee to be set by Township Board resolution.
 - c. Off-street parking requirements will be in accordance with the provisions of the underlying district.
9. Pedestrian Access.
 - a. An OSPDO development plan must provide:
 1. pedestrian access to all non-agricultural open space areas from all residential areas,
 2. connections between open space areas,
 3. public thoroughfares, and
 4. connections between appropriate on- and off-site uses.
 - b. Trails within an OSPDO development may be constructed of gravel, woodchips, or other similar

material, but the Planning Commission may require construction of 8 foot wide asphalt bike paths through portions of the development or along any public right-of-way abutting the OSPDO development. School bus stop locations must be provided on the OSPDO development area plan.

10. Historic Structures. When property that is the subject of a proposed OSPDO development contains a structure or building that the Planning Commission deems to be of historic, cultural, or architectural significance, the Township Zoning Board may require that the structure must be retained if suitable for rehabilitations. Adaptive reuse of existing structures for residential use or permitted accessory residential uses is permitted.

SECTION 606A REGULATORY FLEXIBILITY

1. To encourage flexibility and creativity consistent with the intent of the open space development concept, the Township Planning Commission may grant, as part an OSPDO development approval process, specific departures from the requirements of the Pine River Township Zoning Ordinance that pertain to the following: height, setback, off-street parking, and yard and lot width standards.
2. The Planning Commission may only approve the departures if it makes written findings that such departures: (i) will result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features or farmland, (ii) are supported by evidence that such departures are justified by unique topographic conditions, vegetation, grades; (iii) will preserve natural features and open areas; and (iv) fulfill the intent of this Chapter.

SECTION 607A SPECIAL USE PERMIT AND SITE PLAN REQUIREMENTS; CONDITIONS

1. Approvals, Development Agreement, and Recording. All OSPDO developments are subject to site plan approval and special use permit approval. In addition, all OSPDO development approvals and conditions shall be recorded in detail in a development agreement signed by all owners of the property that shall be recorded with the Gratiot County Register of Deeds.
2. Reasonable Conditions. The Planning Commission may impose reasonable conditions on the approval of an OSPDO development in order to:
 - a. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - b. Protect the natural environment.
 - c. Conserve natural resources or energy.
 - d. Ensure compatibility with adjacent land uses, and promote the use of land in a socially and economically desirable manner.
 - e. Further the spirit of the Township's General Development Plan.
 - f. Protect the public health, safety, and welfare of individuals affected by the project or those immediately adjacent to the community.

CHAPTER 7

O – Office Service Business District Regulations

SECTION 701. INTENT AND PURPOSE. The purpose of the O District is to accommodate office uses. This District can also sometimes act as a buffer between residential and nonresidential uses.

SECTION 702. PERMITTED USES.

1. Commercial School, Indoor
2. Financial Institutions
3. Laboratories
4. Offices

SECTION 703. SPECIAL USES.

1. Institutions without alcohol – Religious, Educational, Health, Social
2. Energy Storage Facilities

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 704. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – One-half acre or twenty-one thousand, seven hundred and eighty (21,780) square feet.
2. Lot Width, minimum – One hundred and fifty(150') feet.
3. Front Yard, minimum – Eighty (80') feet from centerline of the roadway.
4. Rear Yard, minimum – Forty (40') feet.
5. Side Yard, each, minimum – Twenty (20') feet, except where abutting a right-of-way, the minimum is fifty (50') feet.
6. Height, maximum – Thirty-five (35') feet.
7. Lot coverage, maximum percent – None.
8. Accessory Structure Requirements – Not permitted.

CHAPTER 8

LC – Light Commercial District Regulations

SECTION 801. INTENT AND PURPOSE. The intent of this district is to accommodate all commercial uses on lots of variable sizes. The district's purpose is to consolidate commercial uses on available commercially zoned land by encouraging access management, combined parking and common building walls among other space-saving and efficiency-of-operation techniques.

SECTION 802. PERMITTED USES.

1. Auto, RV, Vehicle, Bike, Farm Implement Sales and Rental
2. Bed and Breakfasts
3. Building Materials Sales
4. Car Washes
5. Commercial Garages
6. Commercial Schools
7. Commercial Recreation
8. Day Care/Child Care
9. Dry Cleaning and Laundry Stores
10. Financial
11. Funeral Homes
12. Golf Driving Ranges
13. Greenhouses/Nurseries
14. Grocery Stores
15. Institutions – Educational, Health, Religious and Social
16. Laboratory
17. Mini-storage
18. Motel/Hotel
19. Offices
20. Outdoor Sales, Permanent
21. Personal Services
22. Public Buildings
23. Public Service and Utility Installations
24. Restaurants
25. Retail Sales
26. Taverns/Bars
27. Theaters, Indoor and Outdoor
28. Veterinary Clinics and Hospitals
29. Warehouses
30. Accessory Structures – up to a total of 400 s.f. – over 400 see Sec. 803

SECTION 803. SPECIAL USES.

1. Automotive Gasoline and Service Sales
2. Centers for a collective grouping of two (2) or more of the principal Permitted Uses in this district
3. Drive-In Retail and Service Establishments
4. Energy Storage Facilities
5. Manufactured Home Sales
6. Miniature Golf Courses
7. Parks/Playgrounds
8. Substance Abuse Rehabilitation Facilities
9. Temporary Transient Amusement
10. Wholesale Business
11. Accessory Structures – over 400 s.f. – under 400 see Sec. 802
12. Manufacturing which is non offensive to the neighboring land uses with no outdoor storage of raw material or of finished product is allowed. All types of production activities shall occur within a fully enclosed facility, meeting all Michigan and federal environmental laws, regulations and requirements.

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 804. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet per principal use without sewer and water. Ten thousand (10,000) square feet per principal use with sewer or water.
2. Lot Width, minimum – One hundred and fifty (150') feet without sewer. Eighty (80') feet with sewer.
3. Front Yard, minimum – Eighty (80') feet from the centerline of the roadway.
4. Rear Yard, minimum – Fifty (50') feet.
5. Side Yard, each, minimum - Ten (10') feet, twenty-five (25') feet for both side yards.
6. Height, maximum – Thirty-five (35') feet.
7. Lot coverage, maximum percent – None.
8. Accessory Structure Regulations
 - a. May not exceed 400 sq. ft. per site without a Special Use Permit.
 - b. No portion may be erected in the front yard.
 - c. Must have a minimum setback of 10 feet from side lot lines and 25 feet from the rear lot lines. If lot lines are adjacent to a road right-of-way, the required minimum setback is 80 feet from the centerline of the road.

CHAPTER 9**HC – Heavy Commercial District Regulations**

SECTION 901. INTENT AND PURPOSE. This District is intended primarily for light manufacturing uses that possess few, if any, nuisance characteristics pertaining to the potential for explosion, radioactivity, smoke, dust, noxious or harmful wastes that would pollute streams or soil, vibration, noise, or odor. This District also contemplates uses of land that are not within the scope of Permitted Uses in the commercial and residential district but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established.

SECTION 902. PERMITTED USES.

1. Auto, RV, Vehicle, Bike, Farm Implement Sales and Rental
2. Bed and Breakfasts
3. Building Materials Sales
4. Car Washes
5. Commercial Garages
6. Commercial Schools
7. Commercial Recreation
8. Day Care/Child Care
9. Dry Cleaning and Laundry Stores
10. Financial
11. Funeral Homes
12. Golf Driving Ranges
13. Greenhouses/Nurseries
14. Grocery Stores
15. Institutions - Educational, Social, Religious, Health
16. Laboratory
17. Mini-storage
18. Motel/Hotel
19. Offices
20. Outdoor Sales, Permanent
21. Personal Services
22. Public Buildings
23. Public Service and Utility Installations
24. Restaurants
25. Retail Sales
26. Taverns/Bars
27. Theaters, Indoor and Outdoor
28. Veterinary Clinics and Hospitals
29. Warehouse and distribution
30. Accessory Structures – up to a total of 400 s.f. – over 400 see Sec. 903.
31. Bulk Handling
32. Contractor Buildings, Storage Yards for building and other types of construction
33. Manufacturing with no outdoor storage of raw materials is allowed. All types of production activities shall occur in a fully enclosed facility, meeting all Michigan and federal environmental laws, regulations and requirements. Finished products may be stored outside and may be offered for retail sale. Outside storage shall comply with other sections of this zoning ordinances included fences, hard surfaces, and accessibility.
34. Commercial Broadcast, Electronic
35. Storage
36. Truck Terminals
37. Warehousing

SECTION 903. SPECIAL USES.

1. Accessory Structures – over 400 s.f. – under 400 see Sec. 902.
2. Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paints and Chemicals
3. Energy Storage Facilities

4. Planned Industrial Parks for the collective grouping of two (2) or more of the principal Permitted Uses in this district
5. Wholesale Business

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 904. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – One acre or forty-three thousand five hundred sixty (43,560) square feet without sewer or water and twenty-one thousand seven hundred eighty (21,780) square feet with sewer and water.
2. Lot Width, minimum – Two hundred (200') feet without sewer and one hundred twenty (120') with sewer.
3. Front Yard, minimum – Eighty (80') feet from the centerline of the roadway.
4. Rear Yard, minimum – Fifty (50') feet.
5. Side Yard, each, minimum – Twenty-five (25') feet each or fifty (50') feet total side yards.
6. Height, maximum – Thirty-five (35') feet.
7. Lot coverage, maximum percent – None.
8. Accessory Structure Regulations
 - a. May not exceed 400 sq. ft. per site without a Special Use Permit.
 - b. No portion may be erected in the front yard.
 - c. Must have a minimum setback of 10 feet from side lot lines and 25 feet from the rear lot lines. If lot lines are adjacent to a road right-of-way, the required minimum setback is 80 feet from the centerline of the road.

CHAPTER 10

I – Industrial District Regulations

SECTION 1001. INTENT AND PURPOSE. The purpose of this Section is to establish and preserve areas for industrial and related uses of a nature so that they do not create serious problems of compatibility with other kinds of land uses. This district is intended to make provisions for medium to heavy industrial uses and for certain kinds of business uses that are most appropriately located as neighbors of industrial uses or that are necessary to service the immediate needs of the businesses in these areas.

SECTION 1002. PERMITTED USES.

1. Bulk handling.
2. Contractor buildings, storage yards for building, other construction
3. Commercial broadcast, electronic
4. Storage
5. Truck terminals
6. Warehousing
7. Commercial Garages
8. Bulk Blending Plants
9. Elevators
10. Flammables Storage
11. Machine Shops
12. Manufacturing
13. Metal Plating and Finishing
14. Mini-storage
15. Outdoor Storage
16. Public Service and Utility Facilities
17. Research and Development Establishments
18. Commercial Schools
19. Rail Freight Terminals
20. Wholesale Business
21. Accessory Structures

SECTION 1003. SPECIAL USES.

1. Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paints and Chemicals
2. Energy Storage Facilities
3. Junk Yards
4. Medical Marihuana Caregiver Distribution Facility
5. Medical Marihuana Growing Facility
6. Planned Industrial Parks for the collective grouping of two (2) or more of the principal Permitted Uses in this district
7. Sewage Treatment and Disposal
8. Sexually Oriented Businesses

Regulations for Special Uses are found in Chapter 15, Special Use Permit Regulations.

SECTION 1004. DIMENSIONAL REGULATIONS.

1. Lot Area, minimum – Forty-three thousand five hundred sixty (43,560) square feet with sewer or water; Eighty-seven thousand one hundred twenty (87,120) square feet without sewer or water.
2. Lot Width, minimum – Two hundred (200') feet without sewer and water, one hundred twenty (120') with sewer or water.
3. Front Yard, minimum – Eighty (80') feet as measured from the centerline of the roadway.
4. Rear Yard, minimum – Fifty (50') feet.
5. Side Yard, each, minimum – twenty (20') feet, fifty (50') feet for both side yards.
6. Height, maximum – Forty (40') feet.
7. Lot coverage, maximum percent – None.

8. Accessory Structure Regulations – Must comply with all dimensional regulations for the Industrial district. The structures may not be constructed inside the required front, side, or rear yards.

CHAPTER 11

General Regulations

SECTION 1101. USE REGULATIONS.

1. **LAND USE PERMITS REQUIRED.** All construction requires a land use permit unless expressly exempted by this Ordinance.
2. **PRIOR LAND USE PERMITS.** Any land use permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within two (2) years of the date of issuance, except as provided in the currently adopted construction code.
3. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any lot for occupancy or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Central Michigan District Health Department and applicable State agencies.
4. **INOPERATIVE OR DISMANTLED VEHICLES.** See Pine River Township Blight Ordinance.
5. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines 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. No vehicle, trailer, boat or other conveyance shall be parked or stored upon any lot in such a manner as to hinder or obstruct the clear vision of motorists or pedestrians on the public thoroughfare or entering or exiting the lot.
6. **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish, except domestic compost generated by a single family and stored on that family's residential lot, may be stored for a period of more than two weeks. No garbage or rubbish of any kind may be stored in a manner so as to cause hardship, health hazard, or annoyance to a reasonable person on any adjoining properties. Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6') foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.
7. **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial districts, except where otherwise expressly provided in this Ordinance, the open storage of any equipment, vehicles and all materials shall be screened from public view, from any street and from adjoining properties by an enclosure consisting of a visual barrier or opaque screen equal in height to the equipment, vehicles and all materials to be stored. In no instance shall the visual barrier be less than four feet six inches (4'6") in height measured from the surface of the adjacent building flooring.

8. **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the State Construction Code.
 - b. All such buildings or structures shall be constructed and located per State and federal requirements.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State rules and regulations as established by Public Act 207 of 1941 as amended.
9. **HEAVY EQUIPMENT STORAGE.** Overnight parking of commercial vehicles in excess of one and one-half (1½) tons rated capacity, including all semi truck tractors and trailers, is allowed in all districts except in any Residential Zoning District where the lot is less than one (1) acre in area. If there is deed restriction to limit heavy equipment storage, that deed restriction will take precedence over this regulation. This regulation does not apply to emergency vehicles or equipment.
10. **NONCOMMERCIAL DOMESTICATED ANIMALS.** Large domestic animals that are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted in AG Zoning District on a minimum of two (2) acres for the first animal and one (1) acre for each additional animal. Noncommercial domesticated animals are not permitted in any other district.

SECTION 1102. DWELLING REGULATIONS.

1. **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Manufactured Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Manufactured Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
2. **MANUFACTURED HOME INSTALLATION.** In the event that a dwelling is a Manufactured Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission. Each Manufactured Home must have a perimeter wall or skirting that has the same dimensions as the Dwelling. No Manufactured Home shall have any towing mechanism, undercarriage or chassis exposed.
3. **MAINTENANCE.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
4. **ONE DWELLING PER LOT.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a lot, except in the case of a duplex or multi-family zoned district, a duplex or multi-family building would be allowed.
9. **FOUNDATION.** All single family dwellings, other than Manufactured Homes, must be firmly attached to a permanent foundation meeting the adopted State Construction Code or alternatively established requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
10. **DIMENSIONS.** All single family dwellings must have a minimum width across any front, side and rear elevation of twenty (20') feet and comply in all respects with the State Construction Code, including minimum heights for habitable rooms.
11. **EXTERIOR DOORS.** Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.

12. ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in any district is to be used as a dwelling.
13. ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards
14. BASEMENT AS DWELLING. No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the State Construction Code in effect in the Township
15. SINGLE FAMILY EARTH, BERM OR COVERED DWELLING UNITS. Single family earth homes must meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure must meet the height and yard setback requirements for all yards
16. SOLAR BUILDINGS. Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.
17. STATE LICENSED RESIDENTIAL FACILITY. No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another State licensed residential facility.
18. PONDS LESS THAN ONE ACRE. This Section applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Pine River Township. Oil wells are specifically exempted from this Section, and are solely regulated by the Michigan Department of Natural Resources.

Ponds less than one (1) acre in size shall be permitted by Land Use Permit only. Ponds permitted by this Section shall be required to submit a site plan and abide by all the construction and operation requirements of the Zoning Ordinance. Ponds greater than one (1) acre in size shall require site plan review by the Planning Commission.

- a. ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN. The Site Plan for any activity regulated by this Section must include the following additional information.
 - 1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5') foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - 2) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- b. EXCAVATION SITE REQUIREMENTS.
 - 1) Avoid sites of ecological significance, such as wetlands or mature forests. If wetlands are to be affected, a State permit may be needed.
 - 2) Excavations that create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
 - 3) Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.
- c. CONSTRUCTION AND OPERATION REQUIREMENTS.
 - 1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
 - 2) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal that extends below the projected low water surface elevation to a depth of at least eight (8') feet.
 - 3) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.

- 4) Any excavated material not removed from the site shall be graded to a continuous slope that does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- 5) By October 15 of each year, the completed portion of an excavation and any disturbed area around it shall be graded and seeded.
- 6) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 8:00 a.m. or after 6:00 p.m., Monday through Friday.
- 7) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.

SECTION 1103. LOT REGULATIONS.

1. **MINIMUM LOT FRONTAGE IN LDR and HDR.** All lots shall have the required minimum lot width at the building line and at the lot line where the lot fronts on the abutting road. All lots shall front on a public road.
2. **MINIMUM LOT FRONTAGE IN AG.** All lots shall have the required minimum lot width at the building line and at the lot line where the lot fronts on the abutting road. All lots shall front on a public road, except that in the AG District only, a lot may be permitted that does front on a public road, provided that: (1) The access to the lot from a public road shall be an easement at least 20 feet wide; (2) The minimum lot width at the building front yard lot line shall be 150 feet; and 3) The lot is a minimum of 2 acres in size.
3. **ACCESS TO A STREET.** All lots created after the effective date of this Ordinance, except those lots in the AG District that qualify as provided above, shall front directly upon and shall have direct access to a public street. In addition, any lot created after the effective date of this Ordinance and in a Commercial Zoning District shall have a hard surfaced approach to a public street or an approved driveway.
4. **CONTIGUOUS LOTS.** Lots that are contiguous and under one ownership shall be considered one lot for purposes of this Ordinance.

SECTION 1104. ACCESSORY STRUCTURE REGULATIONS.

1. **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures as established in the DIMENSIONS TABLE and the DISTRICT REGULATIONS in this Ordinance must be adhered to, as well as any requirements listed in this Section. See Chapter 13, Off-Street Parking, for additional regulations.
 - a. Structural elements such as cornices, sills, chimneys, gutters, and similar features may project a maximum of two and one-half (2½') feet.
 - b. Fire escapes, outside stairways, and balconies, if of open construction, may project a maximum of five (5') feet.
 - c. Signs shall be subject to the provisions of Chapter 14, Signs.
2. **PERMITTED HEIGHT EXCEPTIONS FOR ACCESSORY STRUCTURES.** The following exceptions may be permitted to height limitations for the below-specified accessory structures, subject to an approved site plan. These permitted accessory structures shall not be for human occupancy or dwelling.
 - a. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.

- b. Special structures, such as religious institution steeples, chimneys or smoke stacks, radio or television transmitting towers or antennae, or microwave relay towers shall be permitted to a maximum height of one hundred seventy-five (175') feet in the LC or HC Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses.
- c. Residential television antennae or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.

SECTION 1105. BUFFERING REGULATIONS.

- 1. **INTENT AND PURPOSE.** The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

The objectives of this approach are to give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means, and to encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

- 2. **SITUATIONS REQUIRING A BUFFER.** Buffers are required on commercial or industrial property on the side that abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any lot used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- 3. **LOCATION.** Buffer yards shall be located on any lot where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the buffer yard will be 100% within the boundaries of the proposed new land use. These buffer yards shall be located on the side and rear lot lines of a lot extending to the lot boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way or yard.
- 4. **BUFFER YARD REQUIREMENTS.** The type of buffer yard required shall be determined based on the proposed new land use and existing land use as a joint activity among the proponent, the neighboring land use and the Planning Commission. Buffers may consist of any suitable combination of landscaping, fences, berms, distance or other mutually agreed upon means.
 - a. The Planning Commission, proponent and any neighboring land user shall determine the character of the buffer based on the following criteria:
 - 1) Traffic impact.
 - 2) Increased building and parking lot coverage.
 - 3) Increased outdoor sales, display and manufacturing area.
 - 4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - 5) Visual, noise and air pollution levels.
 - 6) Health, safety and welfare of the Township.

Where consensus cannot be reached, the Planning Commission shall determine the appropriate buffer using information from all parties and sound judgment. The justification for any buffer determined under these conditions must be documented in the site plan and minutes of the meeting where the buffer was determined.

- b. **Buffer Yard Types and Development Standards:** buffer yard requirements are stated in terms of the depth of the buffer yard and the number of plant units required per every 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated for any given buffer yard type.

- 1) Where required, berms shall be a minimum of three (3') feet in height measured from the average grade at the base to the top of the berm with a slope not greater than three (3) feet of run for each one (1') foot of rise. Additional plant materials, sufficient to provide a virtually opaque barrier may be substituted for a fence, where an opaque fence is required, upon approval of the Planning Commission after consultation with adjacent property owners or occupants.
- 2) Where required by this Ordinance, plant material shall be as follows:
 - a) Deciduous trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet on centers.
 - b) Evergreen trees shall be planted not more than thirty (30') feet nor less than ten (10') feet on centers.
 - c) Multi-stem deciduous trees shall be planted not more than ten (10') feet on centers.
 - d) Deciduous shrubs and spreading evergreens shall be planted not more than five (5') feet nor less than four (4') feet on centers.
 - e) Where plant materials are planted in two (2) or more rows, planting shall be in staggered rows.
- c. Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
- d. If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- e. Buffers are required to extend into the front yard area but shall not be closer to a road right-of-way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right-of-way if it deems it necessary to accomplish the intent of this Ordinance.
- f. All plantings, including grass, must be maintained in good healthy condition and must be replaced if they should die at any time.
- g. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- h. The Planning Commission may require a Performance Guarantee in the form of cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All performance guarantees must be deposited with the Township prior to the issuance of a land use permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a lot and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.

SECTION 1106. FENCES, WALLS AND NONBOTANICAL SCREENS. Whenever fences are required or permitted by this Ordinance or by any site plan or special use permit granted under this Ordinance, they shall comply with the requirements of this Section. Fences are not subject to district setbacks or yard requirements. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited except in agricultural districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.

1. **RESIDENTIAL DISTRICTS.** Fences, walls and screens shall not exceed six (6') feet in height in any side or rear yard. Fences shall not exceed four (4') feet in height in any front yard and three (3') feet in height in any front yard or in front of the principal building line where clear vision is required due to a corner or a driveway.
2. **OFFICE AND COMMERCIAL DISTRICTS.** Fences, walls and screens shall not exceed eight (8') feet in height in any side or rear yard. Fences shall not exceed four (4') feet in height in any front yard and three (3') feet in height in any front yard where clear vision is required due to a corner or a driveway.
3. **INDUSTRIAL DISTRICTS.** Fences, walls and screens shall not exceed twelve (12') feet in height in any side or rear yard. Fences shall not exceed six (6') feet in height in any front yard and three (3') feet in height in any front yard where clear vision is required due to a corner or a driveway.

4. **HEIGHT MEASUREMENTS.** The height of a fence shall be measured from the ground level at the lowest grade within one (1') foot of any side of a fence post, except the height of a retaining wall, or a fence located on a top of a retaining wall, which shall be measured from the ground level at the higher side of the wall.
5. **VISION CLEARANCE.** No fence shall be erected or maintained on any lot that will obstruct the view of the driver of a vehicle approaching an intersection. In the case of corner lots, there shall be provided an unobstructed triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25') feet from the intersection of the right-of-way lines, or in the case of a rounded corner, from the intersection of the street right-of-way lines extended.
6. **LOCATION OF FENCES.** All fences shall be located entirely on the property of the owner of the fence, unless adjoining property owners jointly erect a fence upon the common property line.
7. **RETAINING WALLS.** Retaining walls shall be regulated as fences and shall be subject to the provisions of this Section if the wall extends more than three (3') feet above the adjacent ground level. Fences shall be required on top of retaining walls as required by the Michigan State Construction Code.
9. **FENCES ON PUBLIC LAND.** Fences that enclose public parks and recreation areas, playgrounds and buildings shall be permitted in any required yard. Fences that enclose public utility installations shall not be permitted within a required side yard in a residential zoning district, but shall be permitted in any required yard in all other zoning districts.
- 1). **MAINTENANCE.** Fences shall be maintained so as not to endanger life or property. Any fence that, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Administrator or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.

CHAPTER 12

Nonconforming Uses

SECTION 1201. INTENT. The intent of this Section is to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.

SECTION 1202. LEGALITY OF NONCONFORMITIES. Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations that were in effect at the time the nonconformity was created.

LEGAL nonconformities are those that meet all the applicable criteria listed below. Temporary signs are not considered legal nonconforming structures.

1. The nonconformity existed legally before the effective date of this Ordinance.
2. The nonconformity complied with the District Regulations of the previous Zoning Ordinance, or existed legally through a special use permit or variance.
3. Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road-right-of way.
4. Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.

SECTION 1203. LOSS OF LEGAL NONCONFORMING STATUS. Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

SECTION 1204. EXPANSION OF NONCONFORMITY PROHIBITED. No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

SECTION 1205. REPAIR, RECONSTRUCTION AND RESTORATION. Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, wear, casualty or act of God, provided that such repair does not exceed an aggregate cost of sixty (60%) percent of the State equalized value of the building immediately prior to the repairs unless the subject building is changed by such repair to a conforming building or structure. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Single family dwellings in all districts are exempt from this section, provided that they comply with all setback and dimensional requirements in the District in which they are located.

SECTION 1206. PRIOR CONSTRUCTION APPROVAL. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a land use permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the land use permit.

SECTION 1207. CHANGING USES. If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the Zoning District in which it is located than the nonconforming use that is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

SECTION 1208. ELIMINATION OF NONCONFORMING USES. It is the intent of this Ordinance to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provision of this Ordinance.

SECTION 1209. NONCONFORMING LOTS. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a District may be erected on a single unimproved lot that was lawful and in existence as a matter of record prior to the effective date of this Ordinance and was lawful and in existence as a matter of record prior to any predecessor to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located.

If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided lot for the purposes of this Article. No portion of said lots shall be used or occupied that does not meet lot width and area requirements established by this Ordinance, nor shall any division of the lot be made that leaves remaining any lot with width or area below the requirements stated in this Ordinance.

CHAPTER 13

Off-Street Parking, Loading and Unloading Requirements

SECTION 1301. INTENT. This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as to promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 1302. CONSTRUCTION AND DESIGN. Regulations in this Section apply to all nonresidential uses in all districts.

1. **APPLICATION.** All developers of new or revised parking areas shall submit plans to the Township Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, public utilities and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval by the Zoning Administrator.
2. **STANDARDS.** The design and construction of parking areas shall conform to the following requirements:
 - a. Parking spaces shall be at a minimum ten (10') feet by twenty (20') feet in size. This does not include access driveways and aisles. Designated handicapped spaces must conform to the Michigan Barrier-Free Code.
 - b. **HANDICAPPED SPACES** – All parking areas shall meet the requirements of all current laws related to handicapped accessible parking.
 - c. **AISLES:** Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 - 1) For ninety (90°) degree or perpendicular parking, the aisle shall not be less than twenty-six (26') feet in width.
 - 2) For sixty (60°) degree parking, the aisle shall not be less than thirteen (13') feet in width for each direction of traffic.
 - 3) For forty-five (45°) degree parking, the aisle shall not be less than thirteen (13') feet in width for each direction of traffic.
 - d. **LIGHTING.** Lighting fixtures used to illuminate off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads.
 - e. **DRAINAGE.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials that will have a dust-free surface resistant to erosion by wind and water.
 - f. **BACKING ONTO PUBLIC ROAD.** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
 - g. **DRIVEWAY OPENING.** Each driveway opening that connects an off-street parking area to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle where possible.
 - h. **CLEAR VISION AREA.** All off-street parking driveways shall have a clear vision area unobstructed by accessory structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet from the curb in either direction.
 - i. **STRIPING.** Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with striping that shall be maintained.
 - j. **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area,

- exclusive of access driveways, and the nearest right-of-way line. Landscaping may not obstruct the clear vision area.
- k. **PAVED SURFACE SALES SPACE.** Portions of the required yard must be paved if used for sales space unless the use is conducted pursuant to a temporary use permit granted under Section 1522.
 - l. **SCREENED.** Off-street parking areas shall be effectively screened on any side that abuts a residential use or institutional use by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
 - m. **ACCESS DRIVEWAYS** to and from an off-street parking area shall be paved. Access driveways are not part of the required parking area. Design and construction of access driveways must be reviewed and approved by the Township staff and, in the instance of Monroe Road (M-46) and BR-127, by the Michigan Department of Transportation following the site plan review at the Township.
 - n. **HARD SURFACE.** In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be a paved surface with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
3. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single-family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access driveways associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared driveways must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
4. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this Ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.
5. The **OCCUPANCY** of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
6. Parking spaces may **COUNT TOWARD THE REQUIREMENT** for a Lot if they are located on it or on an adjoining Lot where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

SECTION 1303. RESIDENTIAL DISTRICTS

- 1. **APARTMENTS.** Apartments require two (2) spaces per dwelling unit. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet, exclusive of access driveways or aisles. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- 2. **OTHER USES.** For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- 3. **REPAIR WORK.** No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

SECTION 1304. COMMERCIAL DISTRICTS

1. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.
2. **PARKING SURFACE.** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries, parks and other outdoor recreational uses.
3. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the Planning Commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance that is not less than six (6') feet in height.

In no case shall loading or unloading take place in such a manner that the right-of-way is occupied, clear vision area obstructed or safe and efficient circulation negatively impacted.

4. **BONUS FOR COMBINED PARKING.** Where there is more than one use in a single structure, the following off-street parking regulations may apply:
 - a. For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - b. For three (3) uses, seventy-five (75%) percent.
 - c. For four (4) uses, seventy (70%) percent.
 - d. For five (5) or more, sixty-five (65%) percent.
 - e. In no case shall less than sixty-five (65%) percent be allowed.
5. **OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.**
 - a. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
 - b. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
 - c. Drive-through lanes shall not utilize any space that is necessary for adequate access to parking spaces from internal maneuvering lanes.
 - d. Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
 - e. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
 - f. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance that is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
Child Care Center	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Township Planner.

Source: American Planning Association Parking publications

6. **USE OF PARKING AREAS.** No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance.

SECTION 1305. INDUSTRIAL DISTRICTS

1. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, that is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the Planning Commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance that is not less than six (6') feet in height.

In no case shall loading or unloading take place in such a manner that the right-of-way is occupied, clear vision area obstructed or safe and efficient circulation negatively impacted.

2. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift.
3. **UNCLASSIFIED USES.** In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.
4. **BONUS FOR COMBINED PARKING.** Where there is more than one use in a single structure, the following off-street parking regulations may apply:
 - a. For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - b. For three (3) uses, seventy-five (75%) percent.
 - c. For four (4) uses, seventy (70%) percent.
 - d. For five (5) or more, sixty-five (65%) percent.

e. In no case shall less than sixty-five (65%) percent be allowed.

5. **PARKING SURFACE.** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries, parks and other outdoor recreational uses.

SECTION 1306. OFF-STREET PARKING REQUIREMENTS. In all Districts, except those AG District uses relating to Agriculture, but not including Agribusinesses, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- B. Parking spaces may be provided for all types of vehicles in garages, other completely enclosed structures, covered structures or designated outdoor parking areas, provided all such off-street parking shall meet all requirements of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access driveways or parking space access aisles, and shall be of usable shape and condition. There shall be provided a minimum access driveway of ten (10) feet in width for one-way traffic and eighteen (18) feet for two-way traffic, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 - 1) For 90 degree or perpendicular parking the aisle shall not be less than 22 feet in width.
 - 2) For 60 degree parking the aisle shall not be less than 18 feet in width.
 - 3) For 45 degree parking the aisle shall not be less than 13 feet in width.
- D. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces.
- E. Every lot hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
 - 1) All off-street parking spaces shall not be closer than the required front, side and rear yard setbacks in the zoning district in which they are located to any property line.
 - 2) All driveways accessing parking areas and all parking areas shall be hard surfaced and planting islands and walkways in parking areas shall be edged with curb and gutter.
 - 3) All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be hard surfaced.
 - 4) Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
 - 5) All off-street parking areas providing more than five (5) parking spaces shall be lighted and landscaped in accordance with this Ordinance.
 - 6) All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
 - 7) Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contain two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- F. For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

- 1) Floor area. In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- 2) Places of assembly. In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet of the floor area of the place of assembly.

G. Off-street parking space requirements. The minimum required off-street parking spaces are set forth as follows:

- 1) Automobile or Machinery Sales and Services Garages: One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
- 2) Banks, Business, and Professional Offices: Two (2) parking spaces for each 200 square feet of floor are, plus one (1) parking space for each employee working during maximum employment hours.
- 3) Barber Shops and Beauty Parlors: Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
- 4) Boarding and Lodging Houses: One (1) parking space for each bed.
- 5) Bowling Alleys: Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
- 6) Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, and Assembly Halls other than Schools: One (1) space for each three (3) seats or for each three (3) persons permitted in such buildings as determined by the State Fire Marshall.
- 7) Clinic: Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.
- 8) Convalescent or Nursing Home, Orphanage, or Similar Use: One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.
- 9) Drive-In Banks, Cleaners, and Similar Businesses: Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.
- 10) Dwelling (Single and Two-Family): Two (2) parking spaces for each family dwelling unit.
- 11) Dwelling (Multiple Family and Mobile Home Parks): Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
- 12) Funeral Homes and Mortuaries: Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus (1) space for each employee working during maximum employment hours.
- 13) Furniture, Appliance Stores, Household Equipment, and Furniture Repair Shops: One (1) space for each 400 square feet of floor area, plus one (1) space for each employees working during maximum employment hours.
- 14) Gasoline Filling and Service Stations: One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.
- 15) General Office Building: One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.
- 16) Hospitals: One (1) space for each bed, plus one (1) space for each employee working during maximum employment hours.
- 17) Hotels, Motels, Lodging Houses, Tourist and Boarding Homes: One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.
- 18) Libraries, Museums, Post Offices: One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
- 19) Livestock Auction One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
- 20) Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories, or other related, permitted Industrial Uses: One (1) space for each employee working during the largest working shift or one (1) space for every 550 square feet of total floor space, whichever is greater.

- 21) Restaurants, Bars, Taverns, Cocktail Lounges, Night Clubs, and Private Clubs: One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
- 22) Retail Stores: One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
- 23) Roadside Stands: Five (5) parking spaces, plus one (1) for each twenty-five (25) square feet of floor area.
- 24) Schools; Private or Public, Elementary and Junior High Schools: One (1) space for each employee working during the minimum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
- 25) Senior High Schools and Institutions of Higher Learning, Private or Public: One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, gymnasium, and an athletic field if they are included.
- 26) Self-Service Laundry or Dry Cleaning Stores: One (1) space for each two (2) washing and drying machines, plus one (1) space for each employee working during maximum employment hours.
- 27) Supermarket, Self-Service Food and Discount Stores: Two (2) spaces for each 200 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
- 28) Warehouse and Distribution Centers: Five (5) spaces plus one (1) space for each employee in the largest working shift or one (1) space for every 1,500 square feet of total floor area plus five (5) spaces, whichever is greater.
- 29) Mini Warehouses: Five (5) parking spaces shall be provided adjacent to the office, in addition to any parking which may be required for other permitted uses on the same site.

If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Planning Commission.

CHAPTER 14

Signs

SECTION 1401. SCOPE. These Standards are adopted in order to:

1. Maintain and enhance the aesthetics of the community.
2. Enhance pedestrian and traffic safety.
3. Preserve public health, safety, and welfare.
4. Minimize the adverse effects of signs on nearby public and private property.
5. Minimize driver distraction.
6. Encourage appropriate plants and landscaping material.
7. Avoid excessive signage.
8. Protect and enhance the scenic views and natural landscapes.
9. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
10. Promote the use of aesthetically pleasing sign materials and colors.
11. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
12. Preserve the right to enjoy scenic amenities.
13. Enhance the effectiveness of necessary directional and warning Signs.
14. Preserve property values.
15. Provide for the effectiveness of Permitted Signs.
16. Avoid adverse lighting or reflection.
17. Require structurally safe Signs.

SECTION 1402. PERMIT PROCEDURE. Prior to construction or establishment of any Sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Administrator. A Sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit.

1. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a Sign and therefore shall not require a Sign Permit.
 - a. **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed Sign or on a theater marquee and similar approved Signs that are specifically designed for the use of replaceable copy.
 - b. **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a Sign or a Sign structure unless a structural change is made.
2. **SIGNS EXEMPT FROM PERMIT REQUIREMENTS.** The following exempt Signs are allowed in all zoning districts within the Township. All exempt Signs shall comply with setback provisions for the Zoning District in which they are located.
 - a. **CONSTRUCTION SIGNS.** These signs may be displayed during the construction period, commencing with the issuance of a land use permit. The signs shall have a maximum area of sixty-four (64) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
 - b. **SMALL SIGNS.** In the agricultural and LDR, HDR zoning districts, one (1) sign, no greater than twelve (12) square feet and not more than eight (8) feet in height, is permitted without a permit, provided it is located within the required yard.
 - c. **PRIVATE TRAFFIC DIRECTION SIGNS.** Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner. No directional sign shall exceed twelve (12) square feet and eight (8) feet in height.
 - d. **WINDOW SIGNS.** Window signs shall be secured on the inside of the building.
 - e. **PROPERTY SALE/LEASE SIGNS.** Signs advertising the sale or lease of property not to exceed twelve (12) square feet in agricultural and residential zones and sixty-four (64) square feet in commercial and industrial zones.

3. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator. The application shall include the following information:
 - a. Name, address, telephone number of the landowner, developer, or petitioner.
 - b. A map of the property at a scale of one inch equals twenty-five feet (1" = 25') showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, location of all public utilities, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
 - c. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length and width of the sign(s) and height between ground elevation and the bottom of the sign shall be noted.
 - d. All signs on developed commercial and industrial properties must have the address of the structure(s) clearly visible on the sign in reflective materials.
 - e. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
 - f. The proposed dates of construction and completion of the sign.
 - g. Structural information necessary to comply with all current construction codes.
 - h. In the case of a portable sign, the length of time the proposed sign will be on the site.
 - i. A fee shall be paid to Pine River Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.

4. **DURATION OF PERMIT FOR PORTABLE SIGNS.** All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days, not to exceed the guidelines below.

Zoning District	Duration of Permit	Permits per Lot
RESIDENTIAL(Non-Profit)	14 days	2 per year
AG/RES (All Other)	14 days	1 per year
COMMERCIAL	30 days	2 per year
INDUSTRIAL	30 days	2 per year

SECTION 1403. MEASUREMENT OF A SIGN. Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

SECTION 1404. TABLE OF SIGNS PERMITTED

District	Type	# per Lot	Size	Placement	Height
AG	•Non-dwelling use sign	1	50 sq. ft.	Within required yard	8 ft.
	•Small sign	1	18 sq. ft.	Within required yard	8 ft.
	•Wall sign	1	50 sq. ft.	Anywhere on bldg.	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
LDR HDR O	•Non-dwelling use sign	1	50 sq. ft.	Within required yard	8 ft.
	•Small sign	1	18 sq. ft.	Within required yard	8 ft.
	•Wall sign	1	12 sq. ft.	Any wall	Height of wall
	•Portable	1	32 sq. ft.	Within required yard	5 ft.
	•Subdivision/development	1	50 sq. ft.	Within required yard	8 ft.
LC HC I	•Wall		300 sq. ft.	Anywhere on bldg.	Height of wall
	•Marquee/Canopy		300 sq. ft.	On structure	Height of highest eave
	• Monument/freestanding		200 sq. ft.	Within required yard	25 ft.
	•Portable		48 sq. ft.	10' from ROW line	5 ft.
	•Electronic Message Board		48 sq. ft.	10' from ROW line	8 ft.

NOTES TO TABLE

In LC, HC and I districts:

- SIGN SIZE OTHER THAN SHOPPING CENTERS.** A maximum of one three hundred (300) square feet of sign area shall be permitted for all nonwall signs on each independently owned lot other than a shopping center. Only one freestanding sign is permitted per lot. No freestanding sign shall exceed two hundred (200) square feet in area and fifty (50) feet in height. If the freestanding sign does not exceed one hundred twenty eight (128) square feet, the total maximum signage per lot may be increased to a maximum of four hundred (400) square feet in sign area. See through lots and corner lots notes.
- WALL SIGN SIZE OTHER THAN SHOPPING CENTERS:** A maximum of three hundred (300) square feet of sign area shall be permitted for all wall signs on commercial lots other than a shopping center.
- WALL SIGNS ON UPPER FLOOR BUSINESSES.** No wall sign for businesses without ground floor frontage shall exceed fifty (50) square feet.
- FREESTANDING SIGNS FOR SHOPPING CENTERS.** Only one (1) monument or freestanding sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street on which it fronts. Individual occupants of a shopping center or integrated group of stores shall not be permitted individual freestanding signs.

In addition, each business in a shopping center or plaza shall be permitted one wall sign. The sign shall not exceed three hundred (300) square feet.

- ADDITIONAL BUILDING ENTRANCES.** One (1) sign not exceeding eight (8) square feet may be permitted per additional building entrance, exit or service window.

In AG, LDR and HDR and O districts:

- NONDWELLING USE SIGNS.** In the AG, LDR and HDR Districts, only non-dwelling use signs may be illuminated.

In all districts:

7. THROUGH LOTS. In the case of through lots (a lot or lots held under one ownership fronting on two streets) on a street, one monument/freestanding sign may be allowed per access. In this case the allowable sign size shall be two hundred (200) square feet per each location.
8. CORNER LOTS. In the case of a corner lot, situated on two or more streets, monument/freestanding signs may be permitted on two streets. In this case the allowable sign size shall be two hundred (200) square feet each.
9. POLITICAL CAMPAIGN SIGNS. All campaign signs relating to a particular election shall be removed fourteen (14) days after the election to which they pertain.

SECTION 1405. PROHIBITED SIGNS. All prohibited signs must be removed and are subject to the provisions of Section 1409. Signs are prohibited that:

1. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
2. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
3. Are not properly anchored or secured to a building or the ground.
4. Are located within any road right-of-way.

SECTION 1406. ILLUMINATION. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator. In the AG, LDR, HDR Districts, only non-dwelling use signs may be illuminated.

SECTION 1407. NONCONFORMING SIGNS. Nonconforming signs:

- a. Shall not be changed in such a way to remain nonconforming.
- b. Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

Portable or temporary signs are not considered to be lawful nonconforming structures.

SECTION 1408. CONSTRUCTION AND MAINTENANCE. The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Building Inspector.

SECTION 1409. VIOLATIONS AND REMOVAL.

1. Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
2. Upon discovery of a violation of this Article, the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed. If a sign is located in the right of way, the

Zoning Administrator is authorized to remove the sign immediately and proceed with the process outlined in this section.

3. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises where the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
4. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in (2) above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in (2) and (3) above.
5. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article, they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed. Recurring sign violations or inattention to violation notices will result in a shorter time period for removal than initial violations.
6. If the decision and order provided for in (5) above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
7. Nothing in this Section shall prevent the Zoning Administrator or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

SECTION 1410. ABANDONED SIGNS. A nonconforming sign shall be removed by the owner or lessee of the premises upon which the nonconforming sign is located when the use of the nonconforming sign has been abandoned. Whenever the use of a nonconforming sign has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon the nonconforming sign. At the end of this period of abandonment, the nonconforming sign shall be removed and any future signs shall be in conformity with the provisions of this Ordinance.

CHAPTER 15

Special Use Permit Requirements

SECTION 1501. INTENT, PURPOSE AND PROCESS OF A SPECIAL USE PERMIT.

1. **INTENT.** In contrast to the clear cut and objective process applied to permitted uses, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners that the standards for approving a Special Use have been met. The Special Uses that are designated for a particular Zoning District are generally complementary to the Permitted Uses without a special use permit. However, because of their unique characteristics or more intensive natures, these special uses require careful consideration of the welfare of adjacent properties and the community as a whole.
2. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as Special Uses for each Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a lot while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
3. **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
 - a. **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are explained in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
 - b. **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns established and explained by this Ordinance.
 - c. **PRECAUTION.** Compliance with the standards established by this Chapter does not automatically grant a right to establish a Special Use in a given Zoning District. Rather, the approval or disapproval of a Special Use is decided by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring lots, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
 - d. **PERMANENCE.** Once a Special Use Permit has been granted, it may be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. The Special Use permit may also be abandoned by nonuse as explained in this Chapter. Otherwise, the Special Use Permit "runs with the land" and may continue when the lot is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire, be abandoned or be revoked.

SECTION 1502. HOW A SPECIAL USE PERMIT IS REVIEWED.

1. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Pine River Township Zoning Administrator.
 - a. **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board and a site plan.
 - b. **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.

2. **SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the lot) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - b. **SEPARATE.** The rezoning shall be considered separately from the Special Use Permit.
 - c. **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 - d. **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
 - e. **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

3. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
 - a. **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - 1) **PUBLICATION & MAILING.** Notice shall be given by publication in a newspaper of general circulation in the Township at least 15 days before the hearing. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. All notices shall be given not less than fifteen days before the date the application will be considered for approval and shall include the nature of the request, the time, date and place of the hearing. Notices shall also contain the street addresses of all properties that are the subject of the request and when and where written comments will be received concerning the request.
 - 2) **DELAY AT APPLICANT'S REQUEST.** If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
 - b. **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place. The Planning Commission may deny, approve, or approve with conditions a request for a special use permit. The decision shall be incorporated into a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions.
 - 1) **OPEN MEETING.** The Open Meetings Act requires this vote to take place in an open public meeting.
 - 2) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date that is identified in the motion to table.
 - c. **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 14 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - d. **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.

- e. IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
4. STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT. Before approving or denying a Special Use Permit application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 14 and any applicable standards from this Chapter. In deciding a request for a special approval, the Planning Commission shall be governed by the following principles and standards:
 - a. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
 - b. In considering an application for a special approval, the following factors shall be considered:
 1. Whether all required information has been provided and fees paid.
 2. Whether the proposed use is specifically provided as a special approval use in the district in which the property is zoned.
 3. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan.
 4. Whether the proposed use will adversely affect neighboring lands.
 5. Whether the proposed use is compatible with and will not adversely affect the natural environment.
 6. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 5. CONDITIONS. The Planning Commission may impose reasonable conditions including, but not limited to, duration and review periods in granting a special use permit. Conditions imposed shall meet all of the following requirements:
 - a. 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 or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
 - c. Promote the use of land in a socially and economically desirable manner;
 - d. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
 - e. Be necessary to ensure compliance with the standards set forth in this Section.
 - f. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the owner of the subject property.

The Planning Commission may impose any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be established during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself and communicated to the applicant in writing. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself of both the applicant and the Planning Commission chairman.
 6. ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.
 7. REAPPLICATION. An application for a Special Use Permit that has been denied may not be resubmitted until one (1) year after the date of denial has passed.

8. **TERMS OF PERMIT.** A Special Use Permit consists of a Permit that specifies the Special Use that is to be allowed and any conditions that were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
9. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item 4., the permit remains valid as long as all of those conditions are met. However, the Township, via the Planning Commission, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.
 - a. **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
 - b. **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
 - c. **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
 - d. **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
 - e. **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

SECTION 1503. AUTOMOBILE SERVICE AND REPAIR/QUICK OIL CHANGE.

1. Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.
2. Minimum lot width shall be not less than one hundred (100') feet.
3. An automobile service station building shall be located not less than eighty (80') feet from the center of the roadway and not less than thirty (30') feet from any side or rear lot line abutting residentially zoned property.
4. Ingress and egress driveways shall not be less than fifteen (15') feet in width.
5. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30') feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight-foot-high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.
9. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
10. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this Ordinance.

SECTION 1504. BED AND BREAKFAST.

1. Each premises must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure, e.g., the kitchen shall not be remodeled into a commercial kitchen.
2. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
3. No bed and breakfast sleeping rooms shall be located in a basement or attic.
4. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.
5. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
6. Bed and breakfast occupants shall be limited to four (4) in one (1) room at any one (1) time.
7. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
8. A maximum of six (6) persons per each restroom will be permitted.
9. A sign of two (2) square feet, affixed flat against the dwelling and not illuminated, will be permitted.
10. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards with materials that maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
11. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

SECTION 1505. CHILD DAY CARE CENTER.

1. **FRONTAGE AND ACCESS.** Child care centers shall front on a county primary road or State trunk line road. The principal means of access to the facility for residents, visitors and employees shall be via the county primary road or State trunk line road. In no case shall access be off of a residential street.
2. **SETBACKS.** The principal building shall be set back at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
3. **OPEN SPACE.** Open space will be required and will be site specific.

4. SCREENING. Screening will be required and will be site specific.

SECTION 1506. HIGH INTENSITY USES AND WASTE TREATMENT OR DISPOSAL. Standards in this Section shall apply to all of the following uses in Zoning Districts where they are permitted Special Uses in the District Regulations for each zone. These uses are: Petroleum or inflammable liquids production, refining, storage, Junk Yard, Incinerator, and Sewage Treatment and Disposal Facility.

1. GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
2. GREENBELT, FENCE AND SETBACK. There shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs that will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be set back at least seventy-five (75') feet from any street right-of-way or neighboring property line.
3. NO HAZARDOUS OR TOXIC WASTE. No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any users listed in this Section.
4. TRUCK ACCESS. Routes for truck movement to and from the site shall be identified by the Gratiot County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
5. ACTIVITY RESTRICTIONS. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
6. FENCE REQUIREMENTS.
 - a. AROUND LANDFILL OR INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance that can be locked during hours when no operation is taking place.
 - b. AROUND JUNK YARD OR RESOURCE RECOVERY. A solid fence or wall at least eight (8') feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
 - c. AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8') feet high.
7. RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and re-vegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

SECTION 1507. PLANNED INDUSTRIAL PARK.

1. PERMITTED USES IN INDUSTRIAL PARK. Uses primarily engaged in research and light manufacturing activities.
 - a. Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
 - b. Distribution and Warehousing Plants.
 - c. Administrative, professional and business offices associated with and accessory to a permitted use.
 - d. Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
 - e. Agricultural uses, pending development.
2. DEVELOPMENT STANDARDS.
 - a. SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
 - b. FRONT YARD SETBACK. Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
 - c. SIDE YARD SETBACK. Ten (10') feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
 - d. REAR YARD SETBACK. The rear yard shall be thirty (30') feet.
2. SITE COVERAGE. Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
3. BUILDING HEIGHT. The maximum building height shall be thirty-five (35') feet.
5. BUILDINGS PER LOT. If there is more than one (1) building on a lot, it must be approved by the Gratiot County Building Department.
6. BUILDING CONSTRUCTION AND MATERIALS. All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings associated with the principal structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof-mounted units, shall be screened from view from any public street. At least thirty-five (35%) percent of the wall area on the front of the building shall be of face brick, stone, exposed aggregate or of other architectural masonry of equal standard.
 - a. The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
7. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
 - a. Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink or move in any animated fashion.
 - b. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
 - c. All signs attached to the building shall be flush mounted.
 - d. Only one (1) single faced or double faced sign shall be permitted on each street on which the lot fronts. No sign or combination of signs shall exceed one (1) square foot in area for each two hundred (200) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
 - e. A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this Section. Said sign shall not exceed maximum area of thirty-two (32) square feet.

- f. No ground signs shall exceed four (4') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side setback area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, or Construction Sign.
 - g. Wall Signs shall be fixture signs; Signs painted directly on the surface of the wall shall not be permitted.
8. **PARKING.** Each owner of a lot shall provide adequate off-street parking to accommodate all parking needs for the lot. Required off-street parking shall be provided on the lot of the use served, or on a contiguous lot or within eight hundred (800') feet of the subject lot. Where parking is provided on other than the lot concerned, a recorded document shall be filed with the Township and signed by the owners of the alternate lot stipulating to the permanent reservation of the use of the lot for said parking.

Exceptions to these guidelines shall be made where an approved Ridesharing program to service the Industrial Park is implemented.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking space for each full time employee (per shift).

9. **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
- a. Side and rear yard setback areas not used for parking or storage shall be landscaped, utilizing ground cover and/or shrub and tree materials.
 - b. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
10. **LOADING AREAS.** No loading shall be allowed that is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of ninety (90') feet from the street right-of-way line, or one hundred thirty (130') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
11. **STORAGE AREAS.** No outdoor storage shall be allowed.
12. **REFUSE COLLECTION AREAS.** All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the building materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
13. **LIGHTING.** All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.
14. **TELEPHONE AND ELECTRICAL SERVICE.** All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
15. **NUISANCES.** No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

**SECTION 1508. GOLF COURSES/COUNTRY CLUBS.**

1. The principal and accessory buildings shall be set back at least fifty (50') feet from all property lines.
2. Appropriate planting and screening shall be provided where the golf course abuts a residential lot.

SECTION 1509. INSTITUTIONS. Standards in this Section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations Chapter for each zone. These uses are: Religious, Social, Educational, Public Buildings, and Public Service Installations.

1. SITE LOCATION PRINCIPLES.

- a. It is desirable that any institutional structure or use to be located within a residential district should be located at the edge of a residential district, abutting either a business or industrial district or adjacent to public open space.
- b. Motor vehicle entrances should be made on a major thoroughfare, or as immediately accessible from a major thoroughfare. This is to avoid the impact of traffic generated by the institutional use upon the residential area.
- c. Site locations that offer a natural or man-made barrier that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.

2. DEVELOPMENT REQUIREMENTS. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6') feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principal collector thoroughfare.

3. KENNELS. No buildings or runs used for the keeping of animals shall be less than one hundred and fifty (150') feet from a lot line abutting a residential district.

4. SETBACKS. Kennels, animal shelters, and animal hospitals must be set back at least one hundred and fifty (150') feet from all property lines.

SECTION 1510. LIVESTOCK PRODUCTION FACILITIES AND ANIMAL FEEDING OPERATIONS.

Livestock Production Facilities and Animal Feeding Operations, as defined in this Ordinance, shall comply with the following regulations:

1. **COMPLIANCE WITH APPLICABLE LAWS.** Shall comply with all applicable local, State and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 *et seq*), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 *et seq*). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.
2. **SETBACKS.** The following requirements shall apply to every lot, building, structure or use on which an animal feeding operation or livestock production facility is located:
 - a. **Front Yard** – The minimum front setback shall not be less than the greater of one hundred (100') feet from the right-of-way or one hundred sixty-six feet (166') from the center of the road.
 - b. **Rear Yard** – The minimum rear setback shall not be less than fifty (50') feet.
 - c. When a proposed Animal Agriculture or Livestock Production Facility is within one hundred (100') feet of any dwelling, the lot owner of the proposed new use shall establish one of the following buffers on his lot adjacent to and along the contiguous boundary of the lot on which the dwelling is located:
 - 1) a buffer area (setback) of fifty (50') feet, or
 - 2) a berm four (4') feet, or more high, or
 - 3) solid wall four (4') feet, or more, in height, or
 - 4) a proportionately adjusted combination of the above

- 5) or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.
3. **MINIMUM LOT AREA.** No building, structure or use shall be established on any lot less than forty (40) acres.

SECTION 1511. INTENTIONALLY LEFT BLANK

SECTION 1512. MANUFACTURED HOME DEVELOPMENTS

1. **PERMITTED USES**

- a. Manufactured Home Developments, subject to the requirements established and regulated by the Manufactured Housing Commission rules, and the provisions of this Article.
- b. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of Manufactured Home Development residents.
- c. Accessory uses or structures such as Manufactured Home Development business office, laundry facilities, and home occupations otherwise permitted in residential districts under this Article.
- d. Public Service Installations

2. **COMPLIANCE WITH MANUFACTURED HOUSING COMMISSION RULES AND REGULATIONS.** No Manufactured Home Development shall be established unless the park complies with the rules and regulations of the Manufactured Housing Commission. The regulations of this Section shall also apply to the extent that they are not preempted by state or federal law.

3. **GREENBELT BUFFER.** Within the premises upon which a Manufactured Home Development is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.

- a. **Landscaping Materials.** If the Manufactured Home Development abuts an existing residential development, the development shall be required to provide screening along the boundary abutting the residential development. If a development abuts a nonresidential development, it need not provide screening. In all cases, however, a development shall provide screening along the boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs, at least three (3') feet in height, that are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping above. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer must be appropriate to the climate, and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.
- b. Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants that will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.
- c. The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant an exception during the preliminary plan review process.

4. **STREETS, SIDEWALKS AND PUBLIC WAYS.** Every Manufactured Home Development shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:
 - a. All streets within the Manufactured Home Development shall be paved with a hard surface in accordance with the most recent edition of the ASSHTO Standards.
 - b. Every street shall be designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.
 - c. Two-way streets within the Manufactured Home Development shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. All streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the Manufactured Home Development, the minimum width of each street, in addition to the traveled portion, shall be ten (10') feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.

5. **OFF-STREET PARKING AND DRIVEWAYS.**
 - a. Driveways shall be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.
 - b. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500') feet of the mobile home site it is intended to serve. The five hundred (500') feet shall be measured along a road or sidewalk.
 - c. In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snowmobiles, and the like.

6. **ILLUMINATION** All streets and sidewalk and areas open to travel by Manufactured Home Development residents shall be illuminated as follows:
 - a. Access points shall be lighted. If the adjacent public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of the thoroughfare.
 - b. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than 0.15 foot candles.
 - c. Internal roads, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.

7. **WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM.** Public sewer systems shall be required in a manufactured home development if available within two hundred (200') feet at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a State-approved sewage system.

8. **OPEN SPACE.** An open space dedicated to use by Manufactured Home Development residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first (51st) site is developed, this requirement shall apply to all the sites in both stages of the development.

9. **MOBILE HOME INSTALLATION.** Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

SECTION 1513. MINING, QUARRYING AND NATURAL RESOURCE EXTRACTION; POND CONSTRUCTION OVER ONE ACRE. The purpose of this Section is to allow quarrying, gravel processing and mining of minerals within the Township by Special Use Permit and under certain established conditions, and to minimize the impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

1. **STREET ACCESS.** All such operations shall be located on a major road for ingress and egress thereto, or on a road that does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads that are not "all weather" roads.
2. **SETBACKS AND GRADE LEVELS.**
 - a. Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred and fifty (150') feet to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.
 - b. No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
 - c. The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
 - d. No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other State commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.
3. **SIGHT BARRIERS.** Sight barriers shall be provided along all boundaries of the site that lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. 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 in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and that grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.
4. **NUISANCE ABATEMENT.**
 - a. **NOISE AND VIBRATIONS.** Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization 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.
 - b. **AIR POLLUTION.** Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- c. **HOURS OF OPERATION.** The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Friday.
- d. **FENCING.** In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes shall be eliminated as expeditiously as possible upon termination of operations.

5. RECLAMATION OF MINED AREAS.

- a. **TIME PERIODS.** Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- b. **STANDARDS.**
 - 1) All excavation shall be either to a water-producing depth of not less than five (5') feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, nonflammable, nonpolluting and noncombustible solids to ensure:
 - a) That the excavated area shall not collect stagnant water and not permit the same to remain; or,
 - b) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and that will be generally compatible with the adjoining land area.
 - 2) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope that shall not be steeper than one (1') foot vertical to three (3') feet horizontal.
 - 3) 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.
 - 4) 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.
 - 5) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the Zoning District in which they will be located under such plan may be retained.

- 6. **PERFORMANCE GUARANTEE.** A Performance Guarantee or cash shall be furnished the Township Clerk, ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than three thousand (\$3,000) dollars per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5') feet or more shall be deemed to be reclaimed areas to within fifteen (15') feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. In no event shall such financial guarantee be less than three thousand (\$3,000) dollars and the dollar amount of the guarantee shall be set by the Township Board.

7. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS.

a. **PLAN CONTENTS.** No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- 1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
- 2) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
- 3) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- 4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- 5) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred and fifty (150') feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
- 6) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

8. **ADDITIONAL CONDITIONS.** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where noncompliance exists. No revocation or failure to renew or extend a special use permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.

9. **INSPECTIONS AND CONFORMANCE.** Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance to the requirements of the approved special use permits. An aerial photo or a video tape in VCR format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.

10. **LIABILITY INSURANCE.** All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in an amount to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

SECTION 1514. OUTDOOR ASSEMBLY. Standards in this Section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses.

1. **ALL ACCESS FROM COUNTY PRIMARY ROAD.** All traffic ingress and egress shall be from a County Primary road or a State highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
2. **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
3. **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.
4. **SOLID WALL OR FENCE.** The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen facade at least eight (8') feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
5. **ENTRANCE GATES.** One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
6. **SCREENS.** Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

SECTION 1515. PARKS/PLAYGROUNDS.

1. **GENERAL REGULATIONS.** All parks/playground land uses in the Township, including those approved as permitted uses, must follow the below requirements.
 - a. **Lot Area.** The minimum area for the land use must be one-half acre.
 - b. **Vegetation.** A natural vegetation strip of at least ten feet wide shall be maintained between the land use and all other adjacent land uses.
 - c. **Outdoor Lighting.** Applicants must share details of any intended outdoor lighting including the fixtures used, the locations of such fixtures, and the hours of intended use for outdoor lighting. Outdoor lighting shall be managed in a manner to avoid unreasonable lighting impacts on adjacent or nearby land uses.
 - d. **Improvements.** All improvements for parks/playgrounds shall be maintained in good working order and shall be promptly removed or repaired should the improvements become damaged and/or a safety hazard for patrons.
 - e. **Sound.** Applicants must share details of any equipment they plan to use outdoors that will generate amplified noise (e.g., speakers for music, speakers for announcements, televisions outside, etc...). Should a land use intend to use amplified noise outdoors an applicant must provide a narrative that includes details on: (1) the equipment that will generate noise and how it will be used; (2) when the noise generating equipment will be used each day; (3) the steps taken to manage noise to not disrupt neighboring land uses. Use of additional equipment that generates amplified noise outdoors not depicted on the plan or otherwise approved by the Township is prohibited.
 - f. **Alcohol / Marihuana.** No one may consume or exchange alcoholic beverages or marihuana (including THC vapes or other substances) at a park/playground.
 - g. **Waste Management.** Parks/playgrounds must include adequate waste receptacles to manage waste generated by visitors. If a park/playground will allow pets, applicants must include a plan to handle pet waste.

SECTION 1516. INTENTIONALLY LEFT BLANK

SECTION 1517. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.

1. OCCUPANCY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements.
2. RESIDENT MANAGER. Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
3. REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of Community Health and the Michigan Department of Natural Resources that apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
4. GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs that will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be set back at least seventy-five (75') feet from any street right-of-way or neighboring property line.
5. ACCESS AND CIRCULATION. Each park shall be served by not more than one (1) point of access to each abutting street or road. No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred and fifty (150') feet in each direction on any abutting road and for twenty-five (25') feet on the park entrance road. Roadways within the park shall be dust free, and at least twenty-four (24') feet wide for two way traffic or twelve (12') feet wide for one-way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
6. PERSONAL CARE FACILITIES. Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
7. INDIVIDUAL CAMPSITE REQUIREMENTS. Each RV parking site or campsite shall be a minimum of twelve hundred (1,200) square feet in area and shall include the following amenities: an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard-surfaced parking area of at least two hundred (200) square feet.

SECTION 1518. RESTAURANTS/FAST FOOD WITH DRIVE THROUGH.

1. The principal and accessory buildings shall be set back a minimum of thirty (30') feet from any adjacent right-of-way line or residential property line.
2. A six (6') foot high masonry obscuring wall shall be provided adjacent to any residential district.
3. Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.

SECTION 1519. SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES.

1. INTENT. There are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding

neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

2. DISTANCE RESTRICTIONS.

- a. Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
- b. It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care center, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.

3. SIGNS AND PUBLIC OR EXTERIOR DISPLAY. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually Oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

4. PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS. When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

- a. **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
- b. **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
- c. **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
- d. **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

SECTION 1520. STATE LICENSED RESIDENTIAL FACILITIES FOR 7-12 PEOPLE.

- 1. **FRONTAGE AND ACCESS.** Such uses shall front on a County Primary or State Trunk Line. The principal means of access to the facility for patients, visitors and employees shall be via the Primary Road or State Trunk line. In no case shall access be off of a residential street.
- 2. **SETBACKS.** The principal building shall be set back at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
- 3. **OPEN SPACE.** Open space will be required and will be site specific.
- 4. **SCREENING.** Screening will be required and will be site specific.

SECTION 1521. SUBSTANCE ABUSE REHABILITATIONS CENTER.

- 1. **FRONTAGE AND ACCESS.** Such uses shall front on a County Primary or State Trunk Line. The principal means of access to the facility for patients, visitors and employees shall be via the Primary Road or State Trunk Line. In no case shall access be off of a residential street.

2. **SETBACKS.** The principal building shall be set back at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
3. **OPEN SPACE.** Open space will be required and will be site specific.
4. **SCREENING.** Screening will be required and will be site specific.

SECTION 1522. TEMPORARY USES.

1. **TEMPORARY USE PERMIT REQUIRED.** No person shall conduct a temporary use without first obtaining a temporary use permit from the Zoning Administrator.
2. **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Use Permit or approval is sought must accompany all permit requests.
3. **LENGTH OF PERMIT.** Except where otherwise specifically provided in this Ordinance, a temporary use permit may be granted by the Zoning Administrator for a maximum of three (3) consecutive months. Additional temporary use permits for the same or a similar type of temporary use on the same lot or to the same or a related applicant may be granted no sooner than one (1) month following the expiration of the previous permit. The total duration for all temporary use permits granted for the same or a similar type of temporary use on the same lot or to the same or a related applicant shall not exceed six (6) months in one (1) calendar year.
4. **TEMPORARY STRUCTURES.** Not more than one temporary structure for the display of sales items and not more than one temporary structure for the storage of sales items may be permitted by temporary use permit on each lot, provided the structures are not used for human shelter, and provided that each such structure meets all the following requirements:
 - a. It is no larger than one hundred and fifty (150) square feet,
 - b. There is no foundation,
 - c. No portion of the structure may become unattached or move as a result of wind,
 - d. It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor,
 - e. All such temporary structures must be removed prior to expiration of the temporary use permit.
5. **TEMPORARY USES REQUIRING SITE PLAN APPROVAL FROM PLANNING COMMISSION.** In addition to obtaining a temporary use permit, if the temporary use is proposed to continue for longer than three (3) days within any thirty (30) day period, then site plan approval from the Planning Commission is required in addition to a temporary use permit. The owner of the property on which the temporary use is proposed shall submit the site plan showing that the proposed temporary use will conform to all Ordinance requirements. This site plan may be an addition to any previously approved site plan for the property. Any violations of the site plan, the temporary use permit and this Ordinance are the joint and several responsibility of both the owner of the property on which such violations are located and the person operating the temporary use.
 - a. **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The site of the temporary use may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation of a site with a temporary use be permitted.
 - b. **TEMPORARY SIGNS.** Not more than one (1) temporary sign may be permitted on each lot, by temporary sign permit granted by the Zoning Administrator, for a duration of not more than thirty (30) individual days in any six (6) month period. Not more than two (2) temporary sign permits may be granted for one lot in any twelve month period.
 - c. **SANITARY FACILITIES.** Sanitary facilities for any temporary use must comply with Gratiot County Health Department requirements.
 - d. **SETBACKS.** Display, storage and sale of goods shall not take place within the required front, side or rear yards for the zoning district.
6. **TEMPORARY USES EXEMPT FROM SITE PLAN APPROVAL FROM PLANNING COMMISSION.** Temporary uses operated by Nonprofit Organizations (as defined in Chapter 18), may receive a temporary use permit from the Zoning Administrator, at no cost to the organization, and without site plan approval, provided that:

- a. The use is for three (3) days or less within a thirty (30) day period;
 - b. A sketch of the site and written description of the proposed activity is provided to the Zoning Administrator;
 - c. The organization agrees by authorized signature to consent to the conditions stated by the Zoning Administrator for the temporary use;
 - d. As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined; and
 - e. The temporary use location must meet all yard requirements of the zone in which it is located.
7. EXEMPT TEMPORARY USES. School fundraising activities are exempt from the requirements of this Section. Private garage sales and yard sales in the AG, LDR or HDR districts are exempt from the requirements of this Section.
8. TEMPORARY CONSTRUCTION FENCES. Temporary construction fences and fences required for protection around excavations, shall comply with the Michigan State Construction Code.

SECTION 1523. TEMPORARY DWELLINGS. Use of a Manufactured Home for a temporary Dwelling may be authorized by a temporary use permit only under the following circumstances.

1. WHILE SINGLE FAMILY DWELLING UNDER CONSTRUCTION. One (1) Manufactured Home, housing only the owner(s) of a residential lot and their immediate family members, may be placed on a residential lot for not more than one (1) year during the construction of a new single family dwelling on that lot, which may be renewed not more than once for the same period by the Zoning Administrator.
2. DURING REPAIR OF CONFORMING SINGLE FAMILY DWELLING. One (1) Manufactured Home, housing only the owner(s) of a residential lot and their immediate family members, may be placed on any residential lot for not more than six (6) months during the repair of a conforming single family dwelling on that lot under emergency conditions, which may be renewed not more than once for the same period by the Zoning Administrator.
3. ADDITIONAL REQUIREMENTS. All of the following requirements must be met before any temporary use permit may be issued for placement and temporary occupancy of a Manufactured Home.
 - a. UTILITIES. The proposed water supply and sanitary facilities must be inspected and approved by the Central Michigan District Health Department.
 - b. LAND USE PERMIT. A land use permit must have been issued to the lot owner(s) for construction or repair of a Single Family Dwelling on the lot.
 - c. COMPLY WITH DISTRICT REGULATIONS. Placement of the Manufactured Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
 - d. APPLICATION CONTENTS. All applications for a Temporary Use Permit for Manufactured Home and Recreational Vehicle occupancy shall be made to the Zoning Administrator and shall contain:
 - i. The name of the owner of the Manufactured Home.
 - ii. The location of the proposed parking site as to street or road and house number, business address or by legal property description where no house number or business address is available.
 - iii. The make, width and length of the Manufactured Home and the vehicle license number, if any.
 - iv. The date of the application.

SECTION 1524. TEMPORARY TRANSIENT AMUSEMENT OPERATIONS

1. Prior to commencement of a Temporary Transient Amusement Operation, the operator thereof shall obtain a temporary use permit therefor from the Zoning Administrator, conditioned upon compliance with all provisions applying to temporary uses and the provisions of this Section. The permit fee shall be as determined by the Township Board.

2. All Temporary Transient Amusement uses such as fairs, circuses, festivals or carnivals shall be located on sites large enough so as not to occupy or cover more than fifty (50%) percent of the area of a lot upon which it is located.
3. All fenced-in areas shall be set back at least one hundred (100') feet from any front road or property line.
4. Side and rear yards shall be at least one hundred (100') feet in depth from all adjacent lots.
5. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) roads or highways.
6. Temporary Transient Amusement uses are not permitted in any residential district.

SECTION 1525. MEDICAL MARIHUANA HOME OCCUPATION.

1. It is the intent of this section to exercise control over the permitted locations for the use, growing, cultivation, and transfer of Medical Marihuana and establish a basic set of standards for such use, growing, cultivation and transfer to meet the medical needs of a Medical Marihuana Patient or Medical Marihuana Caregiver. To the extent that it is otherwise lawful, the medical use, growing, cultivation or transfer of marihuana by not more than one (1) Medical Marihuana Caregiver or not more than one (1) Medical Marihuana Patient may be permitted in any LDR, HDR or Agricultural District as a Medical Marihuana Home Occupations by special use permit, subject to the standards set forth in this Sections 3.21 and 3.21a, and compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, and General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. Not more than one (1) Medical Marihuana Caregiver or not more than one (1) Medical Marihuana Patient shall be permitted to grow or cultivate Medical Marihuana.
3. A Medical Marihuana Patient may grow or possess no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana.
4. A Medical Marihuana Caregiver may grow or possess no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of Usable Marihuana per Caregiver.
5. All Medical Marihuana must be contained within an Enclosed, Locked Facility inside the dwelling's habitable space and shall not be located in an accessory building or garage, freestanding or attached.
6. All Medical Marihuana possessed by a Medical Marihuana Caregiver must be contained in a separate Enclosed, Locked Facility for each Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected.
7. A Medical Marihuana Patient or Medical Marihuana Caregiver may not sell, transfer, or deliver marihuana to any other person, including another Medical Marihuana Patient or Medical Marihuana Caregiver.
8. The lot on which the Medical Marihuana Home Occupation is conducted shall be located at least one thousand (1,000) feet from any lot on which a school, day care facility, church, house of worship or other religious facility, or public or private park, measured horizontally between the nearest points of each property line.
9. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the building in which electrical wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
10. That portion of the building where energy usage and heat exceeds typical residential use, such as a

grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with the relevant fire protection regulations.

11. If a room with windows is utilized as a growing location, any lighting methods that are used between the hours of 11 p.m. and 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
12. The dwelling unit containing the Medical Marihuana Home Occupation shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of Marihuana, diversion of Marihuana to illicit markets, and unintended or unlawful access.
13. Any exterior signage utilized in compliance with this Ordinance must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
14. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

SECTION 1526. MEDICAL MARIHUANA CAREGIVER DISTRIBUTION FACILITY.

1. PURPOSE AND SCOPE

- a. The Township recognizes that Medical Marihuana Caregivers may not wish to or be able to distribute Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by this Ordinance. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Caregiver Distribution Facility, which shall be permitted by special use permit in Industrial districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana Caregiver Distribution Facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
- b. Only one (1) Medical Marihuana Caregiver is permitted to operate such a facility.
- c. A land use, business or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as expressly permitted in this Ordinance.
- d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

2. REQUIRED DOCUMENTATION. All Medical Marihuana Caregivers distributing Medical Marihuana from a Medical Marihuana Caregiver Distribution Facility must provide or otherwise make available proof of valid, unexpired registry identification cards.

3. LOCATION STANDARDS. The lot on which the Medical Marihuana Caregiver Distribution Facility is conducted must meet the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:

- a. At least one thousand (1,000) feet from any lot on which a school, day care facility, church, house of worship or other religious facility, or public or private park.
 - b. At least three hundred (300) feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility.
4. AMOUNT OF MARIHUANA. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.
5. USE OF MARIHUANA; ODORS
- a. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Caregiver Distribution Facility.
 - b. The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.
6. STORAGE OF MARIHUANA
- a. All medical marihuana must be contained within the principal building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act.
 - b. Medical Marihuana shall not be visible from any location outside of the building.
7. RELATED ACTIVITY
- a. All activity related to Medical Marihuana must occur indoors.
 - b. Use of Medical Marihuana is prohibited at the Medical Marihuana Caregiver Distribution Facility.
 - c. Growth or cultivation of Medical Marihuana is prohibited at the Medical Marihuana Distribution Facility.
 - d. The sale of foods, equipment, or supplies on the premises is prohibited.
8. SECURITY MEASURES. The Medical Marihuana Caregiver Distribution Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.
9. SIGNAGE. Any signage utilized in compliance with the Township's Ordinance shall not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
10. PERMITS. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the storage or distribution of Medical Marihuana are located.
11. CONDITIONS OF APPROVAL. Prior to the granting of approval for the establishment of a Medical Marihuana Caregiver Distribution Facility, the Township may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation (including hours of operation), of the Facility which are necessary for the protection of the public interest, including inspections. Any evidence, or performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
12. TO WHOM MARIHUANA MAY BE DISTRIBUTED. No person operating a Medical Marihuana Caregiver Distribution Facility shall provide or otherwise make available Medical Marihuana to any person who is not a Medical Marihuana Patient legally connected to that person as a Medical Marihuana Caregiver.

SECTION 1527. MEDICAL MARIHUANA GROWING FACILITY.

1. PURPOSE AND SCOPE

- a. The Township recognizes that Medical Marihuana Patients or Medical Marihuana Caregivers may not wish to or be able to cultivate or grow Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by this Ordinance. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Growing Facility, which shall be permitted by special use permit in Industrial districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana growing facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
- b. Only one Medical Marihuana Patient or Medical Marihuana Caregiver is permitted to operate such a facility.
- c. A land use, business or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as expressly permitted in this Ordinance.
- d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

2. REQUIRED DOCUMENTATION. All Medical Marihuana Caregivers or Medical Marihuana Patients growing Medical Marihuana from the facility must provide or otherwise make available proof of valid, unexpired registry identification cards.

3. LOCATION STANDARDS. The lot on which the Medical Marihuana Growing Facility is conducted must meet the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:

- a. At least one thousand (1,000) feet from any lot on which a school, day care facility, church, house of worship or other religious facility, public or private park.
- b. At least three hundred (300) feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility.

4. AMOUNT OF MARIHUANA. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient; and no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.

5. USE OF MARIHUANA; ODORS

- a. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Growing Facility.
- b. The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.

6. STORAGE OF MARIHUANA

- a. All Medical Marihuana must be contained within the principal building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act.
- b. Medical Marihuana shall not be visible from any location outside of the building.

7. RELATED ACTIVITY
 - a. All activity related to Medical Marihuana must occur indoors.
 - b. Transfer, distribution, or use of Medical Marihuana is prohibited at the Medical Marihuana Growing Facility.
 - c. The sale of foods, equipment, or supplies on the premises is prohibited.
8. SECURITY MEASURES. The Medical Marihuana Growing Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.
9. SIGNAGE. Any signage utilized in compliance with the Township's Ordinance, such signage must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
10. PERMITS. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
11. CONDITIONS OF APPROVAL. Prior to the granting of approval for the establishment of a Medical Marihuana Growing Facility, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation (including hours of operation), of the facility which is necessary for the protection of the public interest, including inspections. Any evidence or performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
12. FOR WHOM MARIHUANA MAY BE GROWN. No person operating a Medical Marihuana Growing Facility shall grow or cultivate Medical Marihuana for any person who is not a Medical Marihuana Patient.

SECTION 1528. WIND ENERGY FACILITIES.

1. DEFINITIONS. The following definitions shall apply to the issuance of special use permits and the approval of site plans for Wind Energy Facilities:

Alternative Energy Renewable energy sources, such as wind, flowing water, solar energy, and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.

Ambient The sound pressure level exceeded 90% of the time or L90.

ANSI American National Standards Institute.

Legislative Body The Township Board of the Township of Pine River.

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.

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

FAA The Federal Aviation Administration.

Habitual Structure Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooling, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

Hub Height When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub. Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

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.

ISO International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Met Tower A meteorological tower used for the measurement of wind speed.

Michigan Tall Structure Act (MCL 249.481 et seq) Governs the height of structures in proximity to airport related uses and is included as a standard in the Township's Zoning ordinance in regards to Wind Energy Facilities.

Non-Participating Lot Any lot of property in the township not within the boundaries of a Wind Energy Facility.

On Site Use Wind Energy Systems This system is intended to primarily serve the needs of the consumer, and is considered an accessory building.

Planning Commission The Township of Pine River Planning Commission.

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.

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.

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 in a dwelling.

Single WECS for Commercial Purposes A single WECS placed upon a lot with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.

Single WECS for On-site Service Only A single WECS placed upon a lot with the intent to service the energy needs of only that lot upon which the structure is placed.

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.

Sound Pressure Level The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Tip Height When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

Utility Grid Wind Energy Systems This system is designed and built to provide electricity to the electric utility grid.

WECS Testing Facility or Testing Facility A structure and equipment used to determine the potential for the placement of a WECS.

Wind Energy Facility or Wind Energy Conversion Facility (WECS) An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substation, Met Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Energy Facility Special Use Permit A permit issued upon compliance with the standards enunciated in the Township's Zoning Ordinance in regards to Wind Energy Facilities.

Wind Energy System 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.

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.

2. SPECIAL USE PERMIT AND SITE PLAN REVIEW.

- a. Wind Energy Facilities, except for WECS for On-Site Service Only, shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Special Use Permit and Site Plan Approval pursuant to this Section. The Wind Energy Facilities Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein. An applicant proposing a Wind Energy Facility must submit the following site plan materials.
 - 1. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number).
 - 2. A narrative describing the proposed Wind Energy Facility, including an overview of the project.
 - 3. Site plan (GIS) shape file overlay, electronic file and paper copy of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, county drains, land use, zoning district, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones and nonparticipating properties), underground and overhead wiring (including depth underground), access roads (including width), substations and accessory structures.
 - 4. Details or drawings shall show features in the design of a typical tower and its base that upon removal of said tower will allow restoration of the soil at the site to a depth of 4 feet pursuant to Chapter 15 Section 7.
 - 5. Anticipated construction date and anticipated completion date.
 - 6. The lessor must acknowledge the fact in writing that decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgment is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an "Acknowledgment Letter" that documents this understanding and has been signed by the lessor.
- b. *Application Material.* The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility, except for WECS for On-Site Service Only.
 - 1. Applicant shall show evidence of compliance with applicable statutes and County and Township ordinances including, but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq), and the corresponding County Ordinance.
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
 - d. Part 303 Wetlands (MCL 324.30301 et seq.)
 - e. All other applicable laws and rules in force at the time of Application

2. *Visual Appearance, Lighting, Power lines.* The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
 - a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc).
 - b. Wind turbines and meteorological towers shall not be artificially lighted, except for to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. Wind turbines shall not be used for displaying any advertising except of reasonable identification of the manufacture or operator of the Wind Energy Facility.
 - d. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.
- c. *Setbacks, Separation and Security.* The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility, except for WECS for On-Site Service Only.
 1. Occupied Buildings: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet.
 2. Shadow flicker minimization: Wind turbines shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
 3. Property line setbacks: Except a set forth in this section, wind turbines shall not be subject to a property line setback. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Wind turbines shall not be located with 1.5 times Hub height of the property line of a Non-Participating Lot.
 4. Boundaries with non-participating lots: Wind turbines shall not be located within 1.5 times Hub Height of the property line of a non-participating lot.
 5. Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 6. Railroads & "Rails to Trails": Each wind turbine shall be set back from the nearest Railroad or "Rails to Trails" a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Railroad & "Rails to Trails".
- d. *Compliance with Wind Energy Site Permit:* Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit. (GIS overlay)
- e. *Wind Turbine/Tower Height:* The applicant shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and local airport zoning as part of the approval process.
- f. *Noise:* Wind Energy Facilities shall not exceed 55 dB(A) at the habitable structure closest to the wind energy system. 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).
- g. *Minimum Ground Clearance:* The blade tip of any Wind turbine shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.

- h. *Signal Interference:* No large scale Wind Energy Facility shall be installed in location where its proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- i. *Safety*
 - 1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - 2. Wind turbine towers shall not be climbable on the exterior.
 - 3. All access doors to wind turbine towers and electrical equipment shall be lockable.
 - 4. Appropriate warning signals shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
 - 5. Appropriate signage for emergency contact information shall be located at the wind turbine tower.
- j. *Transportation:* Submit a copy of proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction.
- k. *Application Fee.* An application for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the legislative body. This schedule shall be based on the cost of the township of the review, which may be adjusted from time-to-time.

3. SPECIFIC LAND USE STANDARDS FOR WIND ENERGY FACILITIES.

- a. *Wind Energy Facility Special Use Purpose and Intent.* The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) within the township, in an effort to protect the health, welfare, safety, and quality of life of the general public, and ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.
- b. *Regulatory Framework*
 - 1. *Zoning.* A Wind Energy Facility may be constructed by special use permit on land that is within an Agricultural District on the official zoning map for the Township, subject to provisions and standards of this Section and the Site Plan Review requirements and other appropriate Approvals.
 - 2. *Principal or Accessory Use.* A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or part of such facility on such lot. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to the Zoning Ordinance.
- c. *Applicability.* The requirements in the Township's Zoning Ordinance in regards to Wind Energy Facilities shall apply to all Wind Energy Conversion Facilities, which shall be permitted as a special use in an Agricultural District. Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a wind energy facility.
- d. *Certification.* Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices. Applicant shall provide as-built GIS shape file, electronic file, and paper site plan.

- e. *Inspections.* The applicant's maintenance and inspection records shall be generated annually and are subject to audit by the township. Inspection Reports shall contain current contact information and be updated whenever the contact information changes.
 - f. *Decommissioning.* The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/tower must submit a plan to the township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed commercial operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of the township and may be provided jointly as a single instrument for multiple governmental units within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.
4. **REQUIREMENTS FOR SINGLE WECS FOR ON-SITE SERVICE ONLY.** Single WECS For On-Site Service Only that are designed and intended to service the energy needs of only the property where the structure is located may be approved in any zoning district as a Special Use, provided the property upon which the Single WECS is to be located is at least three and one-half (3-1/2) acres in size and subject to the special use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as all of the following:
- a. The tower shall not exceed a height of 80 feet.
 - b. The blade diameter (tip to tip) shall not exceed 100 feet.
 - c. The height of the overall WECS (with the blade in the vertical position) shall not exceed 130 feet above ground level (at normal grade).
 - d. The distance of the tower from all property lines shall be at least two (2) times the WECS height.

SECTION 1529. TELECOMMUNICATION TOWERS AND FACILITIES.

1. **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:
- a. Facilitate the provision of broadcast and wireless telecommunication services to the residents and businesses of the Township,
 - b. Minimize adverse visual effects of towers through design and siting standards,
 - c. Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
 - d. Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
2. **DISTRICT REGULATIONS.** Telecommunication Towers and Facilities shall require a land use permit in all instances and may be permitted as follows:
- a. All districts: Telecommunications facilities may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be Permitted Uses in all Zoning Districts and be permitted through Township Zoning Administrator review.
 - b. Towers in Residentially zoned areas are only allowed as follows:

- 1) Towers supporting amateur radio antennae and conforming to all applicable provisions of this Ordinance shall be allowed in the rear yard of lots.
 - 2) Telecommunication Towers and Facilities conforming to all applicable provisions of this Ordinance shall be Permitted Uses only in the following locations and shall be subject to the site plan review procedures outlined in this Ordinance:
 - a) Church sites, when camouflaged as steeples or bell towers,
 - b) Park sites, when compatible with the nature of the park, and,
 - c) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township-owned properties.
 - d) Wireless telecommunication antennae on roofs, walls and existing towers may be approved by the Township staff provided the antennae meet the requirements of this Ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
 - c. Towers in agriculturally, commercially or industrially zoned areas are Permitted Uses if they qualify as Permitted Uses in residentially zoned areas.
 - d. Newly constructed Telecommunication Towers and Facilities in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
 - 1) The Township Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one-half (1½) mile radius of the proposed tower location due to one or more of the following reasons:
 - a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building, as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
 - c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer.
 - d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
3. CO-LOCATION. Licensed carriers shall share Telecommunication Towers and Facilities and sites where feasible and appropriate, thereby reducing the number of Telecommunication Towers and Facilities that are stand-alone facilities. All applicants for a Special Use Permit for Telecommunication Towers and Facilities shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:
- a. A survey of all existing structures that may be feasible sites for co-locating Telecommunication Towers and Facilities,
 - b. Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
 - c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

In the event that co-location is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

4. **TOWER CONSTRUCTION.** Any proposed Telecommunication Towers and Facilities shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennae and comparable antennae for at least two additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and all applicable Construction Code construction standards for steel structures.
5. **TELECOMMUNICATIONS TOWERS AND FACILITIES, ANTENNAE AND ACCESSORY BUILDING DESIGN.** Proposed or modified towers and antennae shall meet the following design requirements:
 - a. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or State authorities such as the Federal Aviation Administration.
 - b. Telecommunication Towers and Facilities shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
 - b. Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
6. **TOWER SETBACKS.** Telecommunication Towers and Facilities shall conform to each of the following minimum setbacks requirements:
 - a. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property, and the tower does not encroach upon any easements.
 - b. Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to one-half of the height of the tower, including all antennae and attachments.
 - c. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - 1) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - 2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - d. A tower's setback may be reduced or its location in relation to a public street varied at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
 - e. Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
7. **TOWER HEIGHT.** In all zoning districts, the maximum height of any Telecommunication Towers and Facilities, including antennae and other attachments, shall not exceed two hundred (200') feet except as granted by the Zoning Board of Appeals.
8. **TOWER LIGHTING.** Telecommunication Towers and Facilities shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
9. **SIGNS AND ADVERTISING.** The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs is prohibited.

10. **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.** Abandoned or unused Telecommunication Towers and Facilities or portions thereof shall be removed as follows:
 - a. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
 - b. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

11. **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.** No new or existing Telecommunication Towers and Facilities shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.

12. **MODIFICATIONS.** A modification of any Telecommunication Towers and Facilities may be considered equivalent to an application for new Telecommunication Towers and Facilities and will require a Special Use Permit when the following events apply:
 - a. The applicant and/or co-applicant wants to alter the terms of the Special Use Permit by changing the Telecommunication Towers and Facilities in one or more of the following ways:
 - 1) Change in the number of facilities permitted on the site,
 - 2) Change in the technology used for the Telecommunication Towers and Facilities.
 - b. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

13. **SITE PLAN SUBMISSION REQUIREMENTS.**
 - a. **General Filing Requirements**
 - 1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the Telecommunication Towers and Facilities.
 - 3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.
 - b. **Location Filing Requirements**
 - 1) Identify the subject property by including the name of the nearest road or roads, and street address, if any.
 - 2) Tax map and lot number of subject property.
 - 3) Zoning district designation for the subject lot.
 - 4) A line map to scale showing the lot lines of the subject property and all properties within three hundred (300') feet and the location of all buildings, including accessory structures, on all properties shown.
 - c. **Siting Filing Requirements**
 - 1) A one-inch-equals-forty feet (1" = 40') vicinity plan showing the following:
 - a) Property lines for the subject property.
 - b) Property lines of all properties adjacent to the subject property within three hundred (300') feet.

- c) Tree cover on the subject property and adjacent properties within three hundred (300') feet, by dominant species and average height, as measured by or available from a verifiable source.
 - d) Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300') feet.
 - e) Proposed location of antenna, mount and equipment shelter(s).
 - f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
 - g) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300') feet including driveways proposed to serve the Telecommunication Towers and Facilities.
 - h) Distances, at grade, from the proposed Telecommunication Towers and Facilities to each building on the vicinity plan.
 - i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - j) Representations, dimensioned and scale, of the proposed mount, antennae, equipment shelters, cable runs, parking areas and any other construction or development attendant to the Telecommunication Towers and Facilities.
- 2) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed Telecommunication Towers and Facilities plus from all existing public roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- a) Antennae, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - b) Security barrier. If the security barrier will block views of the Telecommunication Towers and Facilities, the barrier drawing shall be cut away to show the view behind the barrier.
 - c) Any and all structures on the subject property.
 - d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- d. Design Filing Requirements
- 1) Equipment brochures for the proposed Telecommunication Towers and Facilities such as manufacturer's specifications or trade journal reprints shall be provided for the antennae, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
 - 2) Materials of the proposed Telecommunication Towers and Facilities specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennae, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
 - 3) Dimensions of the Telecommunication Towers and Facilities specified for all three directions: height, width and breadth. These shall be provided for the antennae, mounts, equipment shelters and security barrier, if any.
 - 4) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
 - 5) If lighting of the site is proposed, the applicant shall submit manufacturer's computer-generated point-to-point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

SECTION 1530. SOLAR ENERGY SYSTEMS.

1. DEFINITIONS. The following definitions shall apply to the issuance of special use permits and the approval of site plans for Solar Energy Systems:

Alternative Energy Renewable energy sources, such as wind, flowing water, solar energy, and biomass, which create less environmental damage and pollution than fossil fuels and offer an alternative to nonrenewable resources.

Photovoltaic Device A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.

Solar Array Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy System, Abandoned Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of twelve months.

Solar Energy System, Large A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and the power output of that system is equal to or greater than 25 kW.

Solar Energy System, Small A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located, with a generating capacity of less than 25 kW. Small Solar Energy Systems are permitted in zoning district as an accessory structure, subject to the requirements of each district for accessory structures and Subsection 3 of this Section.

Unreasonable Safety Hazard Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

2. SPECIAL USE PERMIT AND SITE PLAN REVIEW.

- a. *Purpose and Intent:* The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a special use.

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

1. A site plan.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.

3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical elevation scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Gratiot County Road Commission or Michigan Department of Transportation approval as appropriate and shall be planned to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.
13. A copy of the manufacturer's safety measures.
14. Planned lighting protection measures.
15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - i. Impact on area water resources.
 - ii. Impact on air quality.
 - iii. Noise impacts caused by the Solar Energy System.
 - iv. Impact on utilities and infrastructure.
 - v. Protection of neighboring property owners and children.

- vi. Impact on wildlife.
 - vii. Effects on floodplains and wetlands.
 - viii. Unique farmlands or soils.
 - ix. Areas of aesthetic or historical importance.
 - x. Archeological or cultural concerns.
 - xi. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Gratiot County Drain Commissioner.
17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase such energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential only to the extent and as authorized by Public Act 442 of 1976.
18. Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- c. *Application Escrow Deposit:* An escrow deposit shall be paid to the township by the applicant when the applicant applies for a special use permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- d. *Compliance with the State Building Code and the National Electric Safety Code:* Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township or County (as shown by approval by the Township or County) as a condition of any special use permit under this section.
- e. *Certified Solar Array Components:* Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- f. *Height:* Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or

- building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- g. *Lot Size*: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
 - h. *Setbacks*: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
 - i. *Lot Coverage*: A Large Solar Energy System is exempt from maximum lot coverage limitations.
 - j. *Screening/Security*: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - 1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the special use permit.
 - 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of 4 feet in height and shrubs 2 feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than 7 feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within 6 months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than 6 consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit previously granted.
 - 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - k. *Signage*: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special use permit, or other applicable law.

- l. *Noise Emissions:* No component of any Large Solar Energy System shall emit noise exceeding a sound pressure level of 50 dB(A) as measured at the outside perimeter of the project. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- m. *Lighting:* All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- n. *Glare:* All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- o. *Distribution, Transmission, and Interconnection:* All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- p. *Abandonment and Decommissioning:* Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and bond and for submittal to the Planning Commission and the Township Board for review prior to issuance of the special use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within 170 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- q. *General Standards:* The Planning Commission shall not approve any Large Solar Energy System special use permit unless it finds that all the applicable standards for special use permit contained in this Ordinance are met.
- r. *Safety:* The Planning Commission shall not approve Large Solar Energy System special use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to occupants of any surrounding properties or area wildlife.
- s. *Conditions and Modifications:* Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the applicant. Once copy shall be kept on file by the Township Clerk and one copy shall be returned to the applicant's authorized representative.
- t. *Inspection:* The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.

- u. *Maintenance and Repair:* Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the special use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start, or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.

- v. *Roads:* Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Gratiot County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- w. *Continuing Security and Escrow:* If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to the commencement of construction, which shall remain in effect until the Large Solar energy System has been finally removed, as provided below:
 1. Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with Township Clerk after a special use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that System is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

 2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township

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

- x. *Conditions*: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special use.
 - y. *Completion of Construction*: the construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special use permit is granted and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special use approval. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.
 - z. *Quarterly Reports*: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Planning Commission. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
 - aa. *Transfer of Ownership/Operation*: Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (6) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar energy system shall not be permitted to operate that System until compliance with the terms of this ordinance, including requirements for continuing security and escrow funds, has been established.
3. **REQUIREMENTS FOR SMALL SOLAR ENERGY SYSTEMS AS ACCESSORY STRUCTURES**: Small Solar Energy Systems are permitted accessory structures in any zoning district, subject to the requirements of the zoning district in which they are located and the following standards:
- 1. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory structure under the requirements applicable to an accessory building within the zoning district in which the Small Solar Energy System is located.
 - 2. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Small Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
 - 3. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that the Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Small Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Small Solar Energy System is located.

4. Any Small Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
5. No Small Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
6. All Small Solar Energy Systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
7. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
8. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, greenbelts, and landscaping sufficient to provide an all-seasons complete visual barrier.
9. All power transmission lines from a ground mounted Small Solar Energy System to any building or other structure shall be located underground.
10. Any Small Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Small Solar Energy System are maintained according to industry standards, and that no portion of the Small Solar Energy System is in a blighted, unsafe, or substandard manner.
11. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.

SECTION 1531. SPECIFIC LAND USE STANDARDS PERTAINING TO ENERGY STORAGE FACILITIES

A. Intent & Purpose.

The purpose of this Section is to promote the effective and efficient use of energy storage facilities. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect the public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Energy storage facilities, as defined in this Ordinance, shall comply with the provisions of this section and are only permitted as authorized by this section.

B. Definitions.

1. **Abandonment.** Any energy storage facility that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be considered abandoned and subject to abandonment and decommissioning provisions.
2. **Dark Sky-Friendly Lighting Technology.** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
3. **Energy Storage Facility.** A system that absorbs, stores, and discharges electricity (e.g., using batteries) for transmission to off-site customers.
4. **Non-Participating Property.** A property that does not have an agreement for land rights with an applicant of an energy storage facility.

5. **Participating Property.** A property that has a land rights agreement with an applicant for development of an energy storage facility.

C. Permitting.

1. Energy storage facilities shall be authorized as special land uses in the Agricultural (AG) and Industrial (I) Zoning Districts subject to the standards in this Section.
2. Energy storage facilities are subject to the general requirements for special land use permitting and approval under Chapter 15 of this Zoning Ordinance in addition to the regulations in this Section.

D. Additional Application Requirements for Utility-Scale Energy Storage Facilities.

1. All applications for energy storage facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for special land use permits under Chapter 16 of the Zoning Ordinance.
 - i. Site Plan. A site plan.
 - ii. Contact Information. The complete name, address, and telephone number of the applicant.
 - iii. Description. A description of the energy storage facility, including:
 1. The location and a description of the energy storage facility.
 2. A description of the anticipated effects of the energy storage facility on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
 3. A description of the expected use of the energy storage facility.
 4. Additional information required by the Township as it relates to the site plan.
 - iv. Public Benefits. Expected public benefits of the proposed energy storage facility.
 - v. Environmental Impacts. The expected direct impacts of the proposed energy storage facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - vi. Public Health and Safety. Information on the effects of the proposed energy storage facility on public health and safety.
 - vii. Agency Consultation. Evidence of consultation, if required, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
 - viii. Agricultural Impact. Each applicant must demonstrate how project restoration and decommissioning plans enable project lands that were prime farmland or used for agricultural purposes to still be prime farmland or suitable for agricultural purposes. Applicants shall ensure that any facility sited on lands used for agricultural purposes or prime farmland can be maintained and returned to a state to continue to be used for agricultural purposes after project decommissioning and all costs associated with such maintenance and restoration of lands back to a state suitable to continue agricultural purposes or to still be considered prime farmland is included in any decommissioning security submitted to the Township.
 - ix. Interference. If the energy storage facility is reasonably expected to have an impact on television signals, microwave signals, global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.
 - x. Stormwater. A stormwater assessment and a plan that will require approval by the Gratiot County Drain Commissioner to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. All stormwater assessment and plans must include content on how an applicant will take measures to either not disturb and maintain existing private drainage infrastructure including drain tile or will upon decommissioning repair such private drainage infrastructure to allow lands to continue to be suitable for agricultural use, if applicable.

- Stormwater plans shall reasonably attempt to use less invasive means and methods of stormwater control to provide for future land use upon decommissioning (e.g., minimal creation of detention basins).
- xi. Emergency and Fire Response. An emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur on a facility. Applicants shall demonstrate how their emergency response plan is consistent with industry practices and standards for similar facilities including compliance with NFPA 855: "Standard for the Installation of Stationary Energy Storage Systems" or successor standard. The emergency response plan shall also be provided by the applicant to Township emergency medical services, fire protection, and law enforcement providers for an opportunity to comment, and comments from the providers above must be submitted to the Township for review. The emergency response plan shall include a containment plan addressing surrounding areas as well as address local staffing of a local operator/owner able to respond to emergencies should they occur on the land use. Should an emergency response plan identify any necessary resources or training not possessed by a Township emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider.
 - xii. Decommissioning Plan. A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy storage facility, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for an energy storage facility, prior to construction, must enter into a decommissioning agreement with the Township specifying the obligations of decommissioning and notes that: (1) such decommissioning must be assigned to any future owner or operator of the energy storage facility; and (2) the Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project. Applicants shall enter into a decommissioning agreement with the Township in a form acceptable to the Township Board to govern the use of the financial assurance. The decommissioning agreement must specify: (1) the anticipated life of the project before decommissioning; (2) how the Township will receive land access rights to decommission a project should it be required to decommission the project; and (3) periodic updates to the financial assurance in five year periods to increase the amount of the financial assurance.
 - xiii. Construction Schedule. An anticipated construction commencement date and anticipated completion date for project construction.
 - xiv. Application Escrow. An escrow account shall be funded by an applicant when an applicant applies for a special land use permit for an energy storage facility. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.
 - xv. Sound. A document indicating anticipated sound generated by the energy storage facility and that demonstrates how the proposed project will meet sound requirements.
 - xvi. Material Safety Data Sheets and Manufacturer's Manuals. Upon submission of an application, an applicant must provide all material safety data sheets and manufacturer's

instructions/manuals for substantive project components (e.g., batteries) for Township review and inspection. Should any of the above information be considered confidential or a trade secret, the applicant shall indicate a process to allow inspection of such materials upon request by the Township while at the same time protecting disclosure of the documents to the extent permitted by Michigan public record statutes.

- xvii. Community Impacts Analysis. A study that identifies the impacts of a proposed project on community resources and services, including, but not limited to, roads, fire protection (including any necessary training or equipment), police protection, emergency medical services, and public drainage systems including culverts. Applicants shall demonstrate in an application for an energy storage facility, how they will ensure impacts from a proposed project on community resources and services will be addressed by the applicant and not be borne on the Township.
- xviii. Other information reasonably required by the Township.

E. Energy Storage Facility Performance Standards and Obligations. Energy storage facilities shall meet the following performance standards and obligations.

1. **Setbacks.** Energy storage facilities shall be subject to the following setback requirements, which shall be measured from required fencing; however, the Township may measure setbacks from sound generating equipment rather than fencing should an applicant demonstrate additional lands to be fenced as part of a project in order to provide larger distances between a project and properties. No setbacks shall apply between participating properties hosting the same project. Further, nothing in this ordinance, prohibits: (1) the erection of a structure or structures in these setbacks if the structure or structures is/are not used in the operation of the energy storage facility and authorized by the Zoning Ordinance; and (2) prohibits the placement of underground electrical collection lines or necessary drainage infrastructure within required setback areas should such collection lines or drainage infrastructure be of sufficient space from non-participating properties to allow maintenance, repair, and removal of lines or infrastructure (e.g., during decommissioning) to entirely occur on participating properties and not result in any spoils being stored on or other activities occurring on non-participating properties.

Setback Description	Setback Distance
Buildings regularly occupied by humans on nonparticipating properties.	400 feet from the nearest point on the outer wall
Public road right-of-way	100 feet measured from the nearest edge of a public road right-of-way.
Nonparticipating properties	100 feet measured from the nearest shared property line

2. **Installation.** The energy storage facility shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect at the time of this amendment or any applicable successor standard as reasonable and consistent with the purposes of this subdivision.
3. **Liability Insurance.** The owner or operator of any energy storage facility shall maintain a current insurance policy with insured amount to be acceptable for the Township to cover installation and operation of the project and name the Township including its officers, agents, and employees as an additional insured. The amount of the policy shall be established as a condition of special use permit approval.
4. **Noise.** No energy storage facility shall cause noise in excess of fifty (50) dBA (using Leq-10 minute or other acceptable scale to the Township, but not Lmax) as measured at the property line of a non-participating parcel. Applicants must provide a pre-construction and post-construction sound study to the Township demonstrating compliance with this standard.

5. **Lighting and Security Plan.** The energy storage facility shall implement dark sky-friendly lighting solutions and shall have a security plan to limit unauthorized access.

6. **Fencing.**
 - i. Fencing for the energy storage facility shall comply with the latest version of the National Electric Code or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection. Areas that host visible energy storage facility components shall be completely enclosed by a perimeter security fence to restrict unauthorized access. Such fencing perimeter and the fencing must be at least seven (7) feet high and be made of chain link or other design to prevent unauthorized access.

7. **Screening.** An energy storage facility shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - i. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the energy storage facility and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to the energy storage facility as approved by the special land use permit.
 - ii. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within six months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special land use permit previously granted.
 - iii. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - iv. The Township may waive any and all screening requirements should it determine screening may not be necessary such as neighboring lands being vacant or of a nature that does not require screening, or should an applicant prepare plans for alternative screening that is sufficient to screen the property from neighboring land uses.

8. **Complaint Resolution.**
 - i. From construction until project decommissioning, an owner or operator of an energy storage facility must maintain a complaint resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the project related to violations of the Zoning Ordinance or any zoning approvals. Such process must include a form available to the public to submit complaints which shall also be made available online and be provided to the Township for distribution to residents. An energy storage facility owner or operator shall acknowledge receipt of such complaints within five (5) business days and shall resolve complaints within 30 days unless impractical in which case the owner or operator must notify the Township and complainant of an estimated timeframe to resolve the complaint. The complaint resolution process may not require a complainant or the Township to post a monetary deposit or otherwise pay for the owner or operator to resolve or investigate a complaint. The energy storage facility owner or operator must notify the

Township of any received complaints and resolutions to complaints on a monthly or bi-monthly basis.

9. Inspection.

- i. The Township shall have the right to inspect an energy storage facility for consistency with the requirements of the Zoning Ordinance and all zoning approvals. The owner or operator shall provide the Township and any of its officials, employees, or retained consultants access to the project for such inspections, but may accompany the Township on such inspections and require individuals inspecting the project to adhere to required safety protocols. The Township shall give reasonable advance notice of an inspection, which in no case shall be less than three (3) business days.

10. Project Appearance and Good Repair.

- i. Until project decommissioning, the owner and operator must maintain the energy storage facility and its components in good repair. The fenced area and the area immediately surrounding the project shall be kept free of refuse, waste, and debris, and shall be neat, clean, and free of unsightly/unkept, hazardous, or unsanitary conditions.

11. Abandonment or Decommissioning.

- i. Any energy storage facility which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- ii. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the energy storage facility shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.
- iii. Decommissioning shall consist of:
 - 1. Physical removal of all structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed completely and disposed of outside of the Township. Hazardous waste shall be disposed of in accordance with local, state and federal waste disposal regulations.
 - 2. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of an energy storage facility.

12. Compliance. All energy storage facilities shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.

Siting Preference. To ensure compatibility with adjacent land uses energy storage facilities are strongly preferred to be sited near electrical substations or related electrical infrastructure. The Township may use this preference in applying special land use permit or other discretionary standards determining the compatibility of nearby land uses.

SECTION 1532. COMMERCIAL RECREATION

1. **GENERAL REGULATIONS.** All commercial recreation land uses in the Township, including those approved as permitted uses, must follow the below requirements.

- a. Narrative. Applicants shall provide a narrative describing their intended commercial recreation use including the nature of the business and its proposed hours of operation as well as any information reasonably requested by the Planning Commission.
 - b. Sound. Applicants must share details of any equipment they plan to use outdoors that will generate amplified noise (e.g., speakers for music, speakers for announcements, televisions outside, etc...). Should a land use intend to use amplified noise outdoors, an applicant must provide a narrative that includes details on: (1) the equipment that will generate noise and how it will be used; (2) when the noise generating equipment will be used each day; (3) the steps taken to manage noise to not disrupt neighboring land uses. Use of additional equipment that generates amplified noise outdoors not depicted on the plan or otherwise approved by the Township is prohibited.
 - c. Outdoor Lighting. Applicants must share details of any intended outdoor lighting including the fixtures used, the locations of such fixtures, and the hours of intended use for outdoor lighting. Outdoor lighting shall be managed in a manner to avoid unreasonable lighting impacts on adjacent or nearby land uses.
 - d. Alcohol / Food & Drink. Any commercial recreation land use must identify: (1) where any food, beverages, and/or alcohol will be served; (2) when food, beverages, and/or alcohol will be served, and (3) how the business will manage its service of alcohol to avoid overconsumption, unlawful use of alcohol, and safety while participating in recreational activities.
 - e. Restroom Facilities. Commercial recreation uses must provide indoor restroom facilities and not utilize port-a-johns or other similar facilities.
2. AG DISTRICT REQUIREMENTS. Commercial recreation uses in the AG District must meet the standards below in addition to the other requirements of this Section.
- a. Any activities associated with commercial recreation use must be conducted almost exclusively indoors and applicants must identify what, if any, activities will occur outdoors and how those activities relate to activities to occur indoors.
 - b. Commercial recreation uses may not be designed or intend to use on-street parking for customers.
 - c. Only one non-illuminated sign is allowed up to 20 square feet in area, or less.
 - d. A structure used for commercial recreation is limited 4,000 square feet in area.

CHAPTER 16

Site Plan Review Regulations

SECTION 1601. INTENT AND PURPOSE. Before a land use permit is issued, a site plan shall be submitted to the Planning Commission for review and approval. Before granting approval, the Planning Commission shall ascertain that all provisions of this Chapter are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

1. **WHEN IS A SITE PLAN REQUIRED?** Site plan review and approval is required for all uses in the High Density Residential, Office, Light Commercial, Heavy Commercial and Industrial districts, and for all Special Uses and Planned Unit Developments. All plans for all proposed structures, buildings and uses must be submitted to the Planning Commission for review and approval, except under Subsection 1601 (2) below.
2. **EXEMPTIONS.** The following buildings, structures, or uses may be exempt from site plan review at the Planning Commission level, but must submit site plans to the Zoning Administrator for review and approval. The Zoning Administrator may elect to send plans to the Planning Commission for review that would normally be exempt at his or her discretion.
 - a. Single or two family homes in the Agricultural or Low Density Residential districts under separate ownership on an individual and separate lot for each home, and including Accessory Uses.
 - b. Interior, accessory, and subordinate buildings that require no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.
 - c. Projects involving the expansion, remodeling, or enlargement of existing buildings that comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways and require no additional parking. Appearance standards apply to all new, expanded, remodeled, or enlarged buildings exceeding fifty (50%) percent of existing floor area or building facade surface.
 - d. On-premises advertising signs, provided they conform to this Ordinance.
3. **APPLICATION PROCEDURE.** Requests for site plan review shall be made on a site plan review form using the site plan checklist provided for in the developer packet supplied by the Township. The components of the site plan checklist shall be completed before the site plan is reviewed by the Planning Commission. The developer packet outlines specific requirements for submittal. Incomplete site plans or site plans on land not reviewed and approved by the assessor as portrayed on the site plan will not be accepted for review. Plans must be submitted two weeks prior to the regularly scheduled Planning Commission meeting to be eligible for review at the next meeting.

SECTION 1602. ACTION ON APPLICATION AND PLANS.

1. **REVIEW OF A SITE PLAN OUTSIDE OF A PLAT:**
 - a. The Zoning Administrator shall record the date of the receipt of the application and plans, and shall transmit copies to the Planning Commission, and copies to the other affected Township Departments and professionals as the Township deems necessary. It is strongly advised that all applicants discuss their site plan with the Township staff prior to review by the Planning Commission.
 - b. The Zoning Administrator or a professional consultant employed by the Township shall have the authority to submit the proposed site plan to the appropriate State, county or local agency(s) when it is evident that the development will have a substantial impact on any public facility or right-of-way. The agency may then review the proposed land use and submit a written response to the Zoning Administrator or Planning Commission describing the potential impact of the project and the agency's recommendations for approval, disapproval or modifications.

The Township and/or Planning Commission may request a traffic impact analysis in cases where the location, nature of the use or specific circumstances indicate traffic and/or access management issues require professional analysis. This impact study shall be at the expense of the applicant. No expenses shall be incurred without an estimate of costs being agreed to by the applicant. Land Use Permits for driveways obtained prior to official approval of a site plan by the Planning Commission shall not constitute approval for construction and are subject to approval by the Planning Commission.

- c. A public meeting shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of Township staff and professionals. Members of the Planning Commission shall be delivered copies of the application and plans prior to the public meeting for their preliminary information and study. The meeting shall be scheduled not more than forty (40) days following the date of the receipt of the plans and application by the Zoning Administrator.
- d. The applicant shall be notified of the date, time and place of the public meeting on his application not less than fifteen (15) days prior to that date.
- e. Following the public portion of the meeting, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this Section and the criteria contained herein. Any required modification or alteration must be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant.
- f. Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the Township records for future review and/or enforcement. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the final, approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the Township records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Section receives the mutual agreement of the land owner and the Planning Commission.

SECTION 1603. PROCESS FOR REVIEW OF A PLAT. A plat shall be reviewed in the same manner as a site plan and as described in this Article, except that a plat shall be submitted for review at two separate stages in the development of the plat and in accordance with the Subdivision Control Act of 1967, as amended, P.A. 288, which requires a recommendation by the Planning Commission and final approval by the Township Board:

1. **PREAPPLICATION REVIEW MEETING.** Prior to submitting a tentative preliminary plat, the proprietor may request that the Gratiot County Plat Board schedule a pre-application review meeting to receive comments from the Township and other reviewing agencies on the concept plan for the tentative preliminary plat.
2. **TENTATIVE PRELIMINARY PLAT.** This plat shall be submitted showing all aspects of the plat as required for site plans, including any additional information requested by the Planning Commission. Following approval of the Tentative Preliminary Plat by the Township Board, a Preliminary Plat shall be submitted.
3. **PRELIMINARY PLAT.** The Preliminary Plat shall be considered the final site plan for the subdivision development. Prior to approval of a Preliminary Plat, the applicant shall present written approval from the Gratiot County Road Commission, the Department of Environmental Quality and the Gratiot County Drain Commissioner. The Tentative and Preliminary Plats may be reviewed and approved simultaneously at the discretion of Township staff if all requirements of the Zoning Ordinance have been satisfied and there are no outstanding issues that would prevent a combined review.
4. **FINAL PLAT.** The Final Plat is under the jurisdiction of the Gratiot County Plat Review Board.

SECTION 1604. CRITERIA FOR REVIEW OF A SITE PLAN OR PLAT. In reviewing the application and site plan or plat and approving, disapproving, or modifying the plan or plat, the Planning Commission (and the Township Board in the case of plats) shall be governed by the following general standards, in addition to any other site plan or plat standards contained in any other Ordinance or State law:

1. **TRANSPORTATION.** There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service driveways, entrance and exit driveways, and parking areas to insure the safety, as the primary goal, and convenience as the secondary goal, of pedestrian and vehicular traffic and access management principles have been followed.
2. **NATURAL FEATURES.** As many natural features of the landscape shall be retained as possible where they furnish a barrier screen or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
3. **DRAINAGE.** Adequate provision has been made for storm water drainage on or from the site. In the case of residential developments, rear lot drainage is required. A drainage plan will be required.
4. **ADVERSE EFFECTS OF DEVELOPMENT.** Any adverse effects of the proposed development and activities on adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.
5. **LAYOUT.** The layout of buildings and improvements will minimize any harmful or adverse effect that the development might otherwise have upon the surrounding neighborhood.
6. **LAND DIVISION ORDINANCE.** The site plan must comply with all provisions of the Zoning Ordinance and the State of Michigan Land Division Act, as amended. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.
7. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access driveways associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a Land Use Permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the driveway for joint access must be signed at the time of site plan approval. Shared driveways must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
8. **PONDS GREATER THAN ONE ACRE.** Ponds greater than one acre in size must be constructed according to the requirements specified in the Special Use provisions for Earth Removal, Quarrying and Gravel Processing.

SECTION 1605. CONFORMITY TO APPROVED SITE PLAN; REVOCATION. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, that have received the approval of the Planning Commission. If construction and development does not conform with the approved site plan or design appearance, the approval of the site plan shall be revoked by the Planning Commission by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

SECTION 1606. AMENDMENT TO SITE PLAN. A proposed amendment, modification, or alteration to a previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

SECTION 1607. DEVELOPMENT AGREEMENT; PERFORMANCE GUARANTEE. The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator, at the time of application for a land use permit, a development agreement in a form approved by the Zoning Administrator to ensure the development of those portions of the site that will be dedicated to the Township for public use, including streets and utility easements, in accordance with the approved site plan, conditioned upon the proper construction and development. A performance guarantee may also be required in instances where the Planning Commission determines that the nature of the project is such that the activity being approved by the site plan could cause substantial negative impact on the safety, aesthetics or function of the infrastructure of the Township in the event that the activity/construction or change to the land was not completed as planned. This development agreement shall continue for the duration of the construction and development of the site.

CHAPTER 17

Administration, Enforcement and Amendments

SECTION 1701. ZONING ADMINISTRATOR. The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

1. **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD LAND USE PERMITS.** All applications for Land Use Permits shall be submitted to the Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Administrator shall issue a Land Use Permit for the proposed use. When conditions are not met, the Administrator shall consult with the applicant to determine the proper course of action. The Administrator shall maintain a record of all applications and related Land Use Permits, including documentation for each.
2. **ISSUE WRITTEN DENIAL.** When any application for a Land Use Permit is denied, the Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
3. **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the designated committee member from each of the Planning Commission or Zoning Board of Appeals or the Township Clerk shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
4. **INSPECTIONS.** The Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
5. **RECORD NONCONFORMING USES.** The Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
6. **RECORD SPECIAL USES.** The Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
7. **RECORD INTERPRETATIONS OF ORDINANCE.** The Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
8. **PUBLIC INFORMATION.** The Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
9. **RESPOND TO COMPLAINTS.** The Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Administrator shall provide a report at each regular Planning Commission meeting, summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
10. **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

SECTION 1702. PLANNING COMMISSION.

1. **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, appointed by the Township Supervisor with the approval of the Township Board. Only one member can be a member of the Township Board.
2. **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.

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3. **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice Chairperson and Secretary.
 4. **MEETINGS.** The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
 5. **MAJORITY VOTE.** The concurring vote of a majority of the quorum of the Planning Commission shall be necessary to decide upon any issue brought before the Board.
 6. **DEVELOPMENT PLAN.** The Planning Commission shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, and approval shall be according to The Michigan Planning Act, as amended.
 7. **ZONING ORDINANCE.** The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
 8. **ADMINISTRATION AND ENFORCEMENT.** The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a. **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b. **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.
 - c. **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board.

SECTION 1703. ZONING BOARD OF APPEALS.

1. **ESTABLISHMENT.** The Township Board hereby provides that a Township Zoning Board of Appeals is established.
 2. **MEMBERSHIP.** The Pine River Township Zoning Board of Appeals shall consist of five (5) members. One of the regular members of the zoning board of appeals shall be a member of the planning commission. One of the regular members of the zoning board of appeals shall be a member of the township board, but that member shall not serve as chair of the zoning board of appeals. The third regular member of the zoning board of appeals and any alternate members shall be selected from the electors of the township and shall be representative of the population distribution and of the various interests present in the township. An employee or contractor of the township board may not serve as a member of the zoning board of appeals. The township board may appoint to the zoning board of appeals not more than two (2) alternate members for the same term as regular members. An alternate member may be called to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member. A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
 3. **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term
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for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.

4. **RULES OF PROCEDURE.** The Board of Appeals may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.
5. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
6. **RECORDS.** Minutes shall be recorded of all proceedings that shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
7. **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within forty-five (45) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Land Use Permit authorized by such a decision shall be issued until the decision has taken effect.
8. **MAJORITY VOTE.** The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three (3) members are present, out of a total of five (5) members, all three (3) present must concur to pass a motion.
9. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute malfeasance in office.
10. **DUTIES.** The Pine River Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
 - a. **ADMINISTRATIVE REVIEW.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official or board charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits or Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review of a decision by the Zoning Administrator by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer or board of the Township. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.

An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
 - b. **INTERPRETATION.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises that has been addressed previously by the Zoning

Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- 1) The Board may determine the precise location of the boundary lines between zoning districts.
 - 2) The Board may classify any activity that is not specifically mentioned in the Uses Table in Chapter 2 (District Regulations) for any Zoning District as a Permitted Use or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - 3) The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 2, District Regulations.
 - 4) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- c. **VARIANCES.** The Zoning Board of Appeals is empowered to grant nonuse variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance that can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. A nonuse variance may be granted where the applicant demonstrates in the official record of the public hearing that a practical difficulty exists by showing all of the following:
- 1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - 2) That the need for the requested variance is not the result of actions of the property owners (self created).
 - 3) That strict compliance with regulations governing area, setback, width, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - 4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- d. **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**
- 1) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation.
 - 2) Where an interpretation or administrative review does not involve a specific lot, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent by mail or personal delivery to the person requesting the interpretation not less than fifteen days before public hearing.
 - 3) If the request for a variance, interpretation or administrative review involves a specific lot notice shall be given by publication in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. All notices shall be given not less than fifteen days before the date the application will be considered for approval and shall include the nature of the request, the time, date and place of the hearing. Notices for variance requests shall also include the street addresses of all properties that are in the request and when and where written comments will be received concerning the request.
 - 4) Any action brought before the Zoning Board of Appeals may relate only to a single lot that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
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- 5) Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a lot is NOT an objective of this Ordinance.
 - 6) Any request that has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court. However, if new evidence or changed conditions are found, the Board may elect to rehear a case.

SECTION 1704. ENFORCEMENT.

1. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
2. **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a civil infraction, enforceable under the Township Ordinance covering Municipal Civil Infractions and the rules adopted. The Township Board may set a schedule of civil forfeitures for violations of this Ordinance by resolution. Each day that a violation continues shall be considered a separate and additional violation. Any and all building or land use activities considered possible violations of the provision of this Ordinance observed by or communicated to an official or employee shall be reported to the Zoning Administrator.
 - a. **INSPECTION OF VIOLATION.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - b. **CORRECTION PERIOD.** All violations shall be corrected within a reasonable time period determined by the Zoning Administrator, but not to exceed thirty (30) days, he may issue one (1) extension if progress is being shown.
 - c. **CUMULATIVE RIGHTS AND REMEDIES.** This Ordinance is enforceable by any action, legal or equitable, authorized by statute or court decision of this State and may be brought in the name of the Township in any court of competent jurisdiction. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
3. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that 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 other law or Ordinance shall govern.

SECTION 1705. AMENDMENT.

1. **TOWNSHIP BOARD MAY AMEND.** The Township Board may amend the regulations and provisions of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map by the Township Board.
 2. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
 3. **AMENDMENT PROCEDURE.**
 - a. **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition for an amendment shall be submitted upon an application of standard form to the Township Clerk, who will transmit the application to the Planning Commission for recommended action.
 - b. **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment and may recommend any additions or modifications to the original amendment petition.
 - c. **PUBLIC HEARING.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given to the public as required by
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section 1706 of this Ordinance and the Zoning Enabling Act, being Public Act 110 of 2006. Notice of the time and place of the Planning Commission's public hearing shall also be given by mail, not less than fifteen days before the date the application will be considered for approval, 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 the public hearing.

- d. **GRATIOT COUNTY PLANNING COMMISSION.** Following the conclusion of the Public Hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map may be submitted to the Gratiot County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- e. **TOWNSHIP BOARD ADOPTION.** Upon receipt of the Gratiot County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board may hold a public hearing if it considers it necessary. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice shall be given to the public as required by this Ordinance and the Zoning Enabling Act, being Public Act 110 of 2006. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified. The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership.
- f. **RESUBMITTAL.** No application for a rezoning 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 which, upon inspection by the Township Board, are found to be valid.

SECTION 1706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Township Zoning Administrator.

- 1. **CONTENT.** Except as otherwise stated in this Ordinance, notices shall include the nature of the request, indicate the property that is the subject of the request, a listing of all existing street addresses within the property, the time, date and place of the hearing, and when and where written comments will be received concerning the request. (Rezoning requests involving eleven or more adjacent properties do not require a listing of all existing street addresses within the property.) Notices regarding zoning text and map amendments must include the place and time where the proposals may be examined.
 - 2. **PUBLICATION.** Notice shall be given by publication in a newspaper of general circulation in the local unit of government and sent by mail or personal delivery to the owners of the property for which approval is being considered not less than fifteen days before the date the application will be considered for approval.
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3. NOTICE TO OCCUPANTS WITHIN 300 FEET. Unless otherwise required by this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. (This notice requirement does not apply to requests of 11 or more adjacent properties proposed for rezoning.)

**PROCEDURAL REQUIREMENTS
FOR ZONING DECISIONS**

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED?	PUBLISHED NOTICE 15 DAYS BEFORE HEARING?	MAILED NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET at least 15 DAYS BEFORE HEARING?	BODY TO WHICH AGGRIEVED PERSON MAY SEEK REVIEW
VARIANCE	Applicant or Administrator	Zoning Board of Appeals	Yes. Meeting open to public	Yes	Yes	Circuit Court
INTERPRETATION	Applicant or Administrator	Zoning Board of Appeals	Yes. Meeting open to public	Yes	Yes, unless not a specific lot.	Circuit Court
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved person	Zoning Board of Appeals	Yes. Meeting open to public	Yes	Yes, unless not a specific lot.	Circuit Court
SITE PLAN APPROVAL	Applicant or Administrator	Planning Commission	No	Not required	No. Only notice to applicant at least 15 days prior to meeting.	Township Board
SPECIAL USE PERMIT	Applicant or Administrator	Planning Commission	If requested by property owner within 300 ft.	Yes	Yes	Circuit Court
PLANNED UNIT DEVELOPMENT	Applicant or Administrator	Planning Commission	Yes	Yes	Yes	Circuit Court
REZONING	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	Yes	Yes, unless more than 10 adjacent properties are proposed for rezoning.	Circuit Court
		Township Board	If requested by any party	Yes	Yes, unless more than 10 adjacent properties are proposed for rezoning..	Circuit Court
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	Yes	Yes, unless more than 10 adjacent properties are proposed for rezoning.	Circuit Court
		Township Board	If requested by any party	Yes	Yes, unless more than 10 adjacent properties are proposed for rezoning.	Circuit Court
FEE WAIVER	Applicant	Township Board	No	Not required	Not required	Circuit Court

SECTION 1707. FEES. The Township Board shall by resolution adopt a schedule of application fees for permits, reviews and approvals under this Ordinance. Such application fees shall include, in addition to others, fees for Land Use Permits, Special Use Permits, Planned Unit Developments, Site Plans, Plats, Variances, Interpretations, Appeals, and any other reviews, permits or approvals contemplated by this Ordinance. The application fees are intended to recover the Townships costs of review, investigation, publication, mailing, printing, board and commission compensation, professional fees, and other expenses typically incurred by the Township in such matters. Application fees are not refundable.

In addition to application fees, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator are authorized in cases where the Township's anticipated expenses are estimated to exceed those in typical cases to require the applicant to post an escrow fee in addition to the application fee. The escrow fee is subject to partial refund for any portion that is not used to cover the Township's costs and expenses in connection with the matter under review.

SECTION 1708. PERFORMANCE GUARANTEES

1. To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.
 2. As used in this Section, "improvements" means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include buildings.
 3. The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.
 4. The letter or credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within 100 miles of the City of St. Louis, Michigan, or transmitted by facsimile.
 5. The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; that conditions are met; that all materials, debris and equipment are removed from the site; and that actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not the Township).
 6. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be covered by the performance guarantee, such estimate shall be verified as to the amount by the Township Engineer. The exact amount shall be determined by the Township Engineer.
 7. If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.
 8. If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning Administrator may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.
 9. As the contingencies covered by the performance guarantee diminish, the Zoning Administrator, upon direction of the Township Board, may decrease the amount.
 10. The amount of a performance guarantee may be reduced to an amount not less than ten (10%) percent when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials;
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replace dead or dying landscape materials; ensure proper grading; and that actual costs incurred by the Township related to the project are fully paid by the owner/developer.

11. For improvements under the zoning jurisdiction of the Township, "satisfactorily completed" means the Zoning Administrator or Township Engineer has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, "satisfactorily completed" means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.
12. The performance guarantee shall fully terminate one (1) year after ninety (90%) percent of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.
13. The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days of the date of termination, then the Township may call the existing performance guarantee due and payable.
14. Upon failure to comply with a requirement of this Ordinance, approved site plan, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

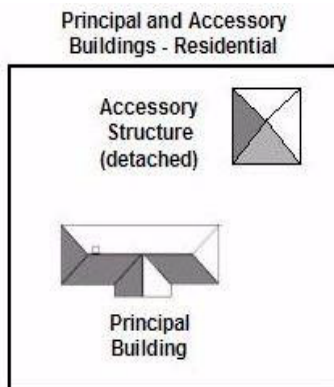
CHAPTER 18

Definitions

SECTION 1801. RULES APPLYING TO TEXT. All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure," and "dwelling" includes "residence," the word "person" includes "corporation," "copartnership," and "association" as well as an "individual," the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 1802. DEFINITIONS. For the purposes of this Ordinance, the following terms and words are defined as follows:

Abut. To physically touch or border upon; to share a common property line.



Accessory Structure. A supplemental building or structure on the same lot as the principal building or buildings, or part of the principal building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

Accessory Structure, Non-Regulated. In general, structures under 200 square feet if they are not subject to specific provisions of this ordinance. Examples include tool sheds, dog houses, and gazebos.

Accessory Use. A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground, such as garages, sheds, barns, television satellite dishes, and designed-surface structures and areas.

Adjacent. A lot that shares all or part of a common lot line with another lot.

Adult Cabaret. A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specific sexual activities or specified anatomical areas for observation by patrons therein.

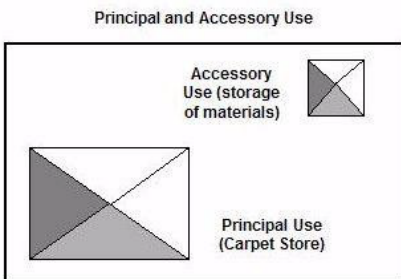
Adult Media. Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

Adult Media Store. An establishment that rents and/or sells media, and that meets any of the following three tests: (1) Forty (40%) percent or more of the gross public floor area is devoted to adult media. (2) Forty (40%) percent or more of the stock in trade consists of adult media. (3) It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

Adult Motion Picture Theater. An establishment emphasizing or predominately showing sexually oriented movies.

Agribusiness. Agricultural products, production and processing operations including:

1. Agricultural product storage facilities
2. Auctions for livestock
3. Bulk feed and fertilizer outlets and distribution centers
4. Farm machinery: sales, service, rental and repair



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5. Grain elevators for storage, drying and sales
 6. Grain and livestock truck and cartage facilities
 7. Greenhouses and nurseries
 8. Riding stables
 9. Sawmills
 10. Seed dealership outlets and distribution centers
 11. Veterinary hospitals, clinics and indoor kennels

Agriculture, Animal. The use of land for the maintenance or production of animals or animal products but does not include livestock production facilities.

Agriculture, Crop. The use of land for the production of row crops, field crops, tree crops, timber and the like.

Agriculture Sales and Service. An establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural Storage. The facilities for the warehousing of agricultural products. Typical uses include grain elevators.

Alterations. The term "alterations" shall mean 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, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Animal Clinic. A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Animal Feeding and Livestock Production Facility. A facility where farm animals, as defined in the Right to Farm Act, such as dairy cattle, poultry, beef cattle, sheep, swine, horses, etc. are confined with a capacity of 50 animal units or greater and the associated manure storage facilities. Pasture systems are excluded.

Animal Unit. A unit of measurement for any livestock production facility calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus all other animals on site multiplied by 1.0 per 1,000 pounds of body weight.

Apiary. A place in which bees are kept for production of honey.

Assembly Building. A building for the primary purpose of group gatherings of fifty (50) people or more for any purpose.

Automobile Car Wash. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

Automobile/Vehicle Repair. A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or conditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Sales. An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

Automobile/Vehicle Gas/Fuel Sales. A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises, including sale of minor accessories and service for automobiles.

Bank. A building designed to perform one or more services, including, but not limited to, the safeguarding of money and other valuables, the lending of money, the executing of bills of exchange such as checks, drafts and money orders, the issuance of notes, and the receipt of funds. The term "bank" includes, but is not limited to, banks, savings and loan operations, and credit unions.

Bar. A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

Barn. An accessory building located on a farm and used for the purpose of providing farm storage, housing of livestock, housing of farm equipment and other normal farming purposes needing a shelter.

Basement. That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade that provides barrier-free access to the exterior of the structure and with at least fifty (50%) percent of one wall with no grade and two exits that are fire escape routes.

Bed and Breakfast Operations. A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests

Berm. An earthen buffer that obscures sight, traffic and sound.

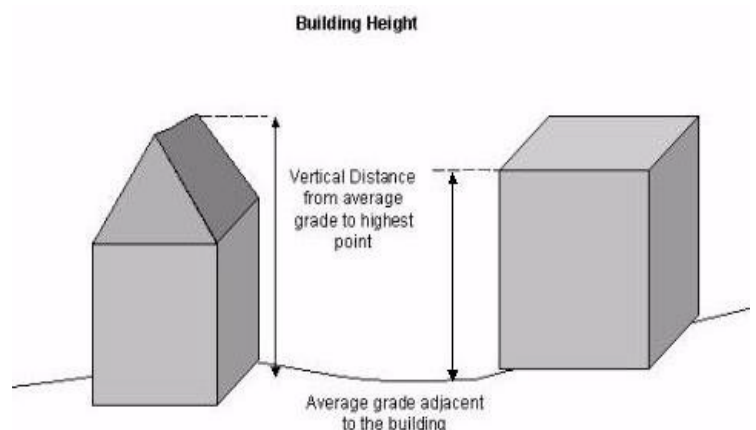
Buffer. A buffer may be open spaces, landscaped areas, fences, walls, berms and/or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. Types of buffers required are regulated separately in this Ordinance.

Building. An independent structure, either temporary or permanent, having a roof supported by columns or walls that includes sheds, garages, stables, greenhouses or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building Material Sales and Supply. A facility where building and construction materials are sold to consumers and contractors, also known as lumber yards and home centers.

Building, Height. The vertical distance from the established grade to the highest point of the roof surface for flat roofs to the deck line of mansard roofs, and to the peak of other structures. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Front Line. A line formed by the face of the building and by the outer surface of a structure or enclosure wall at the finished grade or surface of the ground, which is sometimes referred to as the Front Setback Line, and which is, in general, parallel to the front lot line. No part of a building or structure, including overhangs, porches, decks, flower boxes, etc. if attached to the front of the building, shall project or be located in front of the Building Front Line, except as otherwise provided for by this Ordinance.



Building Permit. A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the applicable Construction Code.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Bulk Handling and Storage. The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposed to the elements; (3) in sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/or distribution of the material and/or products rather than processing; (5) the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

Business Services. A business service establishment provides services to other businesses as their primary clientele and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennae, sign production and installation, equipment rental or repair, building maintenance, and self-service storage).

Car Wash. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Cemetery. Property used for interring of the dead.

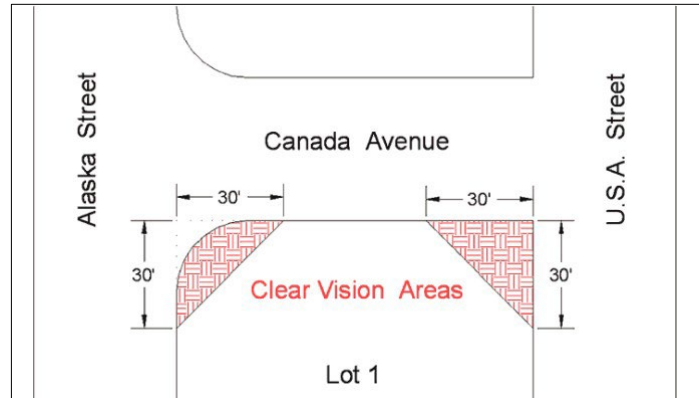
Child Day Care. A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. "Child care center" or "day care center" means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two 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. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
2. "Foster family home" is a private home in which one (1) but not more than six (6) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, 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 or legal guardian.
3. "Foster family group home" means a private home in which more than six (6) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care 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 or legal guardian.
4. "Family day care home" means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than (4) four weeks during a calendar year.

5. "Group day care home" means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Clear Vision Area. An area thirty (30') feet along each street at its intersection with another street, driveway or alley where no visual obstruction of sight may exist.

Clinic, Human. A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.



Commercial School. A school or facility offering training to perform any of the Permitted Uses in the district in which a Commercial School is a Permitted Use or a Special Use. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

Common Land. A lot or lots together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Contractor's Establishment. Such establishments are smaller service based, such as, plumbing, HVAC and electrical and only allowed in Agricultural Districts. Everything must be stored inside the building.

Contractor's Storage Yard. An unenclosed portion of the lot upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. If permitted to be used in this manner, the entire lot would then be classified as a "contractor's storage yard" and will be required to conform to all applicable zoning district standards and other legislative regulations.

Convalescent or Nursing Home. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and other needed attention for compensation.

Convenience Store. A retail operation selling a variety of items including grocery products and items that may be required by neighborhood residents on a day-to-day basis such as newspapers, magazines, seasonal needs, etc.

Coverage, Lot. That percent of the plot or lot covered by the building area

Crops. A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

Degree of Nonconformance. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

1. Use. A Use is any item listed in the DISTRICT REGULATIONS Chapters of this Ordinance as a Permitted Use or a Special Use.
2. Setback. The square footage of a building that is within a required setback area.
3. Area. The square footage by which a building or lot varies from the maximum or minimum area required for its Zoning District.
4. Width or Depth. The distance in feet by which the width or depth of a lot varies from the minimum or maximum dimension for its Zoning District.

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5. **Parking.** The number of off-street parking spaces that a lot lacks to conform to the requirements of the Zoning Ordinance.

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

Drive-In. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-In is also interpreted to include "drive-through" and "fast food" operations that serve food in disposable containers.

Driveway. A private way, easement or right-of-way that provides access from a public road to the principal use or building located on a lot.

Dry Cleaning and Laundry. Establishments where clothes and household goods are professionally cleaned or laundered on site.

Dumpster. A container used to hold trash, garbage, refuse, or rubbish that is designed to be emptied into a garbage collection truck by mechanical means.

Dwelling Unit, Multifamily:

1. **Efficiency Unit:** is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit
2. **One Bedroom Unit:** is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a two (2) room unit.
3. **Two Bedroom Unit:** is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three (3) room unit.
4. **Three or More Bedroom Unit:** is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Dwelling, Single Family. A building used exclusively as a living quarters for one (1) or more families and complying with the following:

1. It contains a minimum floor area of one thousand (1000) square feet. If of a two (2) story design, it shall contain a minimum first story floor area of seven hundred twenty (720) square feet.
 2. It has a minimum width along any exterior side elevation of fourteen (14') feet.
 3. It has a principal living floor area based on a nominal outside dimension of fourteen (14') feet by twenty (20') feet (14 x 20).
 4. It is supported and attached to concrete piers or a continuous foundation meeting the State Construction Code.
 5. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.
 6. The dwelling is connected to a public sewer and water supply or to such private facilities approved by all applicable health departments.
 7. The dwelling contains storage area (s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site equal to not less than fifteen (15%) percent of the interior living area of the dwelling.
 8. The dwelling contains no additions of rooms or other areas that are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure.
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9. The dwelling complies with all applicable building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, and as from time to time such standards may be amended.

Dwelling, Non-Farm. A dwelling located on a lot in the agricultural district that is not associated with an adjacent lot for farm uses.

Easement. A grant of one or more property rights by a property owner to and/or for use by the public or another person or entity.

Enclosed, Locked Facility. A closet, room, locker or other area fully enclosed on all sides equipped with locks or other security devices that permit access only to the Medical Marihuana Patient or Medical Marihuana Caregiver responsible for the Medical Marihuana contained therein. Such must be built and maintained in a manner consistent with applicable building and property maintenance codes.

Entertainment. For the purposes of this Ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

Essential Services. The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

Establishment. Any business regulated by special use permit that is also defined as a sexually oriented business.

Excavation. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

Explicit Sexual Material. Books, magazines, photos, electronic media, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Family. Two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

Farm. A tract of land that is directly devoted to agricultural purposes. A farm includes cultivation of crops and horticulture and keeping of livestock. A farm does not include establishments operated as roadside stands, nurseries, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries, gravel or sand pits.

Farming, General. The practice of agriculture on a farm as defined by the USDA.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, decorate or separate areas.

Field Crops. A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

Filling. Depositing or dumping of any matter onto or into the ground except common household gardening and ground care.

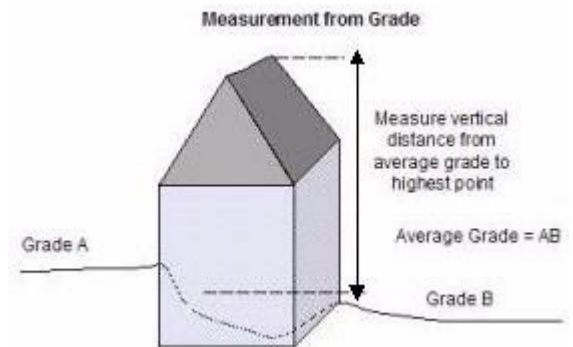
Frontage, Lot. All lots shall front on a road. A lot "fronts" on a road when the lot immediately abuts a road right-of-way. The distance of the line that separates the lot from the road on which it fronts is known as the "lot frontage."

Funeral Home. A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, Commercial. Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, Private. An accessory building used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

Grade, Measurement From. The term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.



Greenbelt. A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, that shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

Gross Public Floor Area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture or video arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

Hard-Core Material. Media characterized by specified sexual activities or specified anatomical areas

Hard Surface. At least five (5") inches of reinforced concrete or two (2") inches of bituminous surface laid over five (5") inches of compacted crushed stone. "Paved" and "hard surface" shall have the same meaning for purposes of this Ordinance.

Hatcheries. A place where eggs, especially those of fish or poultry, are hatched.

Highway. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic. See also ROAD.

Home Occupation. Any business carried on by one or more members of a family residing on the premises, provided that:

In the Agricultural district, a home occupation is defined as:

1. Is operated in its entirety within the principal dwelling or accessory structure;
 2. Does not have a separate entrance from outside the building;
 3. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure.
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4. Does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, not illuminated wall sign having an area of not more than two (2) square feet.
 5. Is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
 6. Home occupations specifically exclude tattoo and piercing parlors and massage studios.

In the LDR and HDR district, a home occupation is defined as an operation that:

1. Is operated in its entirety within the principal dwelling or accessory structure;
1. Does not have a separate entrance from outside the building;
2. Does not involve alteration or construction not customarily found in dwellings or accessory structures;
3. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
4. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure.
5. Does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, not illuminated wall sign having an area of not more than two (2) square feet.
6. Does not employ more than one (1) person other than family members residing on the premises.
7. Is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
8. Home occupations specifically exclude tattoo and piercing parlors and massage studios.

A Medical Marihuana Home Occupation shall comply with all the above requirements for the district in which it is located, in addition to the requirements that apply to Medical Marihuana Home Occupations.

Horticulture. The cultivation of a garden or orchard.

Hospital. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include a rest home, nursing home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

Individual Storage Facility. A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

Industrial. A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal, integral part of an industrial enterprise or area.

Industrial Machine. A machine or tool with an engine or power supply greater than 3 HP or 3kW which may be used to cut, clean, weld, crush, drill, or otherwise manipulate materials.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institution, Educational. A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

Institution, Health Care. A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, and mental, physical or substance abuse rehabilitation facilities.

Institution, Religious. A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

Institution, Social. Any profit or nonprofit use or facility in which activities for leisure or philanthropy are carried out. Such institutions may include service clubs (such as Elks, Moose, VFW, etc.), scout organizations, hobby clubs and veterans organizations.

Junk. All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof, salvage and salvaged material.

Junk/Salvage Yard. A licensed open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards that are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

Kennel. One or more buildings and/or land designed or arranged for the keeping of four (4) or more dogs or cats, three (3) months of age or older, including the sale, boarding, breeding, grooming, training, or care of animals for profit.

Laboratory. Medical, Dental or Experimental. A laboratory that provides analytical or diagnostic services to physicians and dentists. Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.

Land Use Permit. A permit issued by the Zoning Administrator under this Ordinance, authorizing a particular building, structure or use. Land use permits include sign permits, temporary use permits, permits for ponds, and other approvals required from the Zoning Administrator under this Ordinance. The Township Board shall by resolution establish the schedule of fees for land use permits and other permits and approvals under this Ordinance.

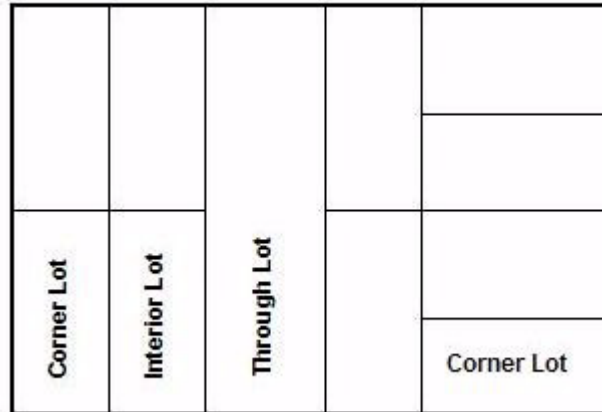
Licensed Recreational Vehicle/Equipment. A vehicular type portable structure without permanent foundation that can be towed, hauled or driven, used where permitted for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off-road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by a state in prominent display to be considered licensed.

Lingerie Modeling Studio. An establishment or business that provides the services of live models modeling lingerie to individuals, couples or small groups in rooms smaller than six hundred (600) square feet.

Loading Berth/Space. An off-street space at least ten (10') feet wide, fifty (50') feet long and fifteen (15') feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

Lot. A continuous area or acreage of land, whether designated as a lot, parcel, division, tract, site condominium unit, or other development site, that is occupied or intended to be occupied by a principal building or a group of such buildings, or utilized for a principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. All lots shall front on a road; except that in the AG District only, a lot may be permitted that does front on a public road, provided that: (1) The access to the lot from a public road shall be an easement at least 20 feet wide; (2) The minimum lot width at the building front yard lot line shall be 150 feet; and 3) The lot is a minimum of 2 acres in size.

Lot Types



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

Lot, Corner. A lot that has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty and five (135°) degrees.

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

Lot, Interior. Any lot other than a corner lot.

Lot Lines. The exterior perimeter boundary lines of a lot.

Lot Line, Front. In the case of an interior lot, that line separating said lot from the road on which it fronts. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from each road upon which it fronts. The distance of the front lot line is also known as the "lot frontage."

Lot Line, Rear. That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10') feet long farthest from the front lot line and wholly within the lot.

Lot Line, Side. Any lot line other than the front lot line or rear lot line separating a lot from a road is a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record. A lot, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

Lot, Through. An interior lot having frontage on two streets that do not intersect at a point contiguous to such lot.

Lot, Waterfront. A lot having a frontage directly upon a lake, river or other impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

Lot Width. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback. The Lot Width is also sometimes referred to the "Lot Frontage" or "Road Frontage" of the Lot. All lots shall front on a road.

Lumber Yard. A lumber yard is a business that emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

Manufactured Home Development. A lot or tract of land under the control of a person upon which 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.

Manufacturing. Processing raw or partially finished material primarily with industrial machinery. This includes stamping, rolling, forging, plating, heat treating, forming, molding and assembly.

Manure Storage Area. A holding area or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with a livestock production facility.

Marihuana. That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Massage Studio. An establishment offering massage therapy and/or body work by a massage therapist licensed under State of Michigan law or under the direct supervision of a licensed physician.

Master Deed. The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Media. Anything printed or written, or any picture, drawing, photograph, motion picture, film, video tape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not be necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media and undeveloped pictures.

Media Shop. A general term identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop be treated as an adult media outlet. See special conditions in Chapter 15, Special Use Permits, for media shops in which adult media constitute more than ten (10%) percent but less than forty (40%) percent of the stock in trade or occupy more than ten (10%) percent but less than forty (40%) percent of the floor area.

Medical Marihuana. Marihuana that is acquired, possessed (externally or internally), cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a Medical Marihuana Patient's debilitating medical condition or symptoms associated with the debilitating medical condition; or paraphernalia related to the administration of marihuana to treat or alleviate a Medical Marihuana Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Medical Marihuana Caregiver. A person who is:

1. at least 21 years old;
2. who has agreed to assist with a Medical Marihuana Patient's medical use of marihuana;
3. who has never been convicted of a felony involving illegal drugs; and
4. otherwise meets all requirements for primary caregivers under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq., and the rules promulgated therefore by the Department of Community Health, R 333.101 et seq., including, but not limited to possession of a valid, unexpired registry identification card.

Medical Marihuana Caregiver Distribution Facility. A location from where not more than one (1) Medical Marihuana Caregiver distributes, transfers, or otherwise make available Medical Marihuana to his or her Medical Marihuana Patients. No medical marihuana may be used, smoked, consumed, or grown at such a facility.

Medical Marihuana Home Occupation. To the extent that it is otherwise lawful, the medical use, growing, cultivation or transfer of Marihuana by not more than one (1) Medical Marihuana Caregiver or not more than one (1) Medical Marihuana Patient in any LDR, HDR or Agricultural District as a Medical Marihuana Home Occupation by special use permit, subject to the standards set forth in this Ordinance, and compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, and General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

Medical Marihuana Growing Facility. A location where not more than one (1) Medical Marihuana Patient grows marihuana for personal use or a location where not more than one (1) Medical Marihuana Caregiver grows, but does not transfer or distribute, Medical Marihuana for his or her Medical Marihuana Patients, up to a maximum of five (5) such patients. No Medical Marihuana may be used, smoked, consumed, transferred or distributed at such a facility.

Medical Marihuana Patient. A person who has satisfied all requirements as set forth in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.

Mining. Mining includes the extraction of minerals, including solids, such as coal, ores, liquids such as crude petroleum and gases such as natural gases. Mining also includes quarrying, groundwater diversion, soil removal, gravel and sand removal, milling, crushing, screening, washing and flotation of materials, and any other preparation customarily done at the mine site or as part of a mining activity.

Mini-Storage. A building or group of buildings in a controlled access and fenced area that contains varying sizes of individual, compartmentalized and controlled access storage stalls for storage of the customer's property. Such facilities may also provide outdoor storage for automobiles, boats and recreational vehicles.

Mobile/Manufactured Home. A detached single family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy.
2. Contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
3. Designed to be transported after fabrication on its own wheels, flatbed, trailer, or detachable wheels.
4. Arriving at a site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of seven hundred and twenty (720) square feet, and including appliances and furniture and ready for occupancy except for minor incidental location operations.

Mobile Home Condominium Project. A condominium project in which mobile homes are intended to be located upon separate sites that constitute individual condominium units.

Mobile Home Space. A plot within the Manufactured Home Development designed to accommodate one (1) mobile home.

Mobile Home Stand. That part of an individual Mobile Home site that has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

Modular Home. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

Motel. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "travel lodge," "motor courts," "motor hotels," and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, "motel" and "hotel" have the same meaning.

Natural Resource Extraction. Any excavation or mining operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other non-metallic mineral in excess of (50) cubic yards in any calendar year, including the overburdening, or the storage or transporting of such items on a site, or the reclamation of the site after removal or excavation of such items

Nonprofit Organization. The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization that owns or leases property in Pine River Township.

Nonconformity. Any use of land or building, any lot, or any building or other structure that does not comply with all of the District Regulations for the Zoning District in which it is located.

Nonconforming Use. Any use of a building, structure, or land existing at the time of enactment of this Ordinance, and that does not conform to the regulations of the district or zone in which it is situated.

Nuisance. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially continuing or repeating invasion of any physical characteristics of activity or use across a property line that can be perceived by or affects a human being, or the generation of an excessive or concentrated movement or people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibrations, shock waves, heat, electronic or atomic radiation, objectionable effluent, and traffic.

Nursery. Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale.

Office. An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or computer consulting, bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople that does not include storage or display of merchandise.

Office Services. A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Opaque. Not pervious to light.

Open Space. Any unoccupied space open to the sky on the same lot with a building.

Open Space Preservation Option. A rural residential development option wherein two or more dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties and the groupings by green space that is perpetually protected from development and remains in an undeveloped state.

Outdoor Assembly. These uses include outdoor amphitheaters, race tracks, drive-in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.

Outdoor Storage. A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Outdoor Use. A use of which the majority is conducted outside of a structure of any kind.

Parking, Off-street. Vehicular parking provided on a lot, but not within a highway or road right-of-way.

Parking Space. A land area of not less than ten (10') feet by twenty (20') feet (10 x 20), exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Parks/Playgrounds - Lands primarily used for improvements related to outdoor activities that generally do not require payment each time for use such as, baseball diamonds, soccer fields, children's playgrounds, pickleball courts, walking trails, and other similar uses.

Pasture. A single lot that has an area of more than two (2) acres.

Performance Guarantee. Security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township,

Permitted Use. A use designated in any Zoning District under this Ordinance that does not require a Special Use Permit. Some Permitted Uses may be subject to additional permits and approvals as directed by this Ordinance.

Personal Service Business. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, beauty salon, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

Pet. Shall mean only such animals as may be commonly housed within domestic living quarters.

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

Plat. A map of a subdivision of land.

Pond. A small body of surface water that exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Principal Building. A building in which is conducted the principal use of the lot on which it is located.

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

Public Building. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, State, county, municipality without reference to ownership of the building or the realty upon which it is situated. A building belonging or used by the public for the transaction of public or quasi-public businesses.

Public Service Installation. A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a public utility.

Public Road. Any vehicular way which: (1) is an existing State, county, or municipal roadway; or (2) is shown upon a plat as a public road approved pursuant to law; or (3) is approved as a public road by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare that affords the principal means of access to abutting property.

Public Utility. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

Recreation, Commercial. Any establishment with the main purpose to provide customers with an amusing, recreational, or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, fitness centers/gyms, bowling alleys, and billiard halls, but not any land uses more specifically defined with the Zoning Ordinance (i.e., theater).

Recreational Vehicle. A vehicle primarily designed and used where permitted as temporary living quarters for recreation or camping or a vehicle mounted on or drawn by another vehicle.

Recreational Vehicle Park (RV Park). A family recreation-oriented facility for the overnight or short-term parking of travel trailers, recreation vehicles or tents; may also be known as a campground.

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

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

Road. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic.

Road, County Primary. A road designated by the County Road Commission as a primary road under MCL 247.651, et seq.

Road, Hard Surfaced. A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road Right-of-Way Line. The line that forms the outer limits of a road right-of-way and that forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance. This is also sometimes referred to as the “Front Line” of the lot.

Roadside Stand. A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises including the immediate surrounding area, by the proprietor of the stand or his family; its use shall not make it a commercial district or land that would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed four hundred (400) square feet.

Road, State Trunk Line. A road designated by the Michigan Department of Transportation as a state trunk line road under MCL 247.651, et seq.

Sadomasochistic Practices. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

Sales Area. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

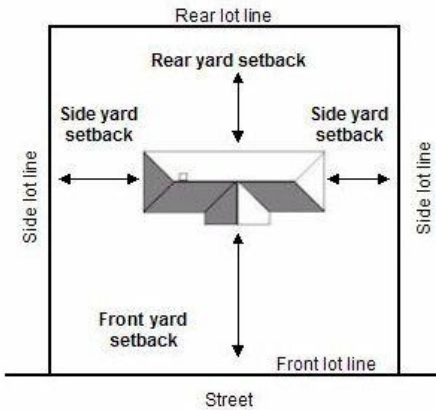
Sanitary Landfill. A private or public landfill that meets all of the current requirements of the Michigan Department of Environmental Quality.

Screen. A structure providing enclosure and visual barrier between the area enclosed and the adjacent property. A screen may also consist of shrubs or other growing material.

Service Area. Anywhere fuel is dispensed or any service of the business is performed.

S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty (50%) percent of the property's true cash value.

Setbacks for Interior Lots



Service Business. A service business is an enterprise that deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business.

Setback. The minimum unoccupied distance between front, side or rear lot line and the principal and accessory buildings, as required herein.

Sexually Oriented Business. An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage studio, and/or sex shop.

Sexually Oriented Toys or Novelties. Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sex Shop. An establishment offering goods for sale or rent and that meets any of the following tests: (1) The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10%) percent of its stock in trade or occupies more than ten (10%) percent of its floor area. (2) More than five (5%) percent of its stock in trade consists of sexually oriented toys or novelties. (3) More than five (5%) percent of its gross floor area is devoted to the display of sexually oriented toys or novelties.

Shoreline. The line that separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance, the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sidewalk. A paved path for pedestrians, bicyclists, and other non-motorized transport, located along a street or road and within the public right-of-way.

Sign. A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and that is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance, the following sign or sign-related terms are defined:

1. **Electronic Message Board.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than twenty (20) seconds. Signs displaying time and temperature only may change messages with a frequency of no less than five (5) seconds.
2. **Monument/Freestanding Sign.** A sign that is affixed to a permanent foundation, but not attached to the building proper.
3. **Marquee.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
4. **Nondwelling Use Sign.** A sign located on a lot that does not have a dwelling as its principal structure. Examples of the uses that may be associated with nondwellings include but are not limited to signs associated with subdivisions, schools, religious institutions, public buildings and cemeteries.

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5. *Portable Sign.* A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign that can be physically lifted, pulled, carried or wheeled from one location to another.
 6. *Roof Sign.* Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
 7. *Small Sign.* A sign no greater than six (6) sq. ft. or four (4') ft. in height located within the required yard.
 8. *Wall Sign.* A sign affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and that projects from that surface less than eighteen (18") inches at all points.

Site Area. The total area within the property lines excluding rights-of-way, easements, etc.

Site Condominium. A land development project established pursuant to the Condominium Act, in which individual condominium units are used as development sites. For purposes of this Ordinance, each such condominium unit or site shall be treated as a separate lot and shall be subject to the requirements of this Ordinance that apply to lots.

Site Plan. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

Special Use. Any Use that is designated under this Ordinance as being allowed within a particular Zoning District by Special Use Permit. Specified procedures and requirements, as outlined in this Ordinance, must be complied with prior to final issuance of said permit.

Special Use Permit. A permit issued, following a site plan review and approval of a special use, by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure, which activity is found to be not injurious to the health, safety, convenience and general welfare of the Township's residents.

Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and ceiling next above it. A basement is not considered a story.

Story, Half. A space under a sloping roof that has the line of intersection of roof decking and wall face not more than three (3') feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

Story Height. The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

State Licensed Residential Facility. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence. None of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol

or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

Storage. A space or place where goods, materials, or personal property is placed and kept for more than twenty-four (24) consecutive hours.

Storage, Bulk. The holding or stockpiling on land of material and/or products where such storage constitutes forty (40%) percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements; (3) in sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/or distribution of the material and/or products rather than processing; (5) the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

Street. A public thoroughfare that affords the principal means of access to abutting property.

Street, Functional Classification. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

1. Principal Arterial. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
2. Minor Arterial. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
3. Collector. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
4. Local. Serves as direct land access and access to higher systems.

Street Line. The legal line of demarcation between a street right-of-way line and abutting land.

Structure. A man-made object that is built or constructed, either temporary or permanent that may include but is not limited to sheds, garages, stables, greenhouses, towers, antennas, fences, etc. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Subdivision. The partitioning or splitting of a lot or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more lots less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of Act 288 of 1967, as amended. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent lots, if the property taken from one lot is added to an adjacent lot; and any resulting lot shall not be considered a building site unless the lot conforms to the requirements of Act 288 of 1967, as amended, or the requirements of this Ordinance.

Swimming Pool. An artificially contained body of water for the purpose of swimming, excluding hot tubs. A swimming pool is greater than two (2') feet deep at any point. May be regulated as an accessory structure.

Tattoo and Piercing Parlor. An establishment whose principal business activity, either in terms of operation or as conveyed to the public, is the practice of one or more of the following: (1) placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern. An establishment used primarily for serving alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use..

Telecommunication Towers and Facilities. All structures and accessory facilities, including Alternative Tower Structures, 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, personal communication services towers (PCS), and cellular telephone towers. 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; and governmental facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Use. A use, activity, or building allowed for a fixed period of time pursuant to a temporary use permit granted by the Zoning Administrator, and in some cases also subject to site plan approval by the Planning Commission, which temporary use shall cease and discontinue upon the expiration of the time period granted in the temporary use permit or site plan approval. Such temporary use may be permitted to exist pending the construction or repair of a principal residential dwelling on the same lot, for a seasonal use, for the sale of goods from a structure or vehicle, or for special events. All such temporary uses shall comply with the terms of the temporary use permit and site plan and with the requirements of this Ordinance for temporary uses.

Temporary Use Permit. A written permit issued by the Zoning Administrator for the conduct of a temporary use within the Township. In some cases, as specified by this Ordinance, a site plan for temporary use must also be reviewed and approved by the Planning Commission.

Theater. A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

Trailer. A portable, nonmotorized vehicular unit primarily designed for short-term occupation, carrying materials, goods or objects or for use where permitted as a temporary office.

Travel Trailer. A portable nonmotorized vehicular unit, primarily designed for travel and/or recreational usage, that may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck-mounted campers but does not include mobile homes.

Truck Terminal. An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis.

Usable Marihuana. Dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof. The seeds, stalks, and roots of a marihuana plant are not considered usable marihuana.

Use. The purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Variance. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship or practical difficulty due to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals under the provisions of this Ordinance and the Michigan Zoning Enabling Act, as amended.

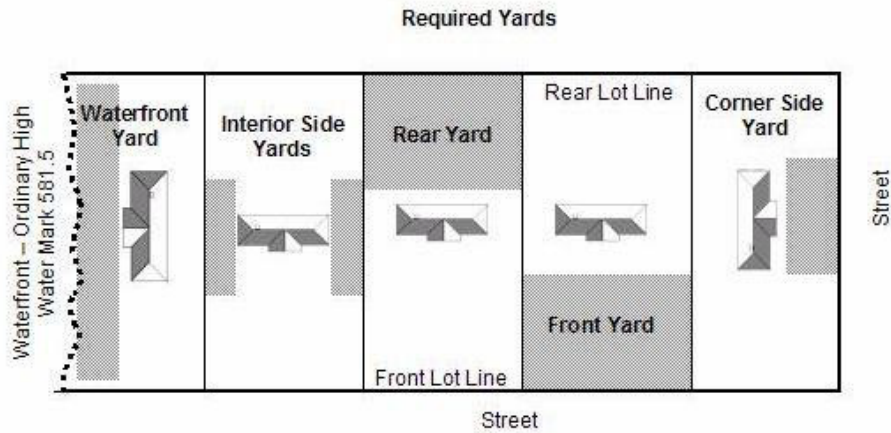
Video Viewing Booth or Arcade Booth. Any booth, cubicle, stall or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

Wall. A constructed solid barrier of concrete, stone, brick, tile, wood or similar type of material that closes, marks or borders a field, yard or lot and that limits visibility and restricts flow of air and light.

Warehouse. A building used primarily for the storage of goods and materials.

Wholesale Business. A wholesale business is an enterprise that buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

Yard. The open spaces on the same lot with a principal building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.



Yard, Front. A yard between the front lot line and the nearest point of the principal building.

Yard, Rear. A yard between the rear lot line and the nearest point of the principal building.

Yard, Side. A yard between the nearest point of the principal building and any side line.

Zoning Administrator. That individual appointed by the Township Board to carry out enforcement of this Ordinance.

Zoning Board of Appeals. As used in this Ordinance, the term "Board of Appeals" means the Zoning Board of Appeals of Pine River Township, Gratiot County, Michigan.

Zoning District. Zoning Districts are those areas within the Township within which specific Permitted Uses and Special Uses are allowed pursuant to the regulations contained within this Ordinance.