

ZONING ORDINANCE

ADOPTED:



CALEDONIA TOWNSHIP

ALCONA COUNTY, MICHIGAN

Caledonia Township ZONING ORDINANCE

Alcona County
Michigan

Adopted:
Effective:



Prepared with the assistance of:

Northeast Michigan Council of Governments

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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Article 1

Purpose & Authority

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An ordinance to establish zoning districts, provisions, and regulations in the unincorporated portions of Caledonia Township, County of Alcona, State of Michigan, in accordance with the provisions of the **Michigan Zoning Enabling Act, Public Act 110 of 2006**, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

CALEDONIA TOWNSHIP, ALCONA COUNTY, MICHIGAN, HEREBY ENACTS:

Section 1.0 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Caledonia Township. The provisions herein are intended to:

- A. Regulate land development.
- B. Establish districts within Caledonia Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- C. To ensure that use of the land is situated in appropriate locations and relationships.
- D. To provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered.
- E. To limit the overcrowding of land and congestion of population, transportation systems, and other public facilities.
- F. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- G. To conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties.

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H. To be one means of implementing the policies, goals, and objectives as set forth in the current master plan.

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Caledonia Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

Section 1.1 Authority

This Ordinance is enacted into law pursuant to the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

Section 1.2 Title

This Ordinance shall be known as the Caledonia Township Zoning Ordinance and shall be referred to herein as "this Ordinance."

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Article 2

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Section 2.0 Rules Applying to Text

For the purpose of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general (the more specific regulations shall control over the general regulations).
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future.
- E. Words used in the singular number shall also denote the plural and the plural shall also denote the singular.
- F. A "building" or "structure" includes any part thereof.

- G. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- H. Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events, the terms "and," "or," "either...or," shall be interpreted as follows:
 - 1. "And" denotes that all of the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.
- J. "Township" shall refer specifically to Caledonia Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Caledonia Township Zoning Board of Appeals.
- L. "Days" means calendar days unless otherwise stated.
- M. Any word or term not defined herein shall be assumed to have the meaning customarily assigned to them.

Section 2.1 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

A

Abutting. Having lot line or district line in common; e.g., two (2) lots are abutting if they have lot lines in common.

Accelerated Soil Erosion. The increased lay of the land surface that occurs as a result of human activities.

Access. A way of approaching or entering a property.

Accessory Building or Accessory Structure. A supplemental building or structure devoted to an accessory use and located on the same lot as the principal building or buildings. An accessory structure attached to a principal structure shall be considered part of the principal structure. Fences, signs, and manufactured

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homes shall not be considered accessory buildings or structures.

Accessory Building or Accessory Structure, Temporary. An accessory structure with no permanent footings or foundations.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit either within the same building as the single-family dwelling unit, in a detached building, or as a freestanding, detached unit. An accessory dwelling unit has its own kitchen, bath, living area, and sleeping area, and usually a separate entrance. Accessory dwelling units shall be developed in accordance with the standards set forth in **Section 7.2** and only in those zoning districts where the use is listed as allowed. Also known as a Guest House or Granny Flat.

Accessory Use. A use naturally and normally incidental and subordinate to the principal use of the land or building.

Acreage, Net. The actual land available for development within a lot after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e., steep slopes, wetlands, and the like).

Adjacent Property. Property that adjoins any sides or corners of a specific lot including but not limited to those lands separated from the lot by a road rights-of-way, easements, or public utility rights-of-way.

Adult Day Care Facility. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

Adult Foster Care Facility. As defined by the Adult Foster Care Facility Licensing Act (**PA 218 of 1979**, as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.

3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
 4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
 5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. **Adult Foster Care Home, Family**, is considered a State-Licensed Residential Facility.
- B. An adult foster care facility does not include the following:
1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
 5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
 6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).

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- c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
 8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
 9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
 10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
 11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Aggrieved Person. To be aggrieved, a person must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

Agriculture. The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain. See **Farm, Commercial** or **Farm, Domestic**.

Agricultural Sales and Service. An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies, and machinery repair services.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

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- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Farm Stays.
- E. Gift shops for agriculturally-related products, crafts.
- F. Historical agricultural exhibits.
- G. Organized meeting space (weddings, birthdays, corporate picnics) – fall under the definition of **Commercial Event Facility**.
- H. Petting farms, animal display, and pony rides.
- I. Picnic areas (including rest rooms).
- J. Playgrounds, wagon/sleigh rides, nature trails.
- K. Restaurants related to the agricultural use of the site.
- L. Seasonal outdoor mazes of agricultural origin.
- M. Small-scale entertainment (concert, car show, art fair).

Alterations. 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 Hospital or Animal Clinic. A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under the direction of a licensed veterinarian registered in the State of Michigan.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

Apartment. The term "Apartment" shall mean the dwelling unit in a multiple-family dwelling.

Apartment, Accessory: See **Accessory Dwelling Unit**.

Apartment Building. See **Dwelling, Multiple-Family**.

Appeal. See **Zoning Appeal**.

Applicant. Any person that applies for a permit.

Application. The process by which the owner of a lot within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Land Use upon such lot. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

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Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same by common walls and/or a roof.

Automobile Car Wash. A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

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

Automobile Service Station. See **Gas Station**.

Average. The arithmetic mean.

Awning. Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

Barndominium. An open-concept building, made typically from wood or metal, that combines living quarters and a working area. Barndominiums are considered dwelling units for the purpose of this Ordinance and shall meet all standards for a dwelling unit contained within this Ordinance. The living area shall meet the minimum dwelling unit size of the district. Barndominiums shall be constructed to be harmonious in appearance with the surrounding neighborhood.

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 walkout capability. A "walkout basement" shall be defined as a room with at least one (1) wall below grade, which provides barrier-free access to the exterior of the structure and with at least fifty (50) percent of one (1) wall with no grade. Basements must have fire escape routes as designated in the **Alcona County Building Code**.

Battery Energy Storage System. One (1) or more devices, assembled together, capable of storing energy produced by solar energy facilities and/or wind energy facilities in order to supply electrical energy at a

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future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Bed and Breakfast or Tourist Home. Any owner-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the owner (family in residence) are rented, for thirty (30) days or less, to the transient public for compensation and which may or may not provide meals to guests.

Bedroom. A dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosing which is compacted and finished with adequate topsoil to support grass or other landscape materials.

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60) degrees Fahrenheit which contains fifty (50) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Block. A property surrounded by streets or abutting one (1) side of a street and situated between the two (2) nearest intersecting streets or bounded by a combination of streets, waterways, parks, unplanted acreage, corporation boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Board of Appeals. See **Zoning Board of Appeals.**

Boarding House. See **Rooming House.**

Boat Launch. A facility to launch and retrieve recreational boats from a trailer.

- A. **Public Boat Launch.** A boat launch which is on property which is owned and operated by a public entity such as the Caledonia Township, Alcona County, State of Michigan, or the federal government.

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- B. **Commercial Boat Launch.** A boat launch which is owned and operated by a private entity and the use of which is offered to the public for a fee or in conjunction with other products and services offered by said private company.
- C. **Private Boat Launch.** A boat launch which is owned by a private person for their own personal use and which is not offered to the public.

Bordering Lands. See *Adjacent Property*.

Boundary Lines. See *Lot Lines*.

Breezeway. Any covered passageway between two (2) buildings.

Brewpub. A facility where beer is produced, stored, and sold for consumption on or off the premises that meets the requirements of the **Michigan Liquor Control Commission**.

Buffer. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buildable Land(s). All areas of a lot not designated as unbuildable land(s) due to steep slopes, wetlands, and the like.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind. Enclosures which are made with flexible materials shall be considered buildings (i.e. “storage canopies” or “fabric garages”). The outer perimeter of the building shall be the point at which the foundation projects out of the ground. Setbacks are measured from the building foundation.

Building, Farm. Any building or structure other than a dwelling, maintained, used, or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce, or farm animals.

Building Envelope. That portion of a lot remaining after the minimum setback and open space requirement of this Ordinance have been complied with.

Building Height. The elevation measured from the average finished lot grade at the front of the building to the highest point on the roof.

Building Permit. A building permit is the written authority issued by the **Alcona County Building Department** in conformity with the provisions of the **Michigan State Construction Code** or any building code in effect in Alcona County.

Building, Principal. A building in which is conducted the principal use of the premises on which it is situated. Also called a Principal Structure.

Building, Temporary. A structure with no permanent footings or foundation.

C

Cabin. Any building, tent, or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for a temporary residence, but which shall not include what are commonly designated as hotels, lodges, houses, or tourist homes.

Cabin Court. One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campground. Any lot, under the control of any person, wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters.

Canopy. A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Carport. A permanent roof-like shelter that is constructed of rigid material.

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

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

Canoe/Kayak/Boat Livery or Boat Yard. Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing, or providing use thereof to persons other than the owners for a charge or fee.

Certificate of Occupancy. A signed written statement by the Alcona County Building Inspector that specific construction has been inspected and found to comply with all applicable construction codes and specifications.

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Change of Use. The alteration, addition to, or replacement of an existing use with a new use belonging to a different zoning classification. For the purpose of this definition, zoning classifications are those enumerated as separate items or categories within the lists of principal permitted or Special Land Uses in this Ordinance.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under **1973 PA 116, as amended (Child Care Organizations Act**, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the **State Department of Health and Human Services**. Such organizations shall be further defined as follows:

- A. **Child Care Home, Family.** A state-licensed, owner-occupied private home in which one (1) but fewer than six (6) minor children are received for care and supervision for periods 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. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. “Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116, as amended**, supersedes this definition if a difference in definition exists.
- B. **Child Care Home, Group.** A state-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods 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. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. “Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116, as amended**, supersedes this definition if a difference in definition exists.
- C. **Child Care Center.** A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided for more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational

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program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the state or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

E. **Private Home.** A private residence in which the registered facility operator permanently resides as a member of the household.

Church. See **Religious Institution.**

Clinic, Human. A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as a physician, dentist, or the like, except that such human patients are not lodged therein overnight. Including but not limited to Health Care Clinics, Dental Clinics, or Optical Clinics.

Club, Lodge, or Fraternal Organization. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like but not for profit and open only to members and not the general public.

Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

College. A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private.

Commercial Event Facility. A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, or Wedding Venues.

Commercial Use. A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services or maintenance of service, offices, or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve-month period.

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Common Areas, Uses, and Services. Land areas, facilities, and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision, site condominium, or a planned unit development.

Completion of Construction. Construction of a structure/building is considered complete when the exterior of the structure is in a finished state including the roofing materials and siding.

Concentrated Animal Feeding Operations (CAFO). A lot or building or combination of contiguous lots or buildings where agricultural animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration of animals is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. Regulations pertaining to CAFO's are administered by the **Michigan Department of Environment, Great Lakes, and Energy**. Information on the permitting process is available at www.mi.gov/cafo.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium. See the following definitions:

- A. **Condominium Act. 1978 PA 59**, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed regardless of whether it is intended for residential, office, industrial, business, recreational, use as time share unit, or any other type of use.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium documents recording the condominium project which are attached as exhibits and incorporated by reference in the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

H. **Site Condominium.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Construction Code. The Michigan State Construction Code or any construction code in effect in Alcona County.

Convalescent or Nursing Home. A structure, qualified for license under applicable Michigan Laws, for the care of children, aged, or infirm where continuous nursing care and supervision is provided-

Convenience Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Cottage Industry. A Home-Based Business which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

Crematorium. A facility for the burning of corpses, human or animal, to ashes. Does not include an establishment where an incinerator is used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

Crest. The highest point of a property from the water's edge in residential waterfront property.

D

Day Care Home, Family. See *Child Care Home, Family*.

Day Care Home, Group. See *Child Care Home, Group*.

Deck. An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level. A covered deck shall be considered part of the principal building.

Density. The number of dwelling units on, or to be developed upon, a net acre of land.

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District. See *Zoning District*.

Dock. A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices and connected to the shore.

Drive-In Establishment. A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

Drive-In Restaurant. Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the principal building.

Drive-Through Establishment. A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

Driveway. A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. For single-family dwellings, one (1) driveway may provide access to not more than two (2) units.

Dwelling Unit. A building or portion of a building, either site-built or pre-manufactured, which has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

A. **Dwelling, Manufactured.** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. A mobile home is classified as a Manufactured Dwelling.

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- B. **Dwelling, Multiple-Family.** A building containing three (3) or more dwelling units designed for residential use. Multiple-Family Dwellings include the following:
 - 1. **Dwelling, Atrium House.** A single-family dwelling attached to other similar single-family units, all having a common courtyard.
 - 2. **Dwelling, Garden Apartment.** A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.
 - 3. **Dwelling, Patio House.** A single-family detached or semi-detached dwelling unit, enclosed by walls for privacy.
- C. **Dwelling Unit, Secondary.** See **Accessory Dwelling Unit.**
- D. **Dwelling, Single-Family.** A detached building containing not more than one (1) dwelling unit designed for residential use.
- E. **Dwelling, Townhouse.** Single-family attached dwelling units which are more than one (1) story and which share common side walls and are usually situated in a straight line with each other where no separate dwelling unit is located above another.
- F. **Dwelling, Two-Family or Duplex.** A dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as a duplex dwelling unit.

E

Earth Change. A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of water.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Erected. Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises intended or required for a building or structures. Excavation, fill, drainage, land clearing, and general property improvements are not considered part of this definition.

Erosion. The process by which the ground surface is worn away by action of wind, water, gravity, or by a combination thereof.

Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal departments or commissions, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers,

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poles, and other similar equipment, and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, but not including buildings. Wireless facilities and antennas, alternative tower structures, large solar energy systems, and wind turbine generators are not included within this definition.

Excavation. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land, and/or roadgrade, whichever is highest.

Extractive Industry. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

Family. An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similarly to a single-family home.

Farm, Commercial. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. A farm excludes kennels.

Farm, Domestic, or Hobby. A lot used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic/hobby farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic/hobby farm. A farm excludes kennels.

Farm Animals. See *Livestock*.

Farm Building. See *Building, Farm*.

Farm Market. The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation or agricultural land or from properties under the same ownership and management of such. Also see *Roadside Stand*.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses,

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nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the **Michigan Commission of Agriculture and Rural Development**.

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as **Agricultural Tourism**.

Feed Lot. See **Concentrated Animal Feeding Operations (CAFO)**.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials which are designed for fence construction, used to prevent or control entrance, confine within, or mark a boundary and which is not part of a principal building or structure or other accessory structure. The term fence includes a solid wall when used for the same purpose.

Fence Height. The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete asphalt, earthen, or masonry walls, berms, paving, driveway, or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

Filling. The depository or dumping of any matter into or onto the ground, except common household gardening and general care, which alters the topography of the land.

Firewood. The cut trunks and branches of trees and bushes.

Flood Plain. The relatively flat area or lowlands adjoining the channel of a watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. Contiguous areas paralleling a river, stream, or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one-hundred (100) years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floor Area. The square footage of floor space measured from exterior to exterior wall for all floors but

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not including enclosed and unenclosed porches, breezeways, garages, attics, basement, and cellar areas.

Floor Area, Usable Commercial. All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways, or for utilities shall be excluded from the computation of usable floor area. For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential. The floor area available for living purposes exclusive of that used for parking vehicles and utility closets.

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

Foundation. A closed perimeter formation typically consisting of materials such as concrete or concrete block which extends into the ground.

G

Gas Station. 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 the premises; including sale of minor accessories and service for automobiles.

Gazebo. An accessory building of an open ("see through") design which may be glass and/or screen enclosed.

Grade. The highest point of ground contacting any portion of the basement or foundation of a dwelling.

Grantor. The party who transfers title in real property (seller, giver) to another (buyer, recipient, donee).

Grantee. The party who receives title to real property (buyer, recipient, donee) from the seller (grantor).

Greenbelt. See *Buffer*.

H

Hazardous Substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

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High Banks. Where the crest of the property at the water's edge is more than eight (8) feet above the ordinary high water mark and the slope from the crest of the property to the ordinary high water mark is more than thirty-six (36) degrees.

Home-Based Business. A profession or occupation conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

Homeless Shelter. See *Residential Human Care Facility*.

Hotel. A commercial building or part of a commercial building with a common entrance in which the dwelling units or rooming units are accessed from the interior or the building and are used primarily for transient occupancy, in which no provisions are made for cooking in any individual room, and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. A hotel shall not include tourist homes, rooming houses, boarding houses, multiple-family dwellings, or short term rentals.

I

Impervious Surface. Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, gravel drives, and parking lots.

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

Industry. A use engaged in manufacturing, fabricating, and/or assembly activities.

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.

Ingress. Access or entry.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis (thirty (30) days or less) and which offers meals to the public for compensation.

J

Junk. All rubbish, refuse, waste material, garbage, and debris including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, solid waste which is both capable and incapable of decaying (except human 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.

Junkyard. An open area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap or other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk but does not include uses established entirely within enclosed buildings.

K

Kennel, Commercial. Any lot or premise on which six (6) or more dogs, six (6) months of age or older, are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Keyhole Development. The use of waterfront property as common open space for waterfront access for a larger development located away from the waterfront.

L

Lake Frontage. The land adjacent to and abutting the ordinary high water mark of all inland lakes.

Land Use. The principal and accessory uses and activities being made of all land areas, buildings, and structures located upon a lot.

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces, and garden structures.

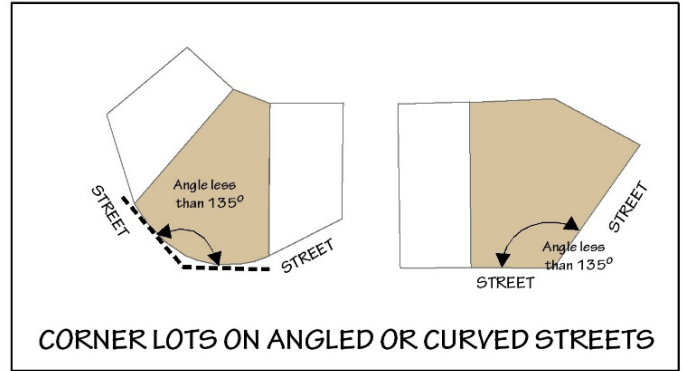
Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of this Ordinance, livestock does not include dogs and cats.

Loading Space. An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in the computation of required off-street parking.

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Lot. The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees. See **Lot Line, Front.**



Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front setback shall be observed on those roads where such structures presently front.

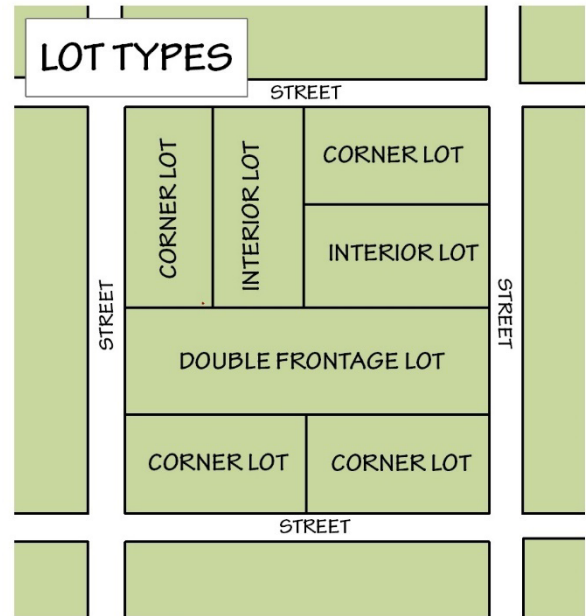
Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Waterfront. A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front lot line.

Lot Coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. Includes all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or permanent swimming pools.

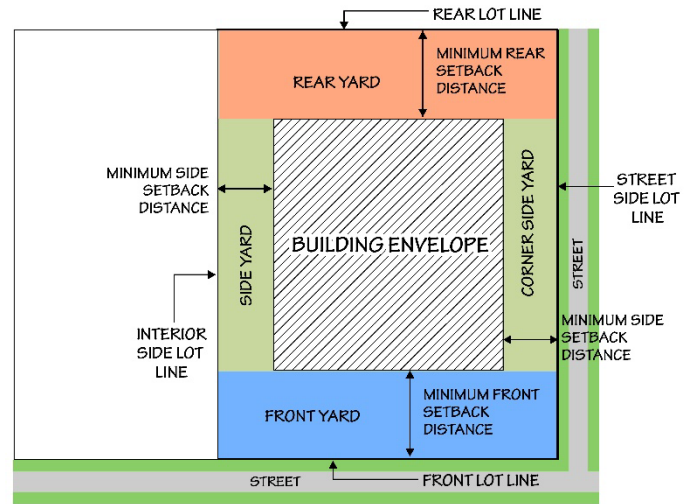
Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot of Record. A parcel of land defined by a legal description, or site condominium unit established and recorded by a Master Deed in the Office of the Alcona County Register of Deeds.



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

A. **Front Lot Line.** In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best-rated road according to the Alcona County Road Commission. If there is an equal amount of frontage and both roads are rated the same, then the front lot line shall be on the road on which the address is assigned. In the case of a waterfront lot, the front lot line shall be that line separating said lot from the ordinary high water mark.



- B. **Rear Lot Line.** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot. On waterfront lots, The lot line opposite the ordinary high water mark (usually along the street) is considered the rear lot line.
- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. The mean horizontal distance between side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such said lot lines.

M

Manufactured Home. See *Dwelling, Manufactured*.

Manufactured Housing Community. Lots, parcels, or tracts of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured Housing Community Homesite. The designated lot within a manufactured housing

community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

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

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

Marina. A facility for the docking, launching, servicing, sales, rental, and/or storage of watercraft. The sale of fuel and supplies for watercraft, groceries, convenience foods, and restaurant meals are accessory uses to an operating marina.

Marquee. A permanent, roof-like shelter that extends from part or all of a building face.

Master Plan. The land use plan adopted under the **Michigan Planning Enabling Act, 2008 PA 33**, as amended.

Medical Marihuana. The following definitions are related to medical marihuana:

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)**.
- B. **Marihuana Establishment.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.**; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.
- C. **Marihuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.**; including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act, MCL 333.26421 et seq.**
- D. **Medical Marihuana.** That term as defined in the **Public Health Code, MCL 333.1101 et seq.**, the **Michigan Medical Marihuana Act, MCL 333.26421 et seq.**; the **Medical Marihuana Facilities Licensing**

Act, MCL 333.27101 et seq.; and the **Marihuana Tracking Act**, MCL 333.27901 et seq.

- E. **Person**. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- F. **Primary Caregiver**. That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)** who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- G. **Primary Caregiver Facility**. A building in which the activities of a Primary Caregiver are conducted.
- H. **Qualifying Patient**. That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)** who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marihuana Act** and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

Mobile Home. See *Dwelling, Manufactured*.

Mobile Home Park. See *Manufactured Housing Community*.

Mobile Home Site. See *Manufactured Housing Community Homesite*.

Motel. A series of attached, semi-detached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation. The term "motel" shall include motor courts, automobile courts, auto cabins, motor lodges, and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple-family dwellings, or short term rentals.

N

Nonconforming Building. A building or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Lot of Record. A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet the dimensional requirements of this Ordinance or amendment.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use. A use of land lawfully in existence on the effective date of this Ordinance, or any

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amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Non-Participating Lot(s). One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility, wind energy system, battery energy storage system, or wireless communication facility associated with the applicant project.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, and (N) traffic.

Nursing Home. See *Convalescent or Nursing Home*.

Nursery, Plant Materials. A space, building, or structure, or combination thereof, for the growing, harvesting, processing, and storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery does not include roadside stand.

O

Occupied. Includes the meaning of intent, design, or arranged for occupancy.

Off-Street Parking Lot. An area providing vehicular parking spaces along with adequate drives and aisles for maneuvering space to allow unrestricted ingress and egress.

Office. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares, or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold), provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

Open Space. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that would result in the development of impervious surfaces shall not be included as open space.

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

Ordinary High Water Mark. As defined in *Michigan Inland Lakes and Streams, Part 301 of PA 451 of*

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1994, as amended, the ordinary high water mark means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

Ordinary High Water Mark with Seawall/Breakwall. Properties containing seawalls/breakwalls have an artificial ordinary high water mark and, as such, the forty (40) foot front setback begins at the outside edge of the seawall/breakwall.

Outdoor Amusement Facility. A commercial business that provides amusement facilities such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions and open to the general public.

Outdoor Sales/Rental. Commercial activities occurring outside of an enclosed building including but not limited to sales, display, rental, and service of the following: bicycles, motor vehicles, boats, aircraft, home equipment, manufactured homes, farm implements, recreation vehicles, gardening equipment, and outdoor furniture.

Outdoor Furnace. Any equipment, devise, apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or the heating of water.

P

Parcel. See *Lot*.

Park. Properties and facilities owned or operated by any governmental agency or owned or operated by any private agency which are open to the general public for recreational purposes.

Parking, Off-Street, Lot. See *Off-Street Parking Lot*.

Parking Space. An area of definite length and width which shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Participating Lot(s). One (1) or more lots under a signed lease or easement for development of a solar energy facility, wind energy system, battery energy storage system, or wireless communication facility associated with the applicant project.

Patio. An open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which is placed directly at ground level.

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Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township Board.

Permanent Soil Erosion Control Measures. Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

Person. An individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.

Pet. Only such animals as may commonly be housed within domestic living quarters.

Place of Worship. See *Religious Institution*.

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

Planning Commission. The commission appointed by the Township Board under the provisions of the **Michigan Planning Enabling Act, 2008 PA 33**, as amended. Refers to the Caledonia Township Planning Commission.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of **Public Act 288 of 1967, The Land Division Act** as amended (formerly the Subdivision Control Act).

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires zoning approval but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is considered part of the principal building.

Porch, Open. A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An open porch is considered part of the principal building.

Pool. See *Swimming Pool*.

Principal Structure. The principal structure on the premises devoted to the principal use.

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

Private Road: See *Road, Private*.

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

Property Owner. A person holding any legal, equitable, option, or contract of interest in land.

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

Public Road. See *Road, Public*.

Public Service. Public Service Facilities within the context of this Ordinance shall include uses and services such as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities, and similar uses including essential services.

Public Utility. Any person, firm or corporation, municipal department, board, or commission fully authorized to furnish and furnishing, under federal, state, or municipal regulations, to the public: electricity, gas, communications, transportation, water services, or sewage disposal.

R

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Recreation Vehicle (RV Park). A recreation-oriented facility for the overnight, short-term, or seasonal, but not permanent or year-round, parking of recreation vehicles or tents. May also be known as a campground.

Recycling Center. See *Resource Recovery Facility*.

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Religious Institution. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the religious institution are classified as part of the principal use as a religious institution.

Residential Human Care Facility. A facility (not within a private residence) providing any of the following:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Residential Structures. Any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort. A lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlets, restaurant, or other commercial facility for use of guests and the general public.

Restaurant. A building in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Resource Recovery Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

Retail Store. Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Road, Private. Any road which is privately constructed and has not been accepted for maintenance by the Alcona County Road Commission, State of Michigan, or the federal government. Also called a Private Street.

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Road, Public. Any road or portion of road which has been dedicated to and accepted for maintenance by the Alcona County Road Commission, State of Michigan, or federal government. Also called a Public Street.

Road Right-of-Way Line. The line which forms the outer limits of a road right-of-way or easement.

Roadside Stand. An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on-premises or on other properties under the same ownership or management. The operation of only a roadside stand on premises otherwise classified as agricultural or residential shall not make it a commercial district or land nor shall its use be deemed a commercial activity.

Rooming House. Any family-occupied single-family dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for greater than thirty (30) days at a time and meals may be served for compensation.

S

Salvage Yard. A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. Salvage Yard shall not include uses conducted entirely within a completely enclosed building, pawn shops, establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Sanitary Landfill. A public or private landfill that meets all of the requirements of **Part 115 of Public Act 451 of 1994**, as amended, and the rules promulgated under these Acts by the State of Michigan.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Scrap Yard. An establishment where scrap metals are collected, processed, stored, and/or sold.

Seasonal Use. Any use or activity that cannot be conducted or should not be conducted during each month of the year.

Seasonal Use Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

Setback. The minimum required horizontal distance from the applicable right-of-way line, easement, or lot line of a lot within which no buildings or structures may be placed, except other wise provided by this Ordinance.

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Setback, Waterfront. The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty (20) percent or more of the floor area or visible inventory within the establishment.

C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **Adult Motel.** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

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

I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the

following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of **1984 PA 343**, being Section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of **1978 PA 33**, being Section 722.673 of the Michigan Compiled Laws.

K. **Specified Anatomical Areas.** Means and includes any of the following:

1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks; or
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

L. **Specified Sexual Activities.** Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shopping Center. A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Shipping Container. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are fabricated for the storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

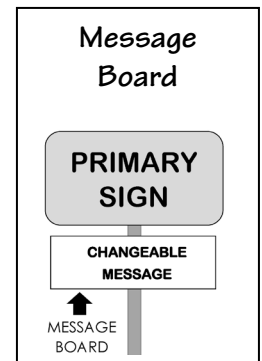
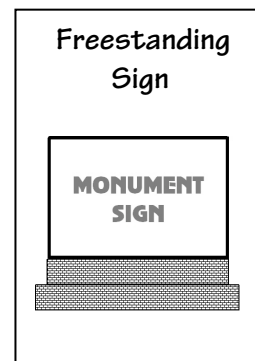
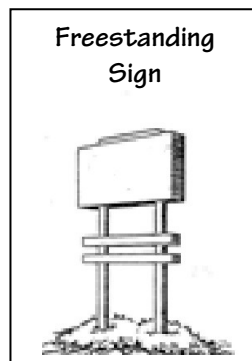
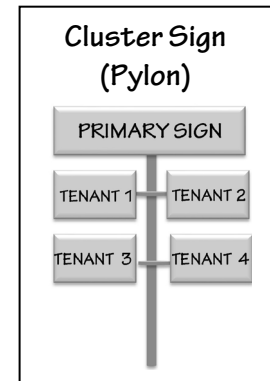
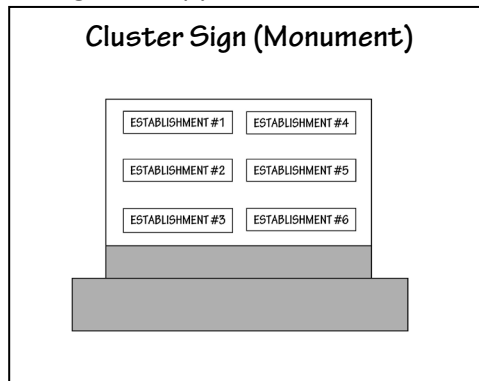
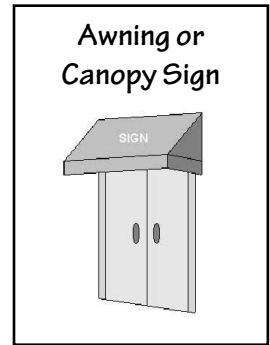
Shoreline. The line which separates land from a surface water feature may be (A) established as a matter of record as the mean level elevation of the surface water or (B) as determined by the legal establishment

of the surface water level elevation by the county or other public agency. For the purpose of this Ordinance, the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of thirty (30) days or less.

Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to display a message and are visible to the general public. Signs not exceeding three (3) square feet in area bearing only property numbers, mailbox numbers, or names of occupants of premises are excluded from this definition. Banners, flags, and pennants are not considered signs.

- A. **Accessory Sign.** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support the principal use of the premises.
- B. **Attention-Getting Devices.** Devices such as and similar to feather banners, sail-type signs, and air dancers.
- C. **Awning or Canopy Sign.** A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning or canopy.
- D. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one (1) lot and contains multiple signs on one (1) structure including one (1) for each establishment and one (1) for the complex as a whole.
- E. **Freestanding Sign.** A sign supported by permanent uprights or braces in the ground. Freestanding signs include monument signs.
- F. **Lighted Sign.** Any sign having a conspicuous, continuous, or intermittent variation in the illumination of the physical position of any part of the sign.
- G. **Marquee Sign.** A sign displayed on

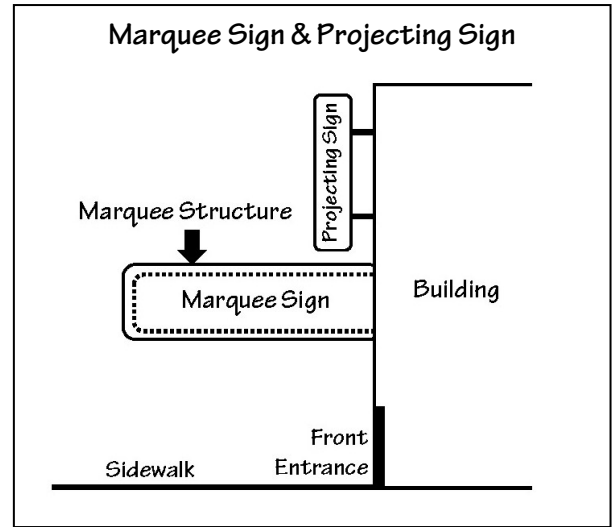


a marquee that does not extend vertically or horizontally beyond the limits of the marquee.

H. **Message Board, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

I. **Message Board, Digital.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

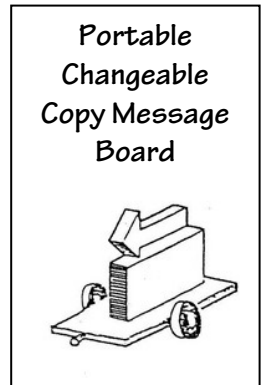
J. **Monument Sign.** A type of freestanding sign where the entire bottom of the sign is affixed to the ground.



K. **Off-Premise Sign.** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

L. **Portable Changeable Copy Sign.** A changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels including but not limited to such signs:

1. With wheels removed;
2. With chassis or support constructed without wheels;
3. Designed to be transported by trailer or wheels; or
4. Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;



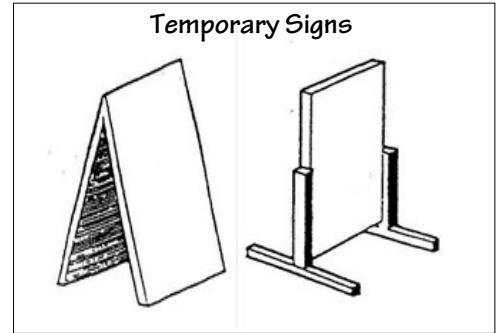
M. **Projecting Sign.** A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

N. **Primary Sign.** Any sign not designated an accessory sign or a message board and is used for the purpose of displaying primary information about the establishment.

O. **Roof Sign.** Any sign erected, constructed, and maintained wholly upon or over the roof of any building

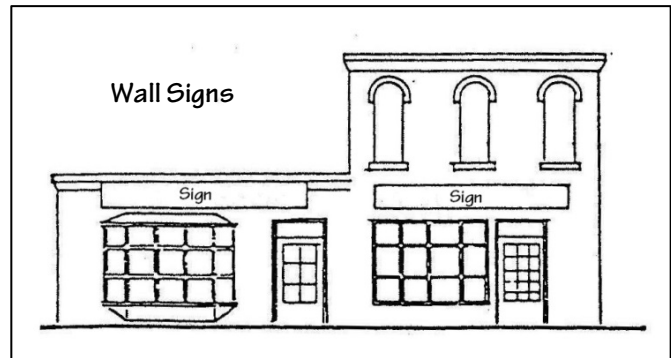
with the principal support on the roof structure.

- P. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



- Q. **Wall Sign.** Any sign attached parallel to a wall or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Information or messages painted on a wall shall not be considered a sign.

- R. **Window Sign.** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.



Sign Area.

- A. The entire area of any shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or 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, excluding only the structure necessary to support the sign.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- C. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted

on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Sign Clearance. The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Copy. The wording on a sign surface in either permanent or removable letter form.

Sign Face. The area of a sign on which the copy is placed.

Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Surface. That portion of a sign, excluding its base, foundation, and erection supports, on which is displayed a message.

Site Plan. The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft Making. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts.

Solar Energy.

A. **Solar Energy Panels (On-Site Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

1. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
2. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.

- 3. **Building-Mounted Accessory Solar Energy Panels.** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure or which are mounted to wall of a building or structure.

- B. **Large Solar Energy Systems.** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs primarily for use off-site. A solar energy facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. Large solar energy systems may be an accessory or principal use on the property.

- C. **Maximum Tilt.** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

- D. **Minimum Tilt.** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

- E. **Repowering.** Reconfiguring, renovating, or replacing a large solar energy system to maintain or increase the power rating of the large solar energy system within the existing project footprint.

Soil Conservation District Standards. See "Alcona County Soil Conservation Service Handbook."

Special Land Use. A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Land Uses subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

Spot Zoning. A change in the zoning map (rezoning) that violates sound principles of zoning and is characterized by the following:

- A. The lot is small in size relative to its surroundings; and

- B. The proposed rezoning confers benefits and privileges to the property owner which are not generally extended to property similarly located in the area; and

- C. The proposed rezoning allows uses that are not compatible or consistent with uses in the vicinity; and

- D. The proposed rezoning is not consistent with the current Master Plan.

A conditional rezoning is not considered spot zoning.

Storage. To leave or deposit in a place for preservation or disposal in one (1) or more of the following

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ways:

- A. **Storage - Accessory.** Storage which is accessory to the principal use of the premises.
- B. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property.

Stable. A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, Public. Building in which horses are kept for hire, sale, or boarding.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State pursuant to **1979 PA 218** (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or **1973 PA 116** (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, One-Half. An uppermost story lying between the top part of a full story and a sloping roof provided said floor area does not exceed one-half (1/2) of the full story, contains at least one hundred sixty (160) square feet, and has a minimum floor-to-ceiling clearance of seven (7) feet, six (6) inches.

Street. See **Road, Public** or **Road, Private**.

Stripping. Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, vehicles, sidewalks, parking areas, septic systems, and tanks are excluded from this definition.

Subdivision. The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land

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whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Swimming Pool. A permanent, non-portable structure or container located either above or below grade designed to hold water intended for swimming or bathing.

T

Temporary Accessory Building or Structure. See *Accessory Building or Accessory Structure, Temporary.*

Temporary Building. See *Building, Temporary.*

Temporary Sign. See *Sign, Temporary.*

Temporary Soil Erosion Control Measure. Interim soil erosion control measures which are installed or constructed until permanent solid erosion controls are completed.

Temporary Use. See *Use, Temporary.*

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

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

Township. Caledonia Township, Alcona County, Michigan.

Township Board. The Caledonia Township Board.

Tract. See *Lot.*

Tower. See *Wireless Communications.*

Travel Trailer. See *Recreational Vehicle.*

Travel Trailer Park. See *Recreation Vehicle Park (RV Park).*

U

Untreated Lumber. Dry wood which has been milled and dried but which has not been treated with any petroleum product chemical, preservative, glue, adhesive, stain, paint, varnish, or other substance.

Use. The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

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Use, Accessory. See *Accessory Use*.

Use, Land. The principal and accessory uses and activities being made of all land areas, buildings, and structures located upon a lot.

Use, Principal. See *Principal Use*.

Use, Public. Any of the publicly-owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.

Use, Temporary. A use, activity, or building permitted to exist during the period of construction of the principal building or use or for special events.

V

Variance. A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

W

Wind Energy Definitions.

- A. **Ambient.** The sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- F. **Hub Height.** The distance measured from the ground level to the center of the turbine hub.
- G. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- H. **Small On-Site Wind Energy System.** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a

rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

- I. **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.
- J. **Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- K. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.
- L. **Wind Energy Facility (Commercial).** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- M. **Wind Turbine Generator.** A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities.
- N. **Wind Turbine Generator Total Height.** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Wireless Communications.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- C. **Co-Locate.** To place or install wireless communication equipment on an existing wireless communication support structure or in an existing equipment compound.
- D. **Equipment Compound.** Area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communication equipment is located.
- E. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna.

F. **FAA. Federal Aviation Administration.**

G. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:

1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

H. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

I. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an Equipment Facility, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure) or mounted on the ground.

J. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station”.** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a wireless communications support structure (tower).

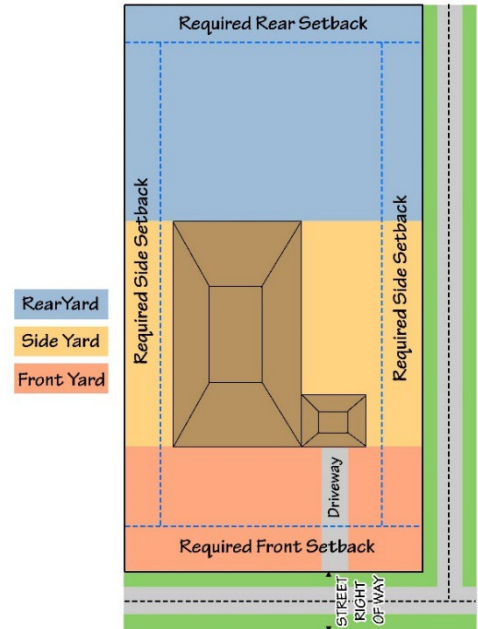
K. **Wireless Communications Support Structure.** Structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, and similar structure. Also called a “tower” in this Ordinance.

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Y

Yards. An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for allowed projections and the specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

- A. **Front Yard.** A yard across the full width of the lot extending from the front line of the principal building to the front lot line or road right-of-way line. On waterfront lots, the front yard is the yard across the full width of the lot extending from the front line of the principal building to the ordinary high water mark.
- B. **Rear Yard.** A yard extending across the full width of the lot from the rear line of the building to the rear property lot line. On waterfront lots, the rear yard is the yard across the full width of the lot extending from the street-facing line of the principal building to the street side lot line.
- C. **Side Yard.** A yard between the side lot line and the nearest side of the building, extending between the front yard and rear yard.
- D. **Yard, Waterfront.** The portion of a single lot which lies between the line of the building and the ordinary high water mark of a lake, stream, or any other natural or artificial watercourse.



Z

Zoning Administrator. The person retained by the Township Board to administer and enforce this Zoning Ordinance.

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals. The Caledonia Township Zoning Board of Appeals, whose duties and powers are detailed in **Article 8**.

Zoning District. A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Lot. When multiple lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes.

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Zoning Permit. A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building, and structures thereon granting approval for the construction or use applied for.

Zoning Variance. See **Variance**.

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Article 3 General Provisions

Sec	Name	Pg	Sec		Pg
3.0	Application of Regulations	3-1	3.18	Screening & Buffering	3-20
3.1	Number of Principal Buildings Per Lot	3-3	3.19	Outdoor Lighting	3-22
3.2	Moving Buildings	3-3	3.20	Pets & Livestock	3-24
3.3	Demolition of Buildings	3-3	3.21	Outdoor Furnace	3-25
3.4	Illegal Dwellings	3-3	3.22	Nonconformities	3-26
3.5	Restoration of Unsafe Buildings/ Barrier Free Modification	3-3	3.23	On-Site Drainage & Runoff Requirements, Grading, & Soil Erosion Control	3-30
3.6	Access to Public Road	3-4	3.24	Stormwater Retention	3-31
3.7	Accessory Buildings/Structures	3-4	3.25	Groundwater Protection	3-32
3.8	Waterfront Setback	3-7	3.26	Hazardous Substances	3-32
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3.10	Manufactured Homes	3-8	3.28	Dumping of Materials	3-33
3.11	Recreational Vehicles	3-9	3.29	Temporary Storage of Used Materials	3-33
3.12	Temporary Buildings	3-10	3.30	Reserved	3-34
3.13	Construction Debris	3-11	3.31	Performance Standards	3-34
3.14	Intersection & Driveway Visibility	3-12	3.32	Voting Place	3-35
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3.16	Fences	3-13	3.34	Signs	3-43
3.17	Landscaping	3-17	3.35	Private Roads	3-55

Section 3.0 Application of Regulations

Zoning affects every structure and use and extends vertically (the airspace above). The provisions of this Article shall apply to all Districts, except as noted herein. When multiple lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes (zoning lot).

A. Conformance to Ordinance Required.

In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, with

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the provisions and intent of the specific Zoning District in which it is located and a Zoning Permit has been obtained. Lawful nonconformities are subject to the provisions of **Section 3.22**.

1. No structure shall hereafter be erected or altered to exceed the height limitations, to occupy a greater percentage of lot area, or intrude upon the required front setback, rear setback, side setback, or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such structure is located.
2. **Lot Splits.**
 - a. No lot area and no setback, court, parking area, or other required space shall be so divided, altered, reduced, or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets or roads.
 - b. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
 - c. No lot may be divided in a manner which conflicts with the requirements set forth in **1967 PA 288, Michigan Land Division Act**, as amended.
 - d. **Creation of a Nonconforming Lot.** A lot may be split which results in a nonconforming lot (a lot that does not meet the minimum lot width or area standards) only in the event that the resulting portion of the lot that does not meet standards is legally combined with another existing abutting lot. Until the lot is legally combined with another existing abutting lot, that newly created nonconforming lot shall not be developed.
3. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

B. Buildings Under Construction at Time of Adoption or Amendment.

In the event that any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconforming building or use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion. If the project requires more than two (2) years to complete, it shall be subject to the adopted ordinance standards at that time.

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C. **Continued Conformance with Regulations.**

The maintenance of setbacks, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 3.1 Number of Principal Buildings Per Lot

Hereafter, every building erected, altered, or moved shall be located on a zoned lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, commercial lodging establishments, business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any Zoning District. No building, structure, or permanent accessory building shall be erected without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.2 Moving Buildings

The moving of a building to a different location on the same lot or to another lot shall be considered the same as the erection of a new building. All provisions, regulations, or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved within or into Caledonia Township without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.3 Demolition of Buildings

The demolition of buildings shall be completed under conditions that may be specified by the Alcona County Building Department deemed necessary to protect the public health, safety, and welfare. Demolished building sites shall be inspected by the Alcona County Building Department.

Section 3.4 Illegal Dwellings

The use of any portion of a basement or partially completed structure shall not be occupied for dwelling purposes unless the structure conforms to the current building code utilized by Alcona County. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes, except as otherwise allowed in this Ordinance.

Section 3.5 Restoration of Unsafe Buildings/Barrier-Free Modification

A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

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- B. Nothing in this Ordinance shall prevent the unlimited modification of a nonresidential building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**.

Section 3.6 Access to Public Road

Every principal building hereafter erected or moved after the effective date of this Ordinance shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for emergency services and, if applicable, required off-street parking.

Section 3.7 Accessory Buildings/Structures

Authorized accessory buildings/structures may be connected to the principal building or may be completely detached from the principal building. Accessory buildings and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Attached Accessory Buildings/Structures.

- 1. Where the accessory building/structure is structurally attached to a principal building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the principal building.
- 2. Where any accessory building/structure is attached to a principal building by a common wall, such accessory building/structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- 3. A structure with a roof (such as a carport) that is attached to the principal building shall be considered part of the principal building.

B. Detached Accessory Buildings/Structures.

- 1. **Accessory Building/Structure Height.** For single-family dwellings and two-family dwellings, no detached accessory building/structure shall exceed thirty-two (32) feet in height. There shall be no height regulations for buildings/structures accessory to other than single-family and two-family dwellings.
- 2. **Distance from Principal Building.** A detached accessory building shall not be located nearer than ten (10) feet to the principal building.

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3. Yard Location and Setbacks.

a. Front Yard.

- (1) Accessory buildings/structures shall not be located in the front yard with the exception of B.3.a.2 below. Fuel canopies shall be permitted in the front yard in commercial districts.
- (2) In the AG and FR Districts, detached garages may be located in the front yard.
- (3) No detached accessory building/structure shall be located closer than forty (40) feet to any street right-of-way line
- (4) See subsection C.2 below for gazebos.

b. Side Yard.

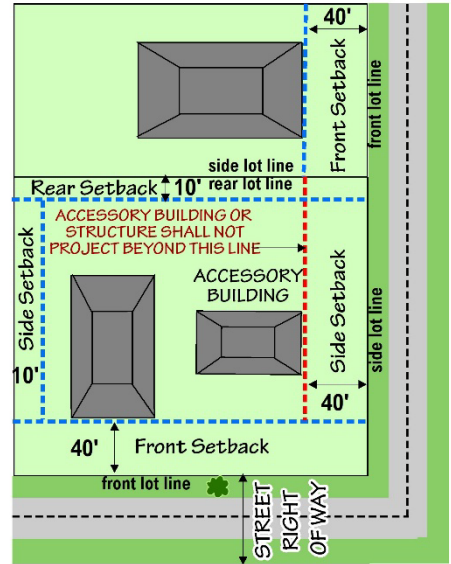
- (1) Only detached garages used exclusively for housing automobiles for the principal dwelling shall be permitted in the side yard.
- (2) No detached accessory building/structure shall be located closer than ten (10) feet to any side lot line.

- (3) **Accessory Structures on Corner Lots with Rear Yard Abutting Side Yard.** When an accessory building/structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, said building shall not project beyond the front setback line required on the lot in the rear of such corner lot.

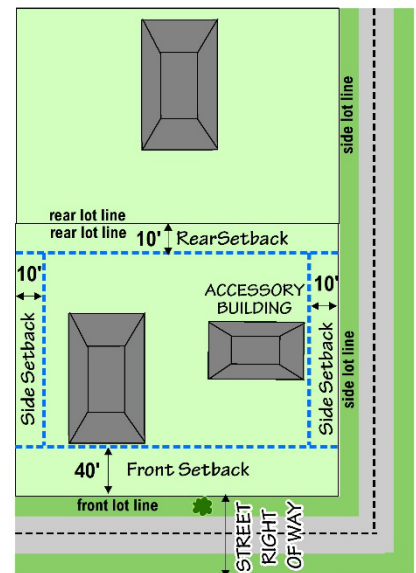
c. Rear Yard.

- (1) Accessory buildings/structures (that are not used exclusively for housing automobiles) for single-family dwellings and two-family dwellings shall be located in the rear yard.
- (2) No detached accessory building/structure shall be located closer than ten (10) feet to any rear lot line.

CORNER LOT WITH REAR YARD ABUTTING SIDE YARD



CORNER LOT WITH REAR YARD ABUTTING REAR YARDS



d. **Waterfront Property.**

(1) **Front Yard (Waterfront Yard).**

- A. No building/structure shall be constructed closer than forty (40) feet from the ordinary high water mark.
- B. Pump houses will be permitted closer than forty (40) feet if no more than twelve (12) square feet in size and not more than three (3) feet in height.
- C. Where needed for lake access, stairways and landings shall be permitted within the waterfront setback. Such structures shall meet state and local building safety codes.
- D. Decks/patios are also permitted within the waterfront setback but must not exceed twelve (12) inches above ground level. Necessary safety railings are permitted.

(2) **Side and Streetside Yards.** No accessory building/structure shall be constructed closer than ten (10) feet from any side lot line or forty (40) feet from any street right-of-way line.

C. **Specific Accessory Structures.**

- 1. **Multiple-Family Dwellings.** Accessory building/structure location in multiple-family dwellings will be reviewed as part of the site plan review process.
- 2. **Gazebos.** A gazebo must be an open ("see-through") structure with no length or width dimension exceeding fifteen (15) feet; the height must not exceed fifteen (15) feet.
 - a. **Gazebos on Waterfront Property.** Gazebos are permitted in the front yard (waterfront side) on waterfront property no closer than forty (40) feet from the ordinary high water mark or ten (10) feet from the side lot lines.
 - b. **Gazebos on Non-Waterfront Property.** Gazebos are permitted in the front yard on non-waterfront property but must meet the setback requirements (forty (40) feet from the front lot line and ten (10) feet from the side lot line).
- 3. **Non-Traditional Storage Structures.**
 - a. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial, industrial, or agricultural establishments for periods of one (1) year or less but are not intended for permanent storage.

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- b. Shipping containers shall be allowed as accessory buildings in the Forest Recreational District, Agricultural District, and Industrial District and shall be allowed as permanent accessory buildings by Special Land Use in the Commercial District. Shipping containers shall adhere to the setbacks stated in **subsection B.3 (Yard Location and Setbacks)**.
4. **Accessory Building as a Dwelling.** No detached accessory building or structure (including boathouses) shall be used for dwelling purposes except for an approved Accessory Dwelling Unit pursuant to **Section 7.2**.
5. **Wind Turbines.** Wind turbines are regulated in **Section 7.26**.
6. **Solar Panels.** Accessory solar panels are regulated in **Section 7.27**.
7. **Storage Buildings on Lots without a Principal Building.** Personal storage buildings may be erected or moved onto vacant lots in all districts. The Zoning Administrator shall review and issue a zoning permit for such storage buildings provided they meet the following criteria:
- a. A storage building on a waterfront lot shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.
- ~~b. In all districts, a storage building shall be located so that, when a principal building is constructed, the existing storage building is not located in the front yard except for in the Agricultural District and Forest Recreational District.~~
8. **Swimming Pools.** Permanent swimming pools shall not be located in the front yard on non-waterfront lots. On waterfront lots, permanent swimming pools shall not be located in the streetside (rear) yard. Permanent swimming pools shall not be counted toward the maximum lot coverage percentages in **Article 4 (Section 4.15)**.

Section 3.8 Waterfront Setback

To preserve community scenic and recreational values, a waterfront setback no less than forty (40) feet as measured from the ordinary high water mark of a lake or stream shall be established and maintained on all waterfront lots. Only lakes and streams which are regulated by the Michigan Department of Environment, Great Lakes, and Energy shall be regulated by this Section. If a body of water is completely contained within one (1) lot, this Section shall not apply. Within the waterfront setback area, the following development or use restrictions shall apply:

- A. No structures will be permitted in the waterfront setback except:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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1. Pump houses will be permitted closer than forty (40) feet if no more than twelve (12) square feet in size and not more than three (3) feet in height.
 2. Where needed for lake access, stairways and landings shall be permitted within the waterfront setback. Such structures shall meet state and local building safety codes.
 3. Decks/patios are also permitted within the waterfront setback but must not exceed **ten (10)** inches above ground level. Necessary safety railings are permitted.
 4. **Boat launch ramps and docks.** A twelve (12) foot side setback shall be required measured from the widest part of the dock structure at the ordinary high water mark.
 5. **High Banks.** In an area considered high banks, decks, stairways or landings may be constructed from the crest of the bank to the high water mark and must be in conformance with the **Alcona County Building Department** regulations. Stairways starting at the crest of the high bank must have non-obscuring handrails and any decks and/or landings must not project beyond the crest of the property and shall be constructed in a way so as not to damage adjoining properties.
 6. Fences for screening of public and private boat launch sites.
- B. No burning of leaves or stockpiling of grass, leaves, or compost is allowed in the waterfront setback.
- C. Setbacks for septic systems must meet those minimum requirements set by **District Health Department No. 2.**
- D. No dredging or filling can occur in the waterfront setback without a Soil Erosion and Sediment Control Permit and applicable permits from the appropriate governing entity.
- E. The waterfront setback shall be shown on the plot plan or site plan filed with the Zoning Administrator.

Section 3.9 Public or Commercial Boat Launch Sites

A minimum of one hundred (100) feet of water frontage is required for a public or commercial boat launch site. Fencing and screening are required. See **Section 3.16** (Fences) and **Section 3.18** (Screening and Buffering). Carry-in boat launches are not required to be screened.

Section 3.10 Manufactured Homes

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, setbacks, and minimum floor area for the district in which it is located and shall meet the following additional standards:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **State of Michigan** requirements.
- B. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Installation Standards**," and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Construction and Safety Standards**," being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within the Township until a Certificate of Occupancy with the HUD Code has been issued by the **Alcona County Building Department**.
- F. No manufactured home shall be located or placed in the Township without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current HUD rules and regulations and **District Health Department No. 2** regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be stored on any lot in the Township.

Section 3.11 Recreational Vehicles

A. Storage of Recreational Vehicles.

In all districts, recreational vehicles may be stored on a lot containing a dwelling unit. In all districts, with the exception of the R-1 District, recreational vehicles may be stored on vacant or unimproved lots (lots on which no dwelling unit is located). Storage of recreational vehicles is subject to the following conditions:

1. The recreational vehicle shall carry current state license plates.
2. Recreational vehicles may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the setback requirements for the district are met.
3. The recreational vehicle shall not be connected to water and sewer services.
4. The unit shall not be used for permanent/continuous dwelling purposes.

5. The open storage of one (1) recreational vehicle may occur on vacant or unimproved property. Open storage of more than one (1) recreational vehicle requires site plan review by the Planning Commission and a zoning permit for a commercial storage facility.

B. Occupancy of Recreational Vehicles and Boats on Private Property.

Occupancy of a recreational vehicle on private property where a dwelling unit is located or on which no dwelling unit is located shall be permitted in all districts for not longer than ninety (90) days during a one (1) year period, subject to the following conditions:

1. Setback requirements for the district where the unit is located shall be met.
2. Water and electrical services may be connected; however, no sewage or on-site disposal is allowed without a **District Health Department No. 2** approved septic system.
3. Occupancy of multiple recreational vehicles on private property shall be limited to no more than fourteen (14) consecutive days.
4. No occupancy of boats shall occur.

Section 3.12 Temporary Buildings

A. Temporary Buildings for Construction Purposes.

1. Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by subsection B below.
2. Temporary buildings shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

B. Temporary Dwelling Occupancy During Construction of a Dwelling.

No garage or other accessory building or structure, recreational vehicle, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a Zoning Permit by the Zoning Administrator. For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township and of reducing hazards to health, life, and property, temporary dwellings shall be installed according to the requirements of this Ordinance under the following applicable conditions:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Administrator may allow a variance on the size of temporary dwelling units.
2. The location shall conform to the provisions governing setbacks of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause undue hardship.
3. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction, and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original Zoning Permit. Permanent residential use of the temporary dwelling shall not be permitted. The temporary dwelling shall be removed within thirty (30) days of the completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this Ordinance. However, a recreational vehicle shall be permitted to remain on the lot for recreational purposes.
4. Required water and sanitary facilities will be determined by **District Health Department No. 2** and shall precede occupancy of the temporary building.
5. On approval and delivery of the temporary dwelling Zoning Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that the applicant has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
6. No additions shall be constructed to temporary dwellings.
7. Temporary dwellings shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary dwelling within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

Section 3.13 Construction Debris

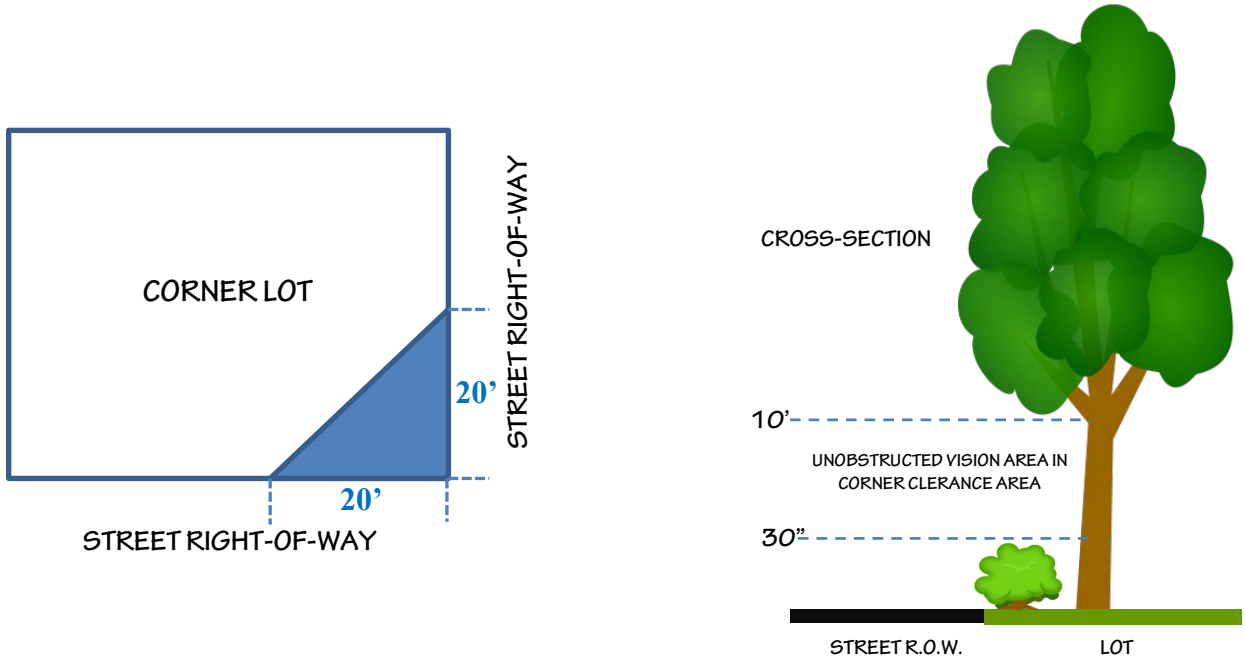
All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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Section 3.14 Intersection & Driveway Visibility

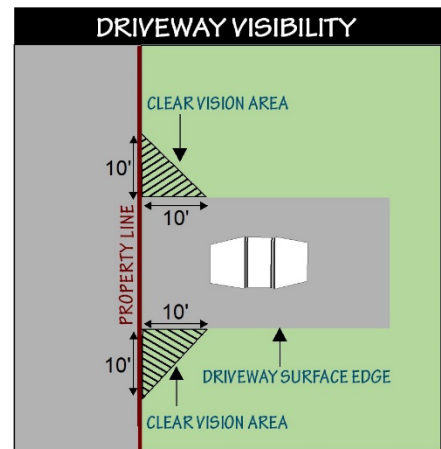
A. Intersection Visibility.

On any corner lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision between the heights of thirty (30) inches and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twenty (20) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection.



B. Driveway Visibility.

No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision from a driveway between the heights of thirty (30) inches and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of any front lot line.



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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Section 3.15 Essential Services

- A. The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, water distribution, transmission systems, collection, and supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Caledonia Township in any use district, provided that the Zoning Administrator is notified at least sixty (60) days prior to any major construction.
- B. Essential service buildings or facilities (including transformer stations and similar facilities) shall require a Special Land Use permit in all districts. Such buildings and facilities shall comply with the fencing provisions in **Section 3.16** of this Ordinance.
- C. The essential services addressed in this Section must also meet all regulations and requirements of the authority having jurisdiction over the road.
- D. Wireless communications facilities, alternative tower structures, antennas, wind turbine generators, anemometer towers, and large solar energy systems shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.16 Fences

For the purposes of this Section, the term “fence” shall also include “wall” which serves the same purpose as a fence.

A. General Regulations.

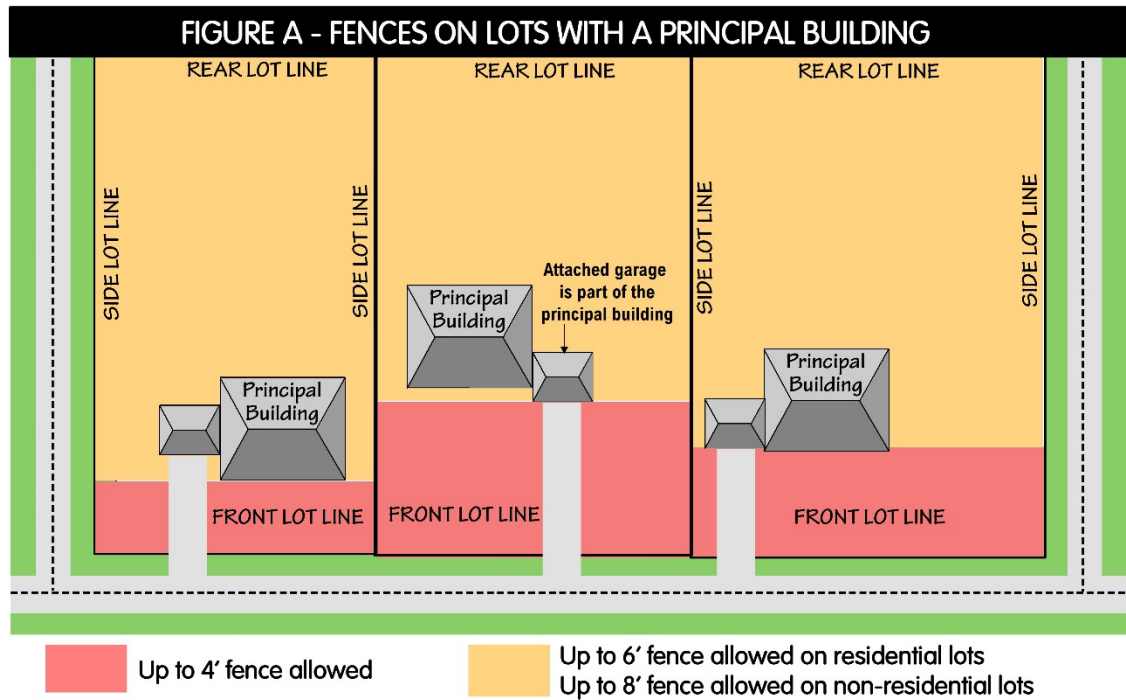
1. **Permit.** Fences require a zoning permit.
2. **Lot Line Determination.** In the installation of any fence, the property owner is responsible for the location of lot lines and should obtain a professional survey if necessary to determine accurate lot lines. Caledonia Township shall not be held responsible for any lot line or fence disputes between property owners.
3. **Agricultural Fences.** Fences used for agricultural purposes shall not be subject to the provisions of this Section.
4. **Finished Side of Fence.** The portions of all fences facing a street right-of-way and/or facing property other than the property of the fence owner shall be finished so that, to the extent possible

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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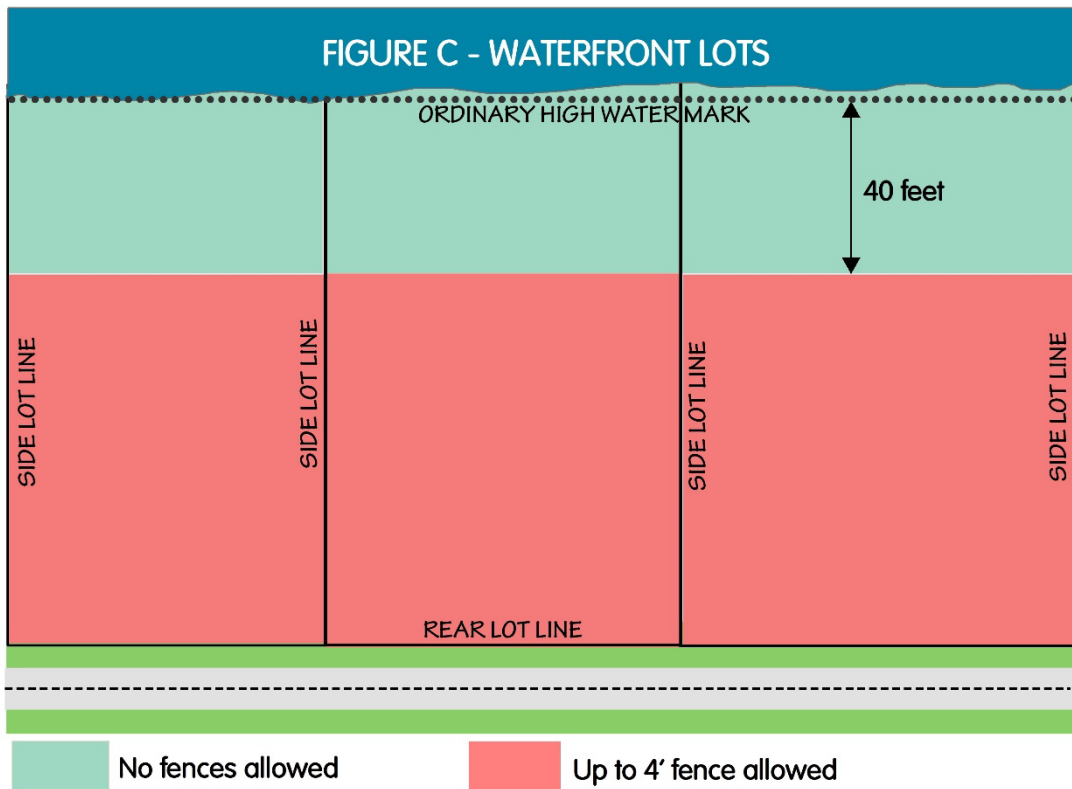
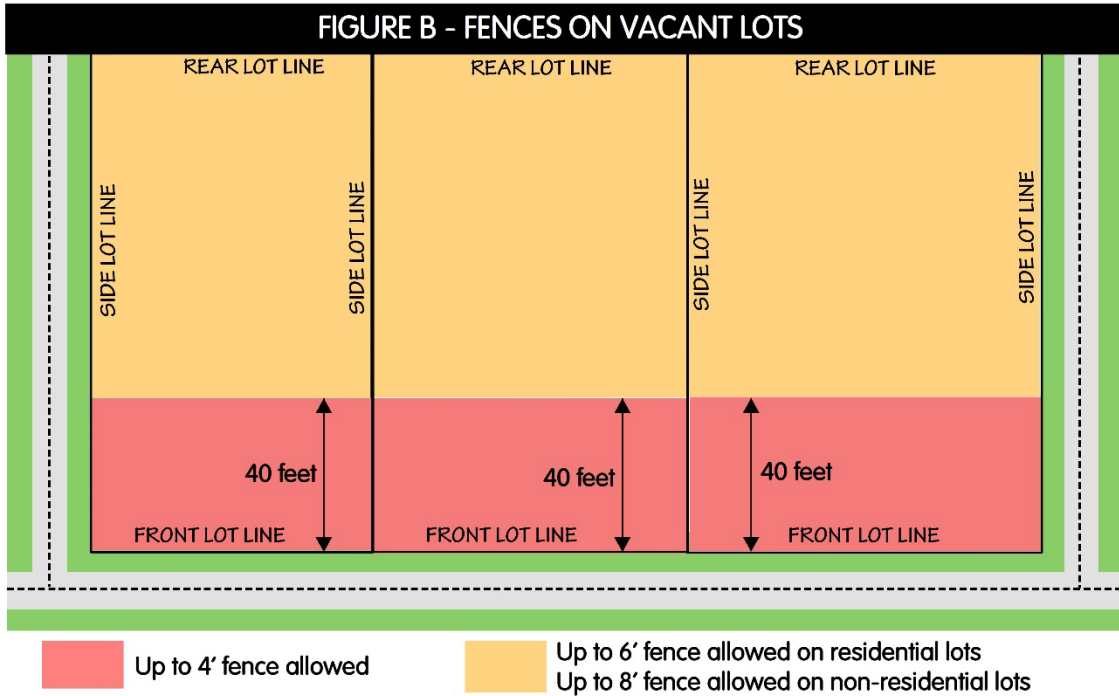
- by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
5. Barbed wire and/or electrified fences shall not be permitted in any districts but are permitted in the AG District.
 6. **Fences for Screening.** Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in **Section 3.18**.
 7. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner or by the Township at the owner's expense.
 8. **Corner Clearance.** Fences installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in **Section 3.14**.
 9. **Height.** Any combination of fence and berm cannot exceed the fence height limitation in subsection B below.
 10. **Swimming Pools.** Yard areas with private pools are to be fenced per building code to discourage unauthorized use. Fencing with a self-closing and self-latching device must comply with state or local regulations.
- B. **Fence Location & Height.** No portion of any fences shall protrude beyond the lot line under separate ownership.
1. **Residential Property with Principal Building.** (See **Figure A**)
 - a. **Front Yard.** No fence shall exceed the height of four (4) feet from the front lot line to the front building wall of the principal building.
 - b. **Side and Rear Yards.** No fence shall exceed the height of six (6) feet from the front building wall of the principal building to the side and rear lot lines. On a residential lot, an eight (8) foot fence may be erected along a side lot line which abuts a non-residential lot.
 2. **Residential Property - Vacant.** No fence or wall shall be constructed which exceeds four (4) feet in height for a distance of forty (40) feet back from the front lot line. Beyond that forty (40) foot area, fences may be constructed up to a height of six (6) feet. On a residential lot, an eight (8) foot fence may be erected along a side lot line which abuts a non-residential lot. (See **Figure B**)
 3. **Non-Residential Property – with Principal Building.** (See **Figure A**)
 - a. **Front Yard.** No fence shall exceed the height of four (4) feet from the front lot line to the front building wall of the principal building.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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- b. **Side and Rear Yards.** No fence shall exceed the height of eight (8) feet from the front building wall of the principal building to the side and rear lot lines.
- 4. **Non-Residential Property – Vacant.** No fence or wall shall be constructed which exceeds four (4) feet in height for a distance of forty (40) feet back from the front lot line. Beyond that forty (40) foot area, fences may be constructed up to a height of eight (8) feet. (See **Figure B**)
- 5. **Fences on Waterfront Property.** No fence or wall shall be permitted for a distance of forty (40) feet back from the ordinary high water mark nor shall fences exceed four (4) feet in height in any yard, except for the following: (See **Figure C**)
 - a. **Side Yard Abutting Commercial Use or Lake Access Use.** On a side yard lot line which separates a lot from a commercial business or a lake access lot, a six (6) foot fence, setback for a distance of forty (40) feet from the ordinary high water mark, is allowed.
 - b. **Public Boat Launches.** All public boat launch sites shall be fenced for the entire length of the site on sides not facing the lake or a public roadway. The fencing shall consist of chain link type with a minimum of six (6) feet in height.
 - c. **High Banks.** In an area considered high banks (**Section 2.1 - Definitions**), a non-obstructing (see-through) barrier fence may be constructed for safety purposes on the crest of the property within the forty (40) foot setback.



1	Purpose & Authority	2	Definitions	3	General Provisions	4	District Regulations	5	Plot Plan & Site Plan Review
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1	Purpose & Authority	2	Definitions	3	General Provisions	4	District Regulations	5	Plot Plan & Site Plan Review
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Section 3.17 Landscaping

It is the intent of this Section to require landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy, and land use values along roadways. It is also the intention of this Section to provide for buffering between residential and non-residential uses. The Planning Commission will use the following requirements listed in subsections A thru H as a guideline for approving the site plan. Deviations may be permitted but must meet the intent of this section.

A. Application.

These requirements shall apply to all non-residential uses. No site plan shall be approved unless the site plan shows landscaping and screening consistent with the requirements set forth in this Ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

B. Landscape Plan.

A landscape plan shall be submitted as either part of the required site plan or plot plan or as a separate plan if permitted by the Planning Commission during site plan review. The landscape plan shall contain, at a minimum, the following:

1. Location, spacing, size, and root type (bare root (BR) or balled and burlaped (BB)) and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: Same scale as required for the site plan.
3. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence including footings.
5. Significant construction details to resolve specific site conditions such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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9. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

C. Parking Lot Landscaping.

The Planning Commission may alter the following standards pertaining to parking lot landscaping based on the individual circumstance during the site plan review process.

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces with minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between the proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
2. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
3. A minimum of a ten (10) foot buffer zone shall be provided on each side of a boat launch site. Within this buffer zone, the owner of the launch site shall install and maintain a continuous row of appropriate evergreen trees, spaced so as to provide a site barrier to adjacent properties. The height of the evergreens shall be no less than four (4) feet at the time of planting. A public roadway on one side of the site would supplant the required evergreen barrier on that side.

D. Road Landscape Buffers.

1. A strip of land shall be located between the abutting right-of-way of a public road required as a "road landscape buffer." The road landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2-1/2) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of the frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
2. Accessways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this Section.

E. Site Landscaping.

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1. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses, or retention areas in front or side yards, may be included as a portion of the required landscaped area.

F. General Landscape Development Standards.

1. Minimum Plant Material Standards.

- a. All plant material shall be hardy to Alcona County, free of disease and insects, and conform to the standards of the **American Association of Nurserymen**.
- b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- c. All plant materials shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.

d. Minimum plant sizes at the time of installation:

Deciduous Canopy Trees:	2 1/2" caliper
Deciduous Ornamental Trees:	2" caliper
Evergreen Trees:	6' height
Deciduous Shrubs:	2' height
Upright Evergreen Shrubs:	2' height
Spreading Evergreen Shrubs:	18" - 24" spread

- e. Existing plant material, which complies with the standards and intent of this Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

2. Minimum Standard for Berms.

- a. The berm shall be natural in appearance.
- b. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.

- c. Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- d. Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress, or egress.
- e. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- f. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
- g. Trees shall be allowed to be placed on berms.
- h. No buildings or any structures shall be permitted upon or within any berm.

G. Landscape Buffers and Protective Screening.

See **Section 3.18.**

H. Installation and Maintenance.

- 1. All landscaping and landscape elements shall be planted and earth moving or grading performed according to accepted good planting and grading procedures.
- 2. The owner or occupant, if different from the owner of the property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition and free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and accessible water supply.

Section 3.18 Screening & Buffering

For nonresidential uses, except farms, which abut a residential use, or which are adjacent to a residential district boundary, there shall be provided and maintained greenbelts, fences, or walls as required below. These requirements do not apply whenever the use, storage area, etc., is more than four hundred (400) feet from an adjacent residential district boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense uses may be contained in **Article 7**. For uses existing at the time of adoption of this Ordinance, this Section applies when changes are made to the use which require review by the Planning Commission.

A. Vegetative Buffers/Greenbelts.

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1. **Width of Landscape Buffers.** Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
2. **Height of Landscape Buffers.** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
3. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
4. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

B. Fences and Walls.

1. **Height of protective screening (fences and walls):** The height of screening fences or walls shall be no less than six (6) feet.
2. When required, fences or walls must be solid in construction and constructed of wood, concrete, vinyl, masonry, or brick. All fences and walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather-resistant, rustproof, and shall be maintained by the nonresidential property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
3. Solid fences, walls, chain link, or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
4. Required walls or solid fences shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small-dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings in masonry walls shall be subject to approval by the Zoning Administrator.

C. Earth Berms.

The Planning Commission MAY approve an earth berm to achieve a portion or all of the buffering requirement. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The

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Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances. When such earth berm is provided, the berm shall be landscaped and maintained in a clean and orderly growing condition. The standards in **Section 3.17.F.2** apply.

D. Screening of Garbage/Trash/Dumpsters.

For multiple-family uses and non-residential uses, outside storage of trash and/or garbage shall be screened from view and shall be located in the rear or side yards, and vehicular access to such storage area shall be maintained. Fences and walls used for screening shall be a minimum of six (6) feet in height and shall have the effect of totally obscuring the outside trash storage area.

E. Waiver.

The Planning Commission may waive or modify any requirements in this Section where cause can be shown that no good purpose would be served with conformance to this Section and that:

1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.
3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

Section 3.19 Outdoor Lighting

A. Purpose.

The purpose of outdoor lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered in the review of all site plans submitted for approval under the terms of this Zoning Ordinance. Lighting that does not conform to this Section shall be considered a nuisance. This Section applies to all residential and non-residential uses.

B. Standards.

1. All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs, and/or other structures, shall be shielded, shaded, designed, and/or directed away from all adjacent districts

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and uses; and further shall not glare upon or interfere with persons and vehicles using public roads.

2. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.
 - a. The Planning Commission may permit taller or require shorter fixtures only when it determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures, not adversely impact neighboring properties, or permit fixtures in proportion to the height and bulk of nearby buildings and other fixtures.
3. All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
4. All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
5. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
6. Ceiling lights in gas pump island canopies shall be recessed.

C. Exempted Areas and Types.

The following types of outdoor lighting shall not be covered by this Section:

1. Special seasonal lights such as Christmas decorations.
2. Lights located within the public right-of-way or easement.
3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administration**, or other applicable federal or state agencies.

6. Lighting for recreational facilities shall conform to the requirements set forth in the most current edition of the **Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting** and the IESNA Lighting Handbook.

Section 3.20 Pets & Livestock

A. Domestic Household Pets.

Domestic household pets, including dogs, cats, birds, and fish, but not including poisonous or dangerous reptiles or wild or dangerous animals may be kept as an accessory residential use on any premises without a Zoning Permit, but subject to state and county canine licensing requirements. The keeping of six (6) or more dogs, other than dogs under six (6) months of age born to a female dog under the care, custody, or control of the resident of the property, will be considered a kennel and requires a Zoning Permit as such.

B. Livestock.

1. The raising and keeping of livestock are prohibited on any platted properties in the R-1, R-2, and R-3 Districts and on those properties which fall under the definition of a **Category 4 site**.
2. The raising and keeping of livestock on domestic or hobby farms shall comply with the following:
 - a. Adequate space shall be provided for the clean and healthful keeping of such animals.
 - b. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
 - c. Such animals shall be kept so that manure storage piles shall not be offensive to nearby properties.

C. Chickens, Ducks, and Geese – Special Land Use on Category 4 Sites.

Chickens, ducks, or geese may be kept on lots which are classified as Category 4 sites by the **Michigan Department of Agriculture and Rural Development’s “GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities,”** upon issuance of a Special Land Use Permit and according to the following conditions:

1. Up to eight (8) chickens, ducks, or geese are permitted in total.
2. Roosters are prohibited.
3. Chickens, ducks, or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which shall be located only in the rear yard of the property.

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4. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
5. Enclosures shall be located at least twenty-five (25) feet from any dwelling on a adjacent lot.
6. No chickens, ducks, or geese shall be kept on lots with more than one (1) dwelling.

Section 3.21 Outdoor Furnace

The intent of this Section is to regulate the environmental impact of outdoor furnaces, specifically the production of offensive odors and uncontrolled emissions, and to protect the health and safety of the citizens of the Township.

A. Standards.

Outdoor furnaces shall be installed only under the following conditions:

1. Any required permits (i.e.; electrical, mechanical, plumbing, etc.) shall be obtained prior to installation.
2. The outdoor furnace shall be located a minimum of two hundred (200) feet from a neighboring residence or any body of water.
3. The outdoor furnace shall not be located in the front yard or within rear and side setbacks of the principal building.
4. An area of fifteen (15) feet around the outdoor furnace shall be free of ignitable vegetation and debris.
5. The outdoor furnace shall not constitute a nuisance to neighboring properties by emitting offensive odors, uncontrolled emissions, excessive smoke, or noise. The chimney of any new outdoor furnace shall extend at least two (2) feet above the peak of any residence not served by the outdoor furnace located within three hundred (300) feet of such outdoor furnace.
6. Only firewood, untreated lumber, wood pellets, or dry corn shall be burned in an outdoor furnace manufactured as a wood-burning furnace.
7. In a dual-fuel outdoor furnace, natural gas, propane, coal, or fuel oil shall also be allowed if the manufacturer's specifications list these fuels.

8. An outdoor furnace that is not classified as a wood-burning or dual-fuel outdoor furnace shall use only the fuel type specified in the manufacturer's specifications.
9. Burning of any materials not listed in Points 6 and 7 is prohibited.
10. All outdoor furnaces shall be equipped with properly functioning spark arrestors.
11. All outdoor furnaces and any electrical, plumbing, or other apparatus or device used in connection with an outdoor furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, federal, and state codes, laws, rules, and regulations.

B. Existing Outdoor Furnaces.

Any existing outdoor furnace that becomes nonconforming regarding set back provisions stated in subsection A.2 due to a land division shall be totally dismantled.

- C. The above requirements shall apply to any replacement or expansion of an existing outdoor furnace after the effective date of this Ordinance.

Section 3.22 Nonconformities

A. Purpose.

It is the purpose of this Article to provide regulations governing buildings, structures, signs, and uses of lots, buildings, and structures which were legal before this Ordinance was adopted or amended. The lawful uses of land, buildings, structures, and signs in effect at the date of adoption of the Ordinance may be continued. Such uses, buildings, structures, lots, and signs shall be designated as "Nonconforming." It is the intention of this Ordinance that all nonconforming uses will either be eliminated or changed to conforming uses over a period of time. The Ordinance and actions by the Planning Commission are intended to encourage the elimination of nonconformities. If a structure or use is nonconforming because of height, floor area, parking, or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled, or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

B. General.

1. **Buildings Under Construction.** In the event that any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconforming building or use and shall be

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allowed to remain as such, including the completion of construction, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion. If the project requires more than two (2) years to complete, it shall be subject to the adopted ordinance standards at that time.

2. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses or of nonconforming structures or nonconforming lots which does not alter the nonconforming status.
3. **Repairs and Maintenance.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any nonconforming building or structure or any building or structure used for a nonconforming use which is declared unsafe by the **Alcona County Building Department**. Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building or nonconforming use as may be necessary to secure a reasonable advantageous use thereof during its natural life.

C. **Nonconforming Buildings & Structures.**

1. **Alterations of a Nonconforming Building or Structure.**
 - a. Structural alterations or extensions which do not increase the nonconformity of the building or structure shall be permitted. A building or structure which is nonconforming due to insufficient setbacks shall not be increased in height.
 - b. Nothing in this Ordinance shall prevent the modification of a nonresidential building when doing so is required in order to comply with barrier-free requirements and the **Americans with Disabilities Act**.
2. **Damaged or Total Destruction of Nonconforming Buildings or Structures by Explosion, Fire, Natural Disaster, Acts of God, or the Public Enemy.** Any nonconforming building or structure may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosion, fire, natural disaster, or other acts of God or the public enemy. An applicant for rebuilding of such a nonconforming building or structure shall make every attempt to rebuild the building to conform to current regulations, if possible. Such rebuilding to the original nonconforming state shall require Planning Commission approval and work shall begin within one (1) year of occurrence. The Zoning Administrator may grant an additional extension of up to sixty (60) days, if necessary, due to extenuating circumstances which must be supported with documentation. If a nonconforming building is intentionally removed, destroyed, or partially destroyed, it shall thereafter conform to the district regulations unless a variance is issued by the Zoning Board of Appeals.

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3. **Damaged or Total Destruction of Nonconforming Buildings or Structures – by Purposeful Removal.** A nonconforming building or structure shall be brought into conformance with this Ordinance in the event of any of the following:
 - a. More than fifty (50) percent of the structure is removed.
 - b. Any alteration is being made to the foundation.
 - c. If more than two (2) exterior walls are removed.

4. **Moving of a Nonconforming Building or Structure.** No such nonconforming building or structure, which is nonconforming due to insufficient setbacks, shall be moved in whole or in part to any other portions of the lot occupied, other than to correct or lessen the nonconforming conditions.

D. Nonconforming Uses.

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance. All nonconforming uses shall be maintained in good condition.

1. **Expansion of a Nonconforming Use.** Nonconforming uses shall not be expanded, relocated on the lot, or increased in intensity of use unless a Special Land Use permit is approved by the Planning Commission. For the purpose of this Section, increases in the intensity of use shall include, but shall not be limited to, such activities as the addition of one (1) or more dwelling units, the provision of additional manufacturing or selling area, or by the addition of facilities which would allow expansion of the nonconforming use. The Planning Commission, subject to a Special Land Use permit, may allow an expansion, relocation on the lot, or an increase in intensity provided that it is shown that such:
 - a. Will not reduce the value or otherwise limit the lawful use of adjacent properties.
 - b. Will essentially retain the character and environment of abutting premises.
 - c. Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, land over-crowding, and related).

The Special Land Use standards in **Section 6.2** shall not apply.

2. **Change of Nonconforming Use.** No nonconforming use shall be changed to other than a conforming use nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.

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3. **Abandonment of a Nonconforming Use.** If a property owner has the intent to abandon a nonconforming use and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
4. **Damage or Destruction of a Nonconforming Use.** In the event any nonconforming use shall be damaged or destroyed by fire, wind, an Act of God, or the public enemy, it may be rebuilt or restored to its original use and configuration.

E. Nonconforming Lots of Record.

1. **Nonconforming Lots.** Lots of record which were in existence at the time of adoption of this Ordinance or at the time of amendment to this Section are hereby grandfathered into this Ordinance as nonconforming lots of record and may be developed according to the standards of this Ordinance (except that they are not required to meet the minimum lot size or minimum lot width standards of this Ordinance). Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. A nonconforming lot of record shall require a variance if the district setbacks are not able to be met. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
2. **Nonconforming Contiguous Lots Under the Same Ownership.** If there are two (2) or more contiguous lots or portions of lots are under the same ownership and which do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots or portions of lots shall be considered an undivided lot for the purposes of this Ordinance, and no portion of such undivided lot shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance. Such resulting undivided lot may be developed according to the standards of this Ordinance (even

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if the resulting undivided lot still does not meet the minimum lot size or minimum lot width standards). Furthermore, such resulting undivided lot may require a variance if the district setbacks are not able to be met. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

F. Nonconforming Signs.

See **Section 3.34.**

Section 3.23 On Site Drainage & Runoff Requirements, Grading & Soil Erosion Control

A. Purpose.

The purpose of this Section is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, and general welfare of the community.

B. Compliance.

No plot plan or site plan shall be approved unless said site plan includes soil erosion and sediment control measures consistent with the requirements of the **Alcona County Building Department**, if required.

C. General Requirements.

1. Any earth changes shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation.
2. All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures in conformance with **Part 91 (Soil Erosion and Sedimentation Control) of 1994 PA 451 (Natural Resources and Environmental Protection Act)**, as amended, and all official rules of the State of Michigan promulgated pursuant thereto, which effectively reduce accelerated soil erosion.
3. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
4. Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.

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5. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
6. Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications as prescribed by the **State of Michigan** rules.
7. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed with sixty (60) calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within thirty (30) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.
8. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

D. Maintenance Requirements.

Persons carrying out soil erosion and sediment control measures under this Section, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent erosion control measures, retaining walls, structures, planting, and other protective devices.

E. Minimum Design Standards for Erosion and Sediment Control.

Where required, all grading plans and specifications including extensions of previously approved plans shall include provisions for erosion and sediment control.

F. Exceptions.

This Section does not apply to land on which a person, partnership, or corporation is engaged in the industry generally referred to as logging or is engaged in the industry generally referred to as mining or the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Section 3.24 Stormwater Retention

The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities

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which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).

Section 3.25 Groundwater Protection

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

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General-purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.26 Hazardous Substances

All hazardous substances shall be disposed of in accordance with all state or federal laws, rules, and regulations governing the disposal of specific hazardous substances.

Section 3.27 Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junkyard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

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Section 3.28 Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

A. Dumping or Stockpiling of Waste Material or Junk.

The collection, accumulation, storage, or disposal of waste material, used construction material, junk, debris, or refuse is prohibited except under the following circumstances as properly sealed and adequately concealed materials:

1. Such practices are a necessary accessory use to a permitted agricultural use.
2. Such practices occur in a junkyard authorized under this Ordinance and are included in the approved site plan.
3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.

B. Dumping of Soil, Sand, and Clay Materials.

Material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils, and surface waters. No dumping of soil, sand, clay, or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development lot, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

C. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within the Township, except as permitted by **1978 PA 112**, State of Michigan.

Section 3.29 Temporary Storage of Used Materials

The temporary storage, collection, or placing of used or discarded material such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and/or construction periods not to exceed six (6) months. Temporary storage must comply with all federal and state regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

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Section 3.30 Reserved

This Section has been reserved for future amendments.

Section 3.31 Performance Standards**A. Smoke and Air Contaminants.**

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities. The Township does not enforce state and/or federal regulations.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in state and/or federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by state and/or federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply with any new standards required as part of a renewed or new state and/or federal regulatory agency environmental permits.

D. Gases.

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The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.32 Voting Place

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any property as a voting place in an authorized public election.

Section 3.33 Parking & Loading Space Requirements

In all Zoning Districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air businesses, or outdoor commercial recreation uses so long as said principal buildings or structures remain unless an equivalent number of such spaces are provided elsewhere in conformance with the Ordinance.

A. Parking Requirements.

1. **Permit Required.** A zoning permit shall be required to construct a parking lot.
2. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:

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- a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Section.
- b. **Enlargement.** Whenever a building is expanded to increase its usable floor area which results in an increase in required parking spaces.
- c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
- d. **Parking Area Construction and Expansion (for all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
- e. Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless one of the above a - d applies.

3. **Location.**

- a. **Residential.** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
 - b. **Non-Residential.** The off-street parking facilities required for uses other than residential shall be located on the lot or on other lots within five hundred (500) feet for Industrial Districts and three hundred (300) feet for all other Districts. Such distance shall be measured along lines of public access to the property between the nearest point of the parking facility to the nearest point of the building to be served.
4. **Loading Space.** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
5. **Changes.** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Section are provided and approved at a differing location on the property or elsewhere as permitted within this Ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-

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street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Planning Commission in accordance with **Article 5** of this Ordinance.

6. **Existing Parking.** Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
7. **Collaborative Parking for Uses Overlapping in Hours.** Two (2) or more buildings or uses may collectively provide the required off-street parking. In this case, the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of lots and shall be recorded with the **Alcona County Register of Deeds**.
8. **Shared Parking for Uses Not Overlapping in Hours.** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the **Register of Deeds**. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
9. **Time Limit.** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.
10. **Storage of Vehicles and Merchandise.** It shall be unlawful to park or store any motor vehicle on any private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. The storage of merchandise, the storage of inoperable or partially dismantled vehicles, vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
11. **Excessive Parking Space.** In order to minimize excessive areas of pavement which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten (10) percent shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

B. General Standards.

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1. **Site Plan.** Plans for the development of any parking lot shall be submitted as a site plan. The Planning Commission has the authority to approve parking lots. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator.
 - a. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
 - b. Adequate space shall be included in the parking area to facilitate the turning of a vehicle so that entry upon the road may be in a forward manner and not by backing into the road.
 - c. Adequate area must be provided for snow piling.
2. **Surface.** Such parking lots shall be surfaced with concrete, asphalt, or crushed rock materials, maintained in a usable dust-proof condition, and shall be graded and drained adequately.
3. **Illumination.** All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing manner upon adjacent structures.
4. Plans for the layout of off-street parking facilities shall be in accordance with the minimum regulations in subsection C.

C. **Specific Standards.**

1. **Parking Space Dimensions.** All required off-street parking spaces shall meet the following dimensional standards:

Table 3.33.A Parking Space Dimensions

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degree (parallel parking)	12 feet	8.5 feet	24 feet
Angle parking to 53 degrees	13 feet	9 feet	21 feet
54 to 74 degrees	18 feet	9 feet	22 feet
75 to 90 degree	24 feet	9 feet	20 feet*

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

2. **Vehicle Stacking Space.** Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals, or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space but shall not include the space vehicles actually use at the time of service. Where a

use provides a drive-through or similar service but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

3. **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
4. **Uses Not Mentioned.** For those uses not specifically mentioned in **Table 3.33.B**, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
5. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of the **Americans with Disabilities Act**.
6. **Change of Use.** Any change of use shall be required to meet the parking requirements for the revised use and obtain approval of such.
7. **Number of Parking Spaces.** The number of off-street parking spaces shall be in accordance with the following schedule:

Note: Square footage refers to "Usable Floor Area."

Table 3.33.B

Residential Parking Requirements	
Use	Requirements
Single-family and two-family dwellings	2 for each dwelling unit
Multiple family dwellings	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Manufactured homes in a manufactured housing development	2 for each manufactured home site
Housing for the elderly (i.e. senior apartments)	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side setback
Bed & Breakfast Facilities/Tourist Homes	1 for each guest room plus the 2 required for the dwelling unit

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Home Occupations/Cottage Industry	2 spaces per dwelling plus 1 for each employee. For Cottage Industries, additional parking may be required/approved.
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Institutional Parking Requirements

Use	Requirements
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	1 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater. If no such auditorium exists, then one space per classroom in addition to that for each teacher, employee or administrator.
Senior high schools	1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater. In addition, one for every 10 students.
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Adult foster care homes; convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.

Business Parking Requirements

Use	Requirements
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window

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Restaurants and establishments for on Premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA
C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service
Beauty parlor or barber shop	2 spaces for each of the—first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of usable floor area
Mortuary establishment	3 for each 100 square feet of useable floor area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses; self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

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Miscellaneous Use Parking Requirements

Use	Requirements
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater
Industrial Establishments	One for every 1 1/2 employees based on the greatest number of persons employed at any one period during the day or night.
Mini-Storage, self-storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, exhibition halls, pool halls, billiard parlors and assembly halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Golf Courses	5 per hole, plus one for each employee
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift

D. Loading Space Requirements.

1. For every nonresidential building, or addition to an existing nonresidential building, hereafter erected or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off-street loading spaces in relation to floor area as follows:
 - a. Up to twenty thousand (20,000) square feet -- one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet -- two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet -- three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any

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lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

E. Flexibility in Parking Requirements.

The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent streets or a neighboring site, prevent excessive paving and stormwater runoff, and prevent the misuse of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.
2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.
3. A deviation from this Section may only be granted upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

Section 3.34 Signs

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness

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of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of the Township, create a more attractive business environment, and promote pedestrian and traffic safety.

A. General Provisions for all Zoning Districts.

1. **Zoning Permit.** Signs require a zoning permit unless listed in **subsection B (Signs Allowed Without a Permit)**.
2. **Signs in Need of Repair, Not Affixed, or Obstructing Signs.** Signs which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure, and those that obstruct official signs are prohibited.
3. **Obstruction of/Confusion with Traffic Signals/Signs.** No sign shall be erected in such a manner that the position, size, movement, shape, or color may interfere with the view of or be confused with any public traffic sign or device.
4. **Utility Poles.** No sign shall be affixed to a utility pole in a public right-of-way.
5. **Obstruction of Vision.** No signs shall be located on any street corner which would obscure the vision of drivers using said streets or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot, or other route providing ingress or egress to any premises.
6. **Signs in Right-of-Way.** Any sign except those established or maintained by county, state, or federal governments shall not be erected in, project into, or overhang a street or road right-of-way.
7. **Directional Signs.** Signs established by township, county, state, or federal governments shall be permitted in all zoning districts.
8. **Glare/Flashing Signs.** Sign illumination shall not cause a reflection or glare on any portion of a public road, in the path of oncoming vehicles, or on adjacent premises or residences. Illuminated signs shall not be of the flashing, moving, or intermittent type unless allowed as a digital sign or unless approved by the Zoning Administrator or, who shall find that the lighting is non-glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
9. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe

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sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.

10. **Free-Speech.** Signs which express non-commercial speech may be erected in any district. The standards of this Section shall apply.
11. **Multiple Uses on One Lot.** In cases where a lot contains more than one (1) use, the sign requirements contained in this Section apply to each use on the property.
12. **Construction.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
13. **Maintenance.** All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements as determined by the Zoning Administrator.

B. Signs Allowed Without a Permit.

The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner pursuant to this Section and placed so as not to cause a nuisance or create a safety hazard:

1. Interior window signs.
2. Temporary Signs or Attention-Getting Devices.
3. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards.
4. Portable changeable copy signs are allowed on a temporary basis for a continuous period of up to sixty (60) days.
5. On nonresidential property, permanent, up to three (3) freestanding accessory signs that do not exceed three (3) square feet each and six (6) feet in height.
6. Permanent signs on vending machines, gas pumps, accessory structures, ice containers, or similar items.
7. Signs when located on or below a canopy, awning, or marquee.
8. Signs when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building.
9. Flags, banners, and pennants are not considered signs and have no maximum size limit.
10. Signs erected by an official governmental body, public utility, or historic agency.

11. Signs not visible by motorists or pedestrians on any road, alley, waterbody, public lands, or adjacent lots.
12. Signs required by law.

C. Size Limitations.

1. Size limitations found in **Tables 3.34 A and B** apply to the sign face only, not the support structures. Sign allowances below are applicable per lot. Each lot is permitted the number of each type of sign per category (i.e. each lot may be permitted to have the allowable number of principal freestanding signs in addition to the allowable wall signage, temporary signs, projecting signs, etc).
2. Support structures do not count as part of the sign area.
 - a. Support structures shall not exceed the height of the sign by more than twenty (20) percent.
 - b. Support structures shall not exceed the width of the sign by more than twenty (20) percent.

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Table 3.34.A: Residential Uses

Sign Type	Single-Family & Two-Family Uses	Multi-Family, Subdivisions, Manufactured Housing Developments
Primary Sign, Freestanding <i>(permanent)</i>	Size: 16 sq ft <i>(max.)</i> Number Allowed: 1 Height: 6 ft	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 per entrance Height: 6 ft <i>(max.)</i> Setback: At least 10 feet from front lot line
Wall Signs <i>(permanent)</i>	Size: 8 sq ft <i>(max.)</i> Number Allowed: 1	Not allowed
Temporary Signs <i>(no permit needed)</i>	16 sq ft (total of all temporary signs)	
Portable Changeable Copy Message Boards <i>(no permit needed)</i>	Size: 32 sq ft Number Allowed: 1	
Digital or Static Message Boards <i>(permanent)</i>	Not allowed	
Cluster Signs <i>(permanent)</i>	Not allowed	
Projecting Signs <i>(permanent)</i>	Not allowed	
Awning/Canopy Signs <i>(no permit needed)</i>	Not allowed	No structural element of an awning or canopy shall be located less than 8 feet above finished grade

Table 3.34.B: Non-Residential Uses

Sign Type	Area & Number	Height	Setback	Other
Primary Sign, Freestanding <i>(permanent)</i>	Size: 32 sq ft <i>(max.)</i> (Lots on US 23 may have up to 50 sq ft) Number Allowed: 1 per road frontage	The top of any ground-mounted sign shall be not more than 7 ft above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than 3 ft above the road grade or the ground level immediately beneath the sign, whichever is higher. (Figure 3.34 A & B)	10 feet from the front lot line	If mounted on post(s), the posts shall not have a diameter greater than 12 inches.
Wall Signs <i>(permanent)</i>	Size: 32 sq ft <i>(max.)</i> (Lots on US 23 may have up to 50 sq ft) Number Allowed: 1	The sign shall not project above the top edge of the roof line.	N/A	Sign shall not project from the surface upon which it is attached more than required for construction purposes & in no case more than 12 inches
Temporary Signs <i>(no permit needed)</i>	32 sq ft (total of all temporary signs)			
Portable Changeable Copy Message Boards <i>(no permit needed)</i>	Size: 32 sq ft Number Allowed: 1			
Digital or Static Message Boards <i>(permanent)</i>	See subsection D below.			
Cluster Signs <i>(permanent)</i>	Up to 6 signs in addition to the principal sign. Each sign in a cluster shall be no greater than 20 sq ft in area.	20 ft	10 feet from the front lot line	Cluster signs may only be allowed for a group of establishments located together which share access to the primary road. Any establishment which has a sign in a cluster is allowed only 1 additional primary sign located on the lot on which the establishment is located. Cluster signs must be located near the access from which each establishment in the cluster is located.
Projecting Signs <i>(permanent)</i>	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1	Minimum sign clearance of 8 ft	N/A	Sign supports & brackets shall be compatible with the design & scale of the sign.
Awning/Canopy Signs <i>(no permit needed)</i>	No restriction	No structural element of an awning or canopy shall be located less than 8 ft above finished grade	N/A	N/A
Marquee Sign	Marquee signs are approved on a case-by-case basis by the Planning Commission			

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

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Figure A

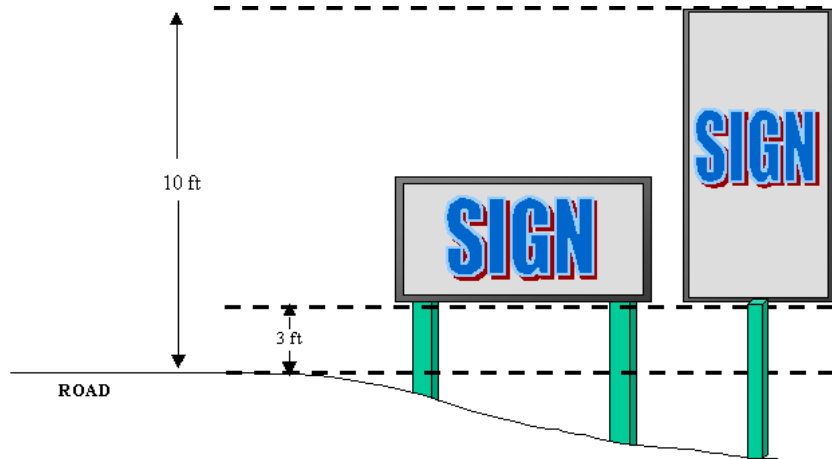
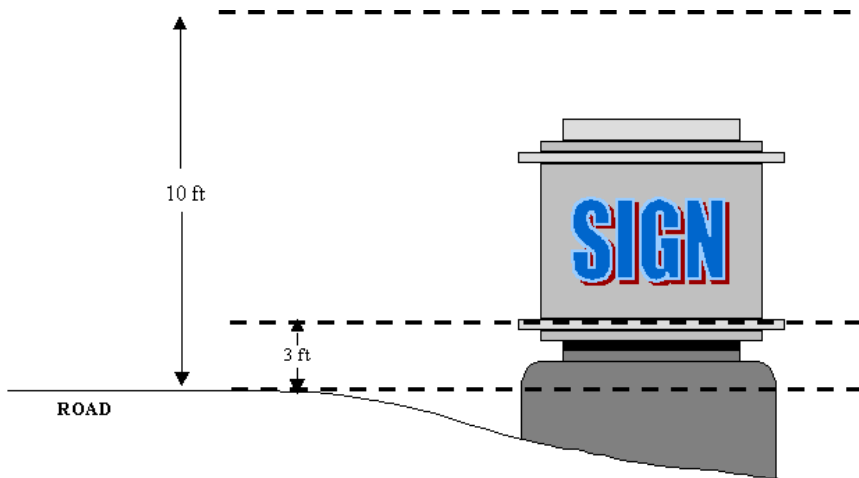


Figure B



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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D. Message Boards.

1. **Static Message Boards.** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than thirty-two (32) square feet (fifty (50) square feet on US 23).
 - b. If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
2. **Electronic Message Boards.** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the electronic message board is utilized as one of the allowable primary signs on the premises then the electronic message board shall be no greater than thirty-two (32) square feet (fifty (50) square feet on US 23).
 - b. If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty percent (50) of the area of the primary freestanding sign either existing on the property or as allowed by the zoning district, whichever is less.
 - c. An electronic message board shall be allowed to have changing messages, scrolling messages, and animation but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

E. Small Off-Premise Signs.

Private off-premise signs shall be allowed on private property with the property owner's permission.

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1. Off-premise signs shall be no greater than six (6) square feet and shall be set back at least ten (10) feet from the lot line. Only three (3) off-premise signs per property are permitted.
2. Off-premise signs located on commercial or industrial property are permitted at not less than five hundred (500) foot intervals along the length of the public road.
3. Small off-premise signs may be located on vacant or occupied lots. Small off-premise signs on occupied lots shall NOT count toward that lot's sign size limitations.
4. A zoning permit is required.

F. Large Off-Premise Signs (Billboards).

Billboards may be established in the Township provided that they meet the following conditions:

3. Off-Premise Signs shall only be allowed on State Highways in the Township. Compliance with the **Michigan Department of Transportation** permitting process is required.
4. Not more than one (1) billboard may be located on three (3) linear miles of street regardless of the fact that such billboards may be located on different sides of the subject street. The linear mile measurement shall not be limited to the boundaries of the Township where the particular street extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
5. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
6. No billboard shall be located closer than seventy-five (75) feet from a lot line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
7. The surface display area of any side of a billboard may not exceed sixty-four (64) square feet.
8. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting property.
9. No billboard shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.

10. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
11. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
12. A billboard established within a business, commercial, or industrial area, as defined in the **Highway Advertising Act** (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
13. **Digital Billboards.**
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be complete in one (1) second or less.
 - b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred (150) feet for those sign faces less than or equal to three hundred (300) square feet.
 - c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.
14. **Permit Required.** No person, firm, or corporation shall erect a billboard within the Township without first obtaining a permit from the Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance. Permits shall be issued for a period of five (5) years. The Township Board shall further have the right to require a billboard permit fee, if and when it is deemed necessary.

G. Nonconforming Signs.

1. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

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2. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Illumination shall not be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. If a nonconforming off-premise sign remains blank for a continuous period of ninety (90) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this Section, a sign is "blank" if:
 - a. The message it displays becomes illegible in whole or substantial part; or
 - b. The copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed; or
 - c. The sign has fallen into disrepair.

H. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign’s message becomes illegible in whole or substantial part.

d. The sign which has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the sign shall be considered in violation of this Ordinance.

I. Sign Deviations.

The Planning Commission shall have the ability to approve deviations in the standards contained within this Section. Such deviations shall not be detrimental to the public health, safety, and welfare and shall serve the intent and purpose of this Section. No public hearing shall be required.

J. Removal of Signs in Violation of this Ordinance.

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this Ordinance. An abandoned sign shall not include a sign on a lot on which the principal use structure is for sale. Ninety (90) days' notice, in writing, shall be given to the owner of such sign and to the owner of the building, structure, or premises on which such sign is located to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

K. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

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Section 3.35 Private Roads

A. Site Plan Review Required.

1. Application, review, and approval of a proposed private road that serves five (5) or more lots shall follow the same procedures as **Section 5.2** (Site Plan Review Procedures). Application for approval of a private road shall include a site plan sealed by a professional engineer showing:
 - a. Existing and proposed lot lines.
 - b. The location of existing and proposed structures.
 - c. The width and location of the private road easement.
 - d. A cross-section of the proposed road showing the type of material the road base and surface will consist of.
 - e. Utility plans including the location and size/capacity of stormwater drainage systems, septic system, private wells, and private utilities such as telephone, electric, and cable service.
 - f. Proposed locations of driveways off the private road.
 - g. Any existing or proposed structures, trees, or other obstruction within the proposed right-of-way.
 - h. All plans as submitted for approval shall show the private road easement including a legal description and must include the grade for these roads.

2. Application Review and Approval or Denial.

- a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission, and to the Township Attorney for review and comment. Any proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
- b. County Road Commission, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.

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- c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
- d. The Zoning Administrator shall arrange for inspections during the construction of and upon completion of the private road.

B. Standards.

Where a private road serves five (5) or more lots, the road shall be developed in accordance with **Alcona County Road Commission** design standards regarding right-of-way, drainage, construction, erosion control, surface, and signage. The Township will solicit feedback from the **Alcona County Road Commission** on the proposed road.

C. Nonconforming Existing Private Roads.

Private roads, which serve five (5) or more lots, existing on the effective date of this Ordinance and which do not conform to the standards in **subsection B** are not required to upgrade to the standards in **subsection B**. However, if an existing nonconforming private road is improved, extended, or proposed to serve a greater number of properties than it currently serves, then conformance to the standards in **subsection B** shall be required unless the Planning Commission waives this requirement upon determination that:

- 1. Granting the waiver will not cause a substantially adverse effect on properties which are and will be accessed by the private road, or
- 2. There are physical barriers which prohibit the upgrading of the road to **Alcona County Road Commission** standards.

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Article 4 District Regulations

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4.1	Zoning Districts	4-1
4.2	Zoning Map & District Boundaries	4-2
4.3	Application of District Regulations	4-4
4.4	Permitted, Special & Unlisted Uses	4-5
4.5	Single-Family Residential District (R-1)	4-6
4.6	Low- to Medium-Density Residential District (R-2)	4-9
4.7	Multiple-Family Residential District (R-3)	4-12
4.8	Manufactured Housing Community District (R-4)	4-15
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Section 4.1 Zoning Districts

For the purpose of this Ordinance, the Township is hereby divided into the following Zoning Districts:

R-1	Single-Family Residential District
R-2	Low- to Medium-Density Residential District
R-3	Multiple-Family Residential District
R-4	Manufactured Housing Community District
AG	Agricultural District
FR	Forest Recreational District
C	Commercial District
CF	Community Facilities District
I	Industrial District

Section 4.2 Zoning Map & District Boundaries

A. Zoning Map.

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Caledonia Township Zoning Map" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in the Caledonia Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

B. Boundaries of Districts.

The boundaries of these districts are hereby established as shown on the Caledonia Township Zoning Map, which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline shall be construed as following the actual shoreline.
3. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
4. When shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and, in case of changes in the course in the stream, the boundary shall be considered as the centerline of the new course.
5. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.
6. **Commercial Overlay District (T28N, R8E, Sections 1, 12, and 13).** The Commercial Overlay District is located along US 23 and F-41, as shown on the Caledonia Township Zoning Map, and allows for Commercial District uses on lots within the overlay in addition to the uses allowed in the underlying district. Except where shown following exact lot lines, the Commercial Overlay District is three hundred (300) feet deep, measured from the front lot line, on each side of the road right-of-way, where indicated on the Zoning Map.

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7. **Mount Maria Road (T28N, R7E, Sections 5, 8, and 17).** Where the R-1 district boundary line crosses large lots and does not follow the west-bounding lot line of lots, the R-1 district boundary line shall be construed to extend five hundred (500) feet west from the front lot line on each side of the road right-of-way.

C. Public Rights-of-Way.

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately abutting the public right-of-way.

D. Zoning of Vacated Areas.

Wherever any street, road, or other public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line, and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

E. Zoning of Filled Areas.

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.

F. Zoning of Annexed Areas.

Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

G. Zoning District Changes.

When district boundaries change, any legal nonconforming use may continue subject to all other applicable provisions of this Ordinance.

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Section 4.3 Application of District Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the height, setback, and lot requirements in this Article are provided and maintained in connection with such building, erection, alteration, or enlargement. Legal nonconforming structures and buildings shall be regulated by **Section 3.22**.

A. Application of Yard Regulations.

1. **Measuring Setbacks.** All setbacks shall be measured perpendicularly from the lot line, or when the lot line extends to the center of the road then from the edge of the right-of-way and/or easement to the nearest point of the foundation of the applicable building or structure. In the case of a waterfront lot, the front setback shall be measured from the Ordinary High Water Mark.
2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
3. **Corner Lots.** In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best-rated road according to the Alcona County Road Commission. If each frontage is equal and each road is rated equally, the front shall be that road on which the lot is addressed.
4. **Double Frontage Lots.** If there are existing structures in the same block fronting on one (1) or both of the roads, the required front setback shall be observed on those roads where such structures presently front.
5. **Water Frontage Lots.** In the case of waterfront lots, the front lot line shall be the ordinary high water mark. The lot line opposite the ordinary high water mark (usually along the street) is considered the rear lot line.

B. Application of Height Regulations.

1. Building height is measured from the finished grade.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
3. **Exceptions to Height Limitations.** Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not be used for living or commercial space (rooftop equipment, chimneys, etc.). Height restrictions do not apply to flag poles, light poles, agricultural accessory structures, silos, conveyors, wind turbines, anemometer towers, wireless towers, and related facilities.

C. Location and Number of Dwellings on Lot of Record.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
2. Hereafter, every building erected, altered, or moved shall be located on a zoned lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any Zoning District. No building, structure or permanent accessory building shall be erected without first obtaining a Zoning Permit from the Zoning Administrator. Accessory Dwelling Units are allowed in specified districts and regulated by **Section 7.2.**

D. Lot Depth to Width Ratio.

Each lot will not exceed a depth-to-width ratio of 4:1 except as allowed by **1967 PA 288** (Land Division Act) Section 560.109 (1b) (The municipality having authority to review proposed divisions may allow a greater depth-to-width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the lot and compatibility with surrounding lands.) The depth-to-width ratio requirements of this land division do not apply to lots larger than then (10) acres. Minimum lot width and area standards apply to lots created after the adoption of this Ordinance. Lots which do not meet these lot area and lot width standards are regulated by **Section 3.22.E** (Nonconforming Lots of Record).

Section 4.4 Permitted, Special & Unlisted Uses

A. Permitted Uses.

Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district or are similar to such listed uses, as determined by the Zoning Administrator.

B. Special Land Uses.

Special Land Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator.

C. Unlisted Uses.

The Zoning Administrator shall have the power, upon written application of a property owner, to classify a use not listed in any district with a comparable use in any district. If no comparable use is determined by the Zoning Administrator, then the Zoning Board of Appeals shall have the power to classify a use not listed in any district with a comparable use in any district. If the Zoning Board of Appeals determines that there is no comparable use listed in any district, then such use shall only be provided by amendment to the Ordinance.

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Section 4.5 Single-Family Residential District (R-1)

R-1

A. Intent.

This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational, and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use, and the minimization of adverse environmental impacts of urban development.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.5	S*
Short Term Rental Homes	P*
Arts, Entertainment & Recreation	
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges; Fraternal Organizations	S
Public Parks, Playgrounds, & Recreation Areas	P
Wildlife Preserves/Forestry Preserves	P
Educational Services/Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
State-Licensed Residential Facilities (6 or less adults)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-1
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Keyhole Development §7.14	S*
Platted Subdivisions	P
Single-Family Dwellings	P
Utilities, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy (On-Site Accessory) §7.27	P*
Wind Energy Systems (On-Site) §7.26	P*

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Development Standards for R-1 District.

R-1

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	20,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	25 ft (See Section 4.3.B) Height may increase for dwelling units and/or structures if side yards are increased by one (1) foot for each additional one (1) foot of height -- NOT to exceed a maximum height of thirty-two (32) feet.
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include cabin courts, motels, or similar uses)
e. Dwelling Width (min)	18 ft at the narrowest point of the structure
f. % of Lot Coverage (max)	35% (applies to permanent structures)

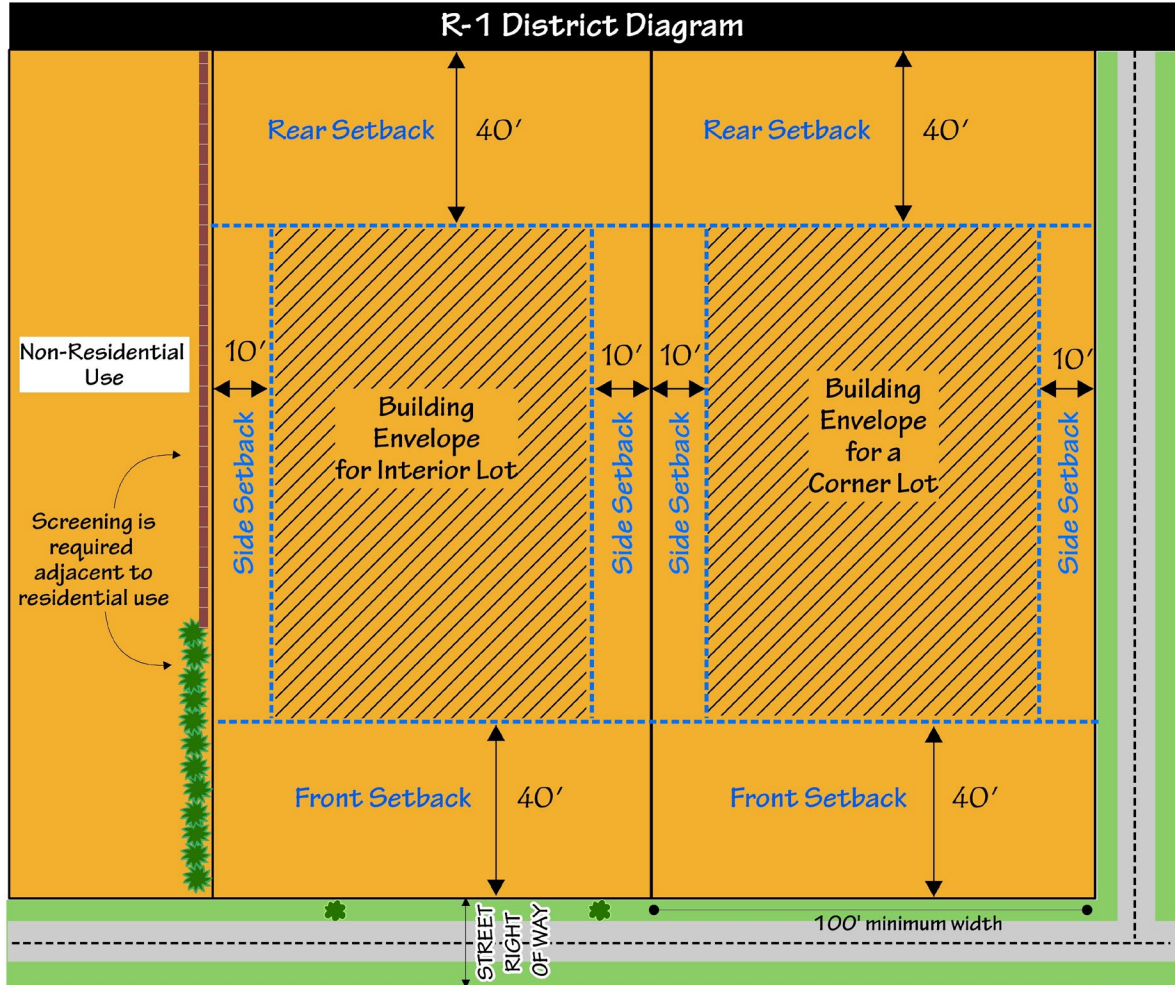
2. Setbacks (minimum)

a. Front	40 ft
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
f. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.5



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.6 Low- to Medium-Density Residential District (R-2)

R-2

A. Intent.

This district is designed to permit a more varied density of residential development than that provided in the R-1 Single-Family Residential District.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.5	S*
Rooming Houses	S
Short Term Rental Homes	P
Arts, Entertainment & Recreation	
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges; Fraternal Organizations	S
Public Parks, Playgrounds, & Recreation Areas	P
Wildlife Preserves/Forestry Preserves	P
Educational Services/Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)	S
State-Licensed Residential Facilities (6 or less adults)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Land Use Permit</i> <i>*supplemental development regulations</i>	R-2
Human Care & Social Assistance (cont.)	
State-Licensed Residential Facilities (more than 6 adults): Adult Foster Care Small Group Homes (7-12) Adult Foster Care Large Group Homes (13-20) Adult Foster Care Congregate Facilities (over 20)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Senior Citizen Housing	S
Single-Family Dwellings	P
Townhouse Dwellings	S
Two-Family Dwellings (duplex)	P
Utilities, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Wind Energy Systems (On-Site) §7.26	P*

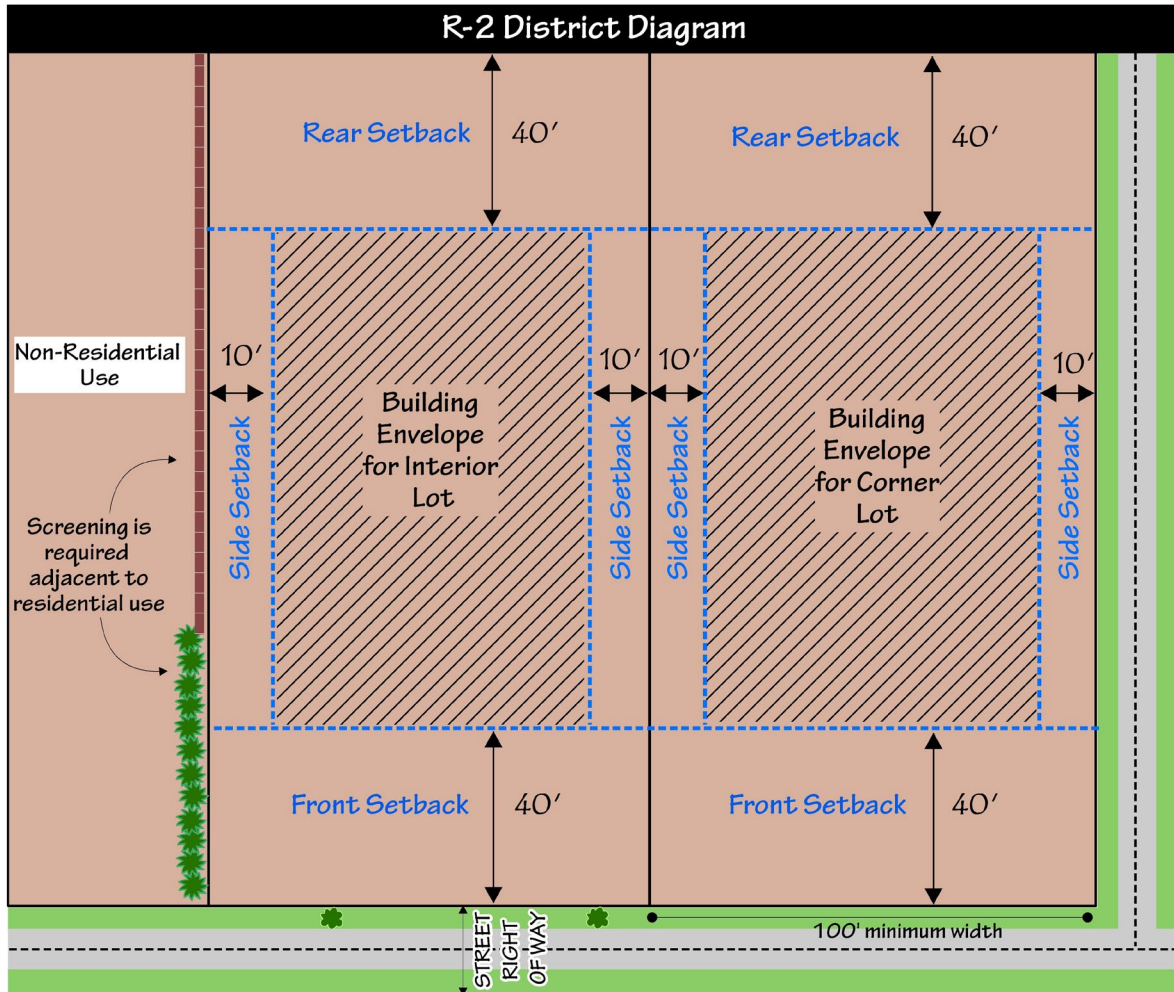
C. Development Standards for R-2 District.

R-2

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards	
a. Lot Area (min)	20,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	35% (applies to permanent structures)
2. Setbacks (minimum)	
a. Front	40 ft
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
f. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.6



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.7 Multiple-Family Residential District (R-3)

R-3

A. Intent.

This district is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single-family detached housing (while still adhering to the low to medium-density character of the community) will be permitted in this zone.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-3
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.5	S*
Rooming Houses	S
Short Term Rental Homes	P
Arts, Entertainment & Recreation	
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges; Fraternal Organizations	S
Public Parks, Playgrounds, & Recreation Areas	P
Wildlife Preserves/Forestry Preserves	P
Educational Services/Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Assisted Living Homes/Nursing Homes/Convalescent Homes	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)	S
State-Licensed Residential Facilities (6 or less adults)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-3
Human Care & Social Assistance (cont.)	
State-Licensed Residential Facilities (more than 6 adults/children): Adult Foster Care Small Group Homes (7-12) Adult Foster Care Large Group Homes (13-20) Adult Foster Care Congregate Facilities (over 20)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Multiple-Family Dwelling Units §7.18	S*
Senior Citizen Housing	S
Single-Family Dwellings	P
Townhouse Dwellings/Condominiums	S
Two-Family Dwellings (duplex)	P
Utilities, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Wind Energy Systems (On-Site) §7.26	P*

C. Development Standards for R-3 District.

R-3

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	20,000 sq ft 45,000 sq ft for multiple-family
b. Lot Width (min)	100 ft 200 ft for multiple-family Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	35% (applies to permanent structures)

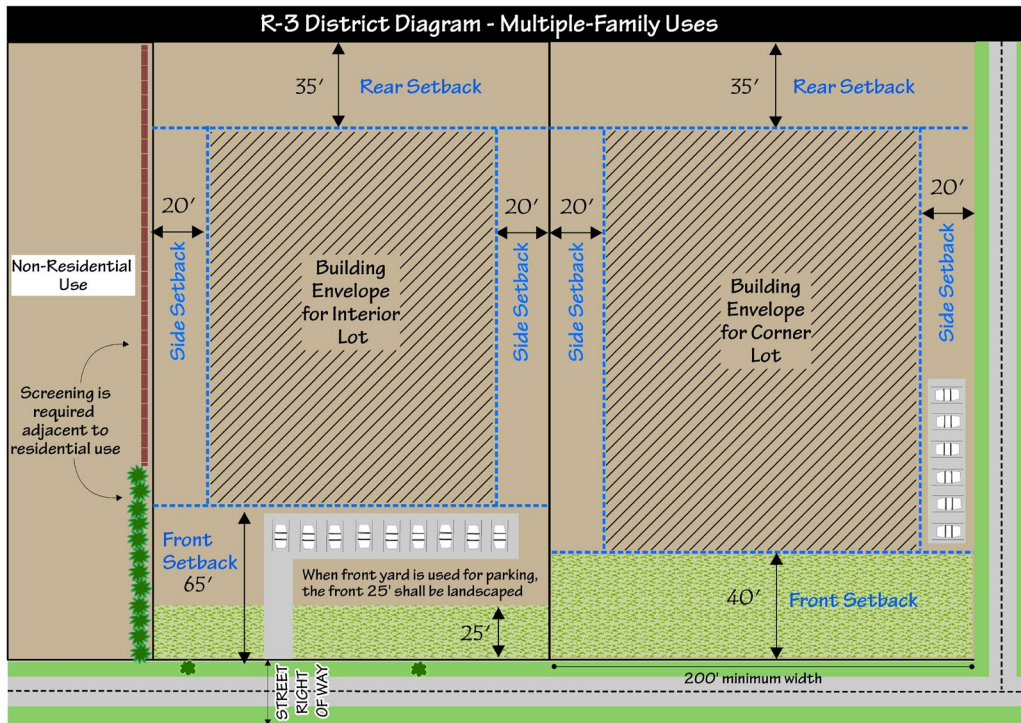
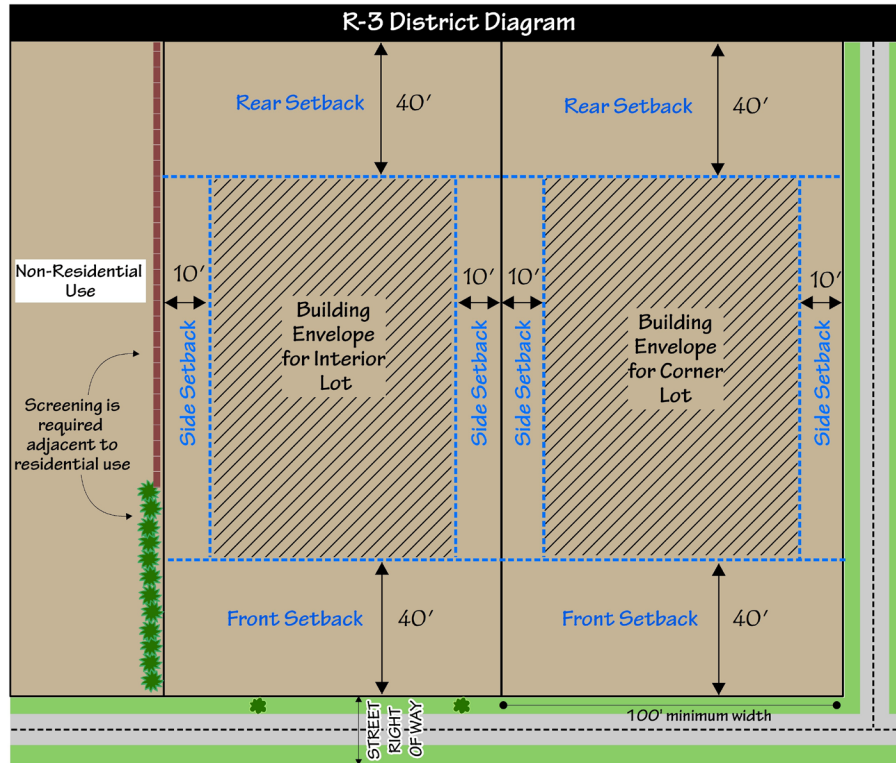
2. Setbacks (minimum)

	All Uses except Multiple-Family	Multiple-Family
a. Front	40 ft	40 ft if the front yard is <u>not</u> used as parking (the total of which shall be landscaped) 65 ft if the front yard is used as parking (the front 25 ft shall be landscaped)
b. Side, Interior	10 ft	20 ft
c. Side, Corner	10 ft	20 ft
d. Rear	40 ft	35 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Multiple-Family Dwellings	See Section 7.18 for additional regulations
f. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
g. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.7



- | | | | | |
|----------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
| 6 Special Land Use Review | 7 Supplemental Regulations | 8 Zoning Board of Appeals | 9 Administration & Enforcement | 10 Adoption & Amendments |

Section 4.8 Manufactured Housing Community District (R-4)

R-4

A. Intent.

The purpose of this district is to provide for the development of Manufactured Housing Communities in the Township.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-4
Arts, Entertainment & Recreation	
Public Parks, Playgrounds, & Recreation Areas	P
Wildlife Preserves/Forestry Preserves	P
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
State-Licensed Residential Facilities (6 or less adults)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Developments	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-4
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Manufactured Housing Communities (with accessory uses such as laundry facilities, office building, & community building) §7.17	S*
Single-Family Dwellings	P
Two-Family Dwellings (duplex)	P
Utilities, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S

C. Development Standards for R-4 District.

R-4

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

	Manufactured Housing Communities	All Other Uses
a. Lot Area (min)	10 acres per manufactured housing community	20,000 sq ft
b. Lot Width (min)	N/A	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	See subsection C.3.e below	32 ft (See Section 4.3.B)
d. Floor Area (min)	See subsection C.3.e below	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	See subsection C.3.e below	35% (applies to permanent structures)

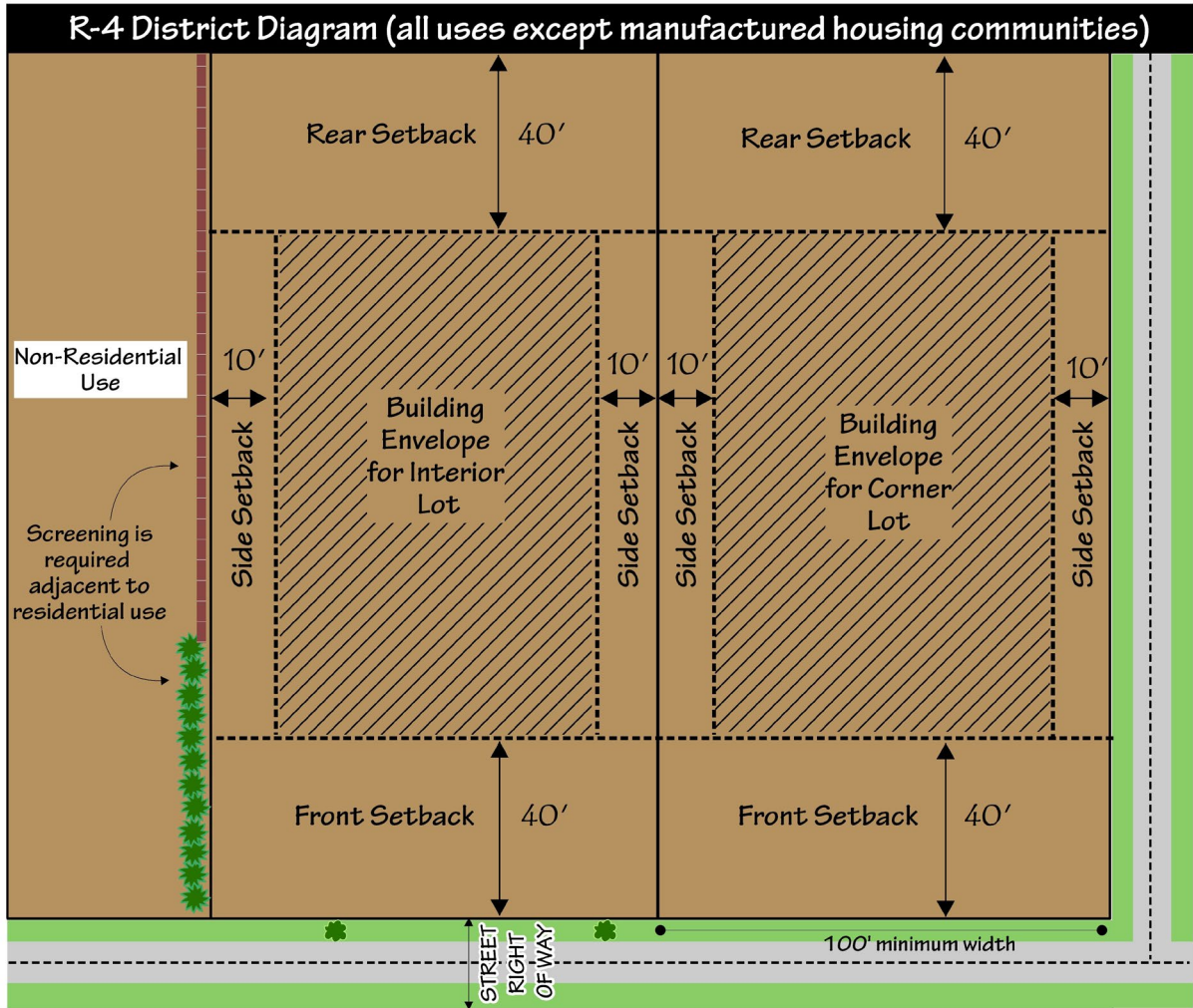
2. Setbacks (minimum)

	Manufactured Housing Communities	All Other Uses
a. Front	See subsection C.3.e	40 ft
b. Side, Interior		10 ft
c. Side, Corner		10 ft
d. Rear		40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Manufactured Housing Communities	Manufactured Housing Communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, 1987 PA 96 , and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces. All other uses shall comply with the area and height regulations of the R-2 District.
f. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
g. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.8



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.9 Agricultural District (AG)

AG

A. Intent.

This district is intended to preserve and provide for large tracts of land for farming and forestry and other rural activities. Large vacant areas, fallow land, and wooded areas may be included.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.5	S*
Cabin Courts (or Cabin Complex)	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.29	S*
Resorts, Vacation Lodges, Vacation Farms, & Guest Ranches (including accessory facilities such as stables, corral, swimming pools, food services, and incidental retail sales & services)	S
Rooming Houses	S
Short Term Rental Homes	P
Wineries & Cider Tasting Rooms	P
Agriculture, Forest Products & Animal Services	
Agricultural Sales & Service	P
Agricultural Products Processing & Storage	P
Animal Shelter/Animal Rescue Facilities §7.13	S*
Agricultural Tourism Businesses (on Farms):	
Bakeries selling goods primarily grown on-site	P
Educational tours, classes, lectures & seminars	P
Family-oriented animated barns (funhouses, haunted houses)	P
Farm stays	P
Gift shops for agriculturally-related products	P
Historical agricultural exhibits	P
Kitchen facilities, processing/cooking items for sale	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Agriculture, Forest Products & Animal Services (cont.)	
Organized meeting space (ex - weddings, birthdays, corporate picnics) (Commercial Event Facility) §7.29	S*
Outdoor mazes	P
Petting farms, animal display, pony rides	P
Picnic areas (including restrooms)	P
Playgrounds, wagon/sleigh rides, nature trail	P
Restaurant operations related to the agricultural use of the site	S
Small-scale entertainment (music, concert, car show, art fair) §7.29	S*
Biofuel Production Facilities on Farms §7.30	PS*
Boarding Stables; Riding Stables/Academies, Commercial	P
Boarding Stables; Riding Stables/Academies on Domestic/Hobby Farm §7.23	P*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	P
Cider Mills (including accessory uses such as tasting rooms)	P
Dog Grooming Establishments	P
Farming, Commercial	P
Farming, Domestic	P
Farm Markets/Roadside Stands (on property controlled by the affiliated farm)	P
Farm Product Sales (Fruit/Vegetable Market) (not affiliated with a specific farm)	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Agriculture, Forest Products & Animal Services (cont.)	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) that operate for more than 60 days (60 days or less do not require a permit) §7.16	S*
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	P
Game Preserves/Hunting Preserves	P
Grain Elevators	P
Greenhouses; Nurseries; Landscaping Establishments	P
Kennels, Commercial; Dog Clubs §7.13	P*
Veterinary Clinics/Animal Hospitals §7.13	S*
Wineries (including accessory uses such as tasting rooms)	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	P
Archery Ranges (& as accessory use), Outdoor	P
Art Galleries & Art Studios	P
Campgrounds & RV Parks §7.7	S*
Camps (ex: Summer Camps)	P
Canoe/Kayak/Boat Liveries	P
Country Clubs	S
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	S
Golf Driving Ranges §7.19	S*
Historic Sites (Open to the public)	S
Nature Parks/Nature Areas (private)	P
Outdoor Performance Facilities (Commercial Events Facilities) §7.29	S*
Outdoor Commercial Recreational Facilities (ex – go karts; miniature golf) §7.19	S*
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds, & Recreation Areas	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Arts, Entertainment & Recreation	
Race Tracks (Motorized or Non-Motorized)	S
Shooting (Firearms) Ranges (in enclosed building)	S
Spectator Sports Arenas	S
Sports Clubs	P
Wildlife Preserves/Forestry Preserves	P
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens	S
Commercial, Services & Retail	
Automobile Repair; Auto Body/Paint/Interior & Glass §7.4	S
Automobile Towing Businesses	S
Boat Yards/RV/Recreational Equipment Repair & Storage (§7.4 if service is offered)	S*
Building & Garden Equipment & Supplies Dealers	S
Fix-It Shops	S
Flea Markets	S
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales §7.15	S*
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service §7.20 (§7.4 if service is offered)	S*
Retail Sales	
Art & Photography Shops	S
Antique Stores/Second-Hand Stores	S
Bait & Tackle Shops	S
Farm & Feed Supply Stores	S
Farm Markets	S
Firearms Store	S
Gift Shops	S
Seasonal Sales/Transient Sales	S
Small Engine Repair	S
Small-Scale Craft Making	S
Studios for Dance, Physical Exercise & Music	S
Taxidermy Shops	S
Truck & Heavy Equipment Repair & Maintenance §7.4	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Contractors	
Special Trade Contractors Offices & Showrooms – NO outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms WITH outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
State-Licensed Residential Facilities (6 or less adults)	P
Manufacturing, Industrial & Waste Mgmt	
Slaughterhouses	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.7	P*
Cemeteries including Columbaria & Mausoleums (human or pet) §7.9	P*
Planned Unit Developments §7.21	S*
Site Condominium Development	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Dwelling Units on same lot with Non-Residential §7.34	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Single-Family Dwellings	P
Two-Family Dwellings (duplex)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	AG
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields §7.3	S*
Distribution Centers/Freight Terminals/Trucking Facilities	S
Truck Transportation Facilities including Truck Repair & Maintenance	S
Warehousing §7.24	S*
Wholesale Businesses	S
Utilities, Energy & Communications	
Battery Energy Storage System – stand alone or in conjunction with Large Solar Energy Systems §7.35	S*
Battery Energy Storage System –in conjunction with Wind Energy Systems (Commercial/Utility-Scale) §7.35	S*
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy (On-Site Accessory) §7.27	P*
Large Solar Energy Systems §7.28	S*
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.26	S*
Wind Energy Systems (On-Site) §7.26	P*
Wireless: §7.25	
Antenna Co-Location	P*
Small Cell Wireless Facilities	S*
Wireless Communications Facilities with Support Structures (i.e. cell towers)	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station)	S*

C. Development Standards for AG District.

AG

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	10 acres
b. Lot Width (min)	300 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	N/A

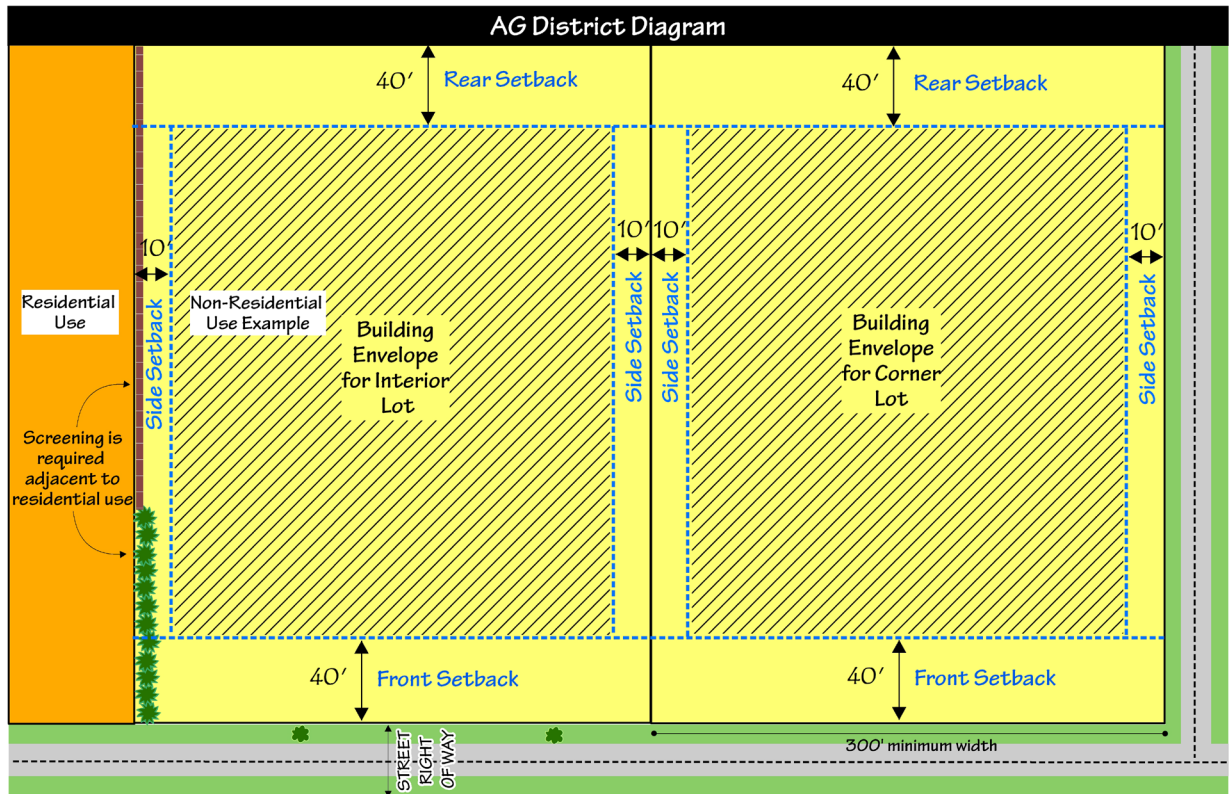
2. Setbacks (minimum)

a. Front	40 ft
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
f. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.9



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.10 Forest Recreational District (FR)

FR

A. Intent.

This district is provided to promote the proper use, enjoyment, and conservation of the water, land, topographic, and forest land resources of the Township which are particularly adapted to general, recreational, and forest uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.5	S*
Cabin Courts (or Cabin Complex)	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.29	S*
Resorts, Vacation Lodges, Vacation Farms, & Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, & incidental retail sales & services)	S
Rooming Houses	S
Short Term Rental Homes	P
Wineries & Cider Tasting Rooms	P
Agriculture, Forest Products & Animal Services	
Agricultural Sales & Service	P
Agricultural Tourism Businesses (on Farms):	
Bakeries selling goods primarily grown on-site	P
Educational tours, classes, lectures & seminars	P
Family-oriented animated barns (funhouses, haunted houses)	P
Farm stays	P
Gift shops for agriculturally-related products	P
Historical agricultural exhibits	P
Kitchen facilities, processing/cooking items for sale	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Agriculture, Forest Products & Animal Services (cont.)	
Organized meeting space (ex - weddings, birthdays, corporate picnics) (Commercial Event Facility) §7.29	S*
Outdoor mazes	P
Petting farms, animal display, pony rides	P
Picnic areas (including restrooms)	P
Playgrounds, wagon/sleigh rides, nature trail	P
Restaurant operations related to the agricultural use of the site	S
Small-scale entertainment (music, concert, car show, art fair) §7.29	S*
Biofuel Production Facilities on Farms §7.30	PS*
Boarding Stables; Riding Stables/Academies, Commercial	P
Boarding Stables; Riding Stables/Academies on Domestic/Hobby Farm §7.23	P*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	P
Cider Mills (including accessory uses such as tasting rooms)	P
Dog Grooming Establishments	P
Farming, Commercial	P
Farming, Domestic	P
Farm Market/Roadside Stands (on property controlled by the affiliated farm)	P
Farm Product Sales (Fruit/Vegetable Market) (not affiliated with a specific farm)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Agriculture, Forest Products & Animal Services (cont.)	
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) that operate for more than 60 days (60 days or less do not require a permit) §7.16	S*
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	P
Game Preserves/Hunting Preserves	P
Grain Elevators	P
Greenhouses; Nurseries; Landscaping Establishments	P
Kennels, Commercial; Dog Clubs §7.13	P*
Wineries (including accessory uses such as tasting rooms)	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	P
Archery Ranges (& as accessory use), Outdoor	P
Art Galleries & Art Studios	P
Campgrounds & RV Parks §7.7	S*
Camps (ex: Summer Camps)	P
Canoe/Kayak/Boat Liveries	P
Country Clubs	S
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	S
Golf Driving Ranges §7.19	S*
Historic Sites (Open to the public)	S
Nature Parks/Nature Areas (private)	P
Outdoor Performance Facilities (Commercial Events Facilities) §7.29	S*
Outdoor Commercial Recreational Facilities (ex – go karts; miniature golf) §7.19	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Arts, Entertainment & Recreation	
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds & Recreation Areas	P
Race Tracks (Motorized or Non-Motorized)	S
Shooting (Firearms) Ranges (in enclosed building)	S
Sports Clubs	P
Wildlife Preserves/Forestry Preserves	P
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens	S
Commercial, Services & Retail	
Automobile Repair; Auto Body/Paint/Interior & Glass §7.4	S*
Automobile Towing Businesses	S
Boat Yards/RV/Recreational Equipment Repair & Storage (§7.4 if service is offered)	S*
Building & Garden Equipment & Supplies Dealers	S
Fix-It Shops	S
Flea Market	S
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales §7.15	S*
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service §7.20 (§7.4 if service is offered)	S*
Retail Sales	
Art & Photography Shops	S
Antique Stores/Second-Hand Stores	S
Bait & Tackle Shops	S
Farm & Feed Supply Stores	S
Farm Market	S
Firearms Store	S
Gift Shops	S
Seasonal Sales/Transient Sales	S
Small Engine Repair	S
Small-Scale Craft Making	S
Studios for Dance, Physical Exercise & Music	S
Taxidermy Shops	S
Truck & Heavy Equipment Repair & Maintenance §7.4	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Contractors	
Special Trade Contractors Offices & Showrooms – <u>NO</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms <u>WITH</u> outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S
Child Care Homes, Family	P
Child Care Homes, Group §7.6	S*
State-Licensed Residential Facilities (6 or less adults)	P
Manufacturing, Industrial & Waste Mgmt	
Extractive Industries (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §7.11	S*
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.7	P*
Cemeteries including Columbaria & Mausoleums (human or pet) §7.9	P
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.2	P*
Dwelling Units on same lot with Non-Residential §7.34	P*
Home Based Businesses §7.1	P*
Cottage Industries §7.1	S*
Senior Citizen Housing	S
Single-Family Dwellings	P
Two-Family Dwellings (duplex)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	FR
Transportation, Storage & Wholesale	
Distribution Centers/Freight Terminals/Trucking Facilities	S
Truck Transportation Facility including Truck Repair & Maintenance	S
Warehousing §7.24	S*
Wholesale Businesses	S
Utilities, Energy & Communications	
Battery Energy Storage System –in conjunction with Wind Energy Systems (Commercial/Utility-Scale) §7.35	S*
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy (On-Site Accessory) §7.27	P*
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.26	S*
Wind Energy Systems (On-Site) §7.26	P*
Wireless: §7.25	
Antenna Co-Location	P*
Small Cell Wireless Facilities	S*
Wireless Communications Facilities with Support Structures (i.e. cell towers)	S*

C. Development Standards for FR District.

FR

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	20 acres
b. Lot Width (min)	330 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	N/A

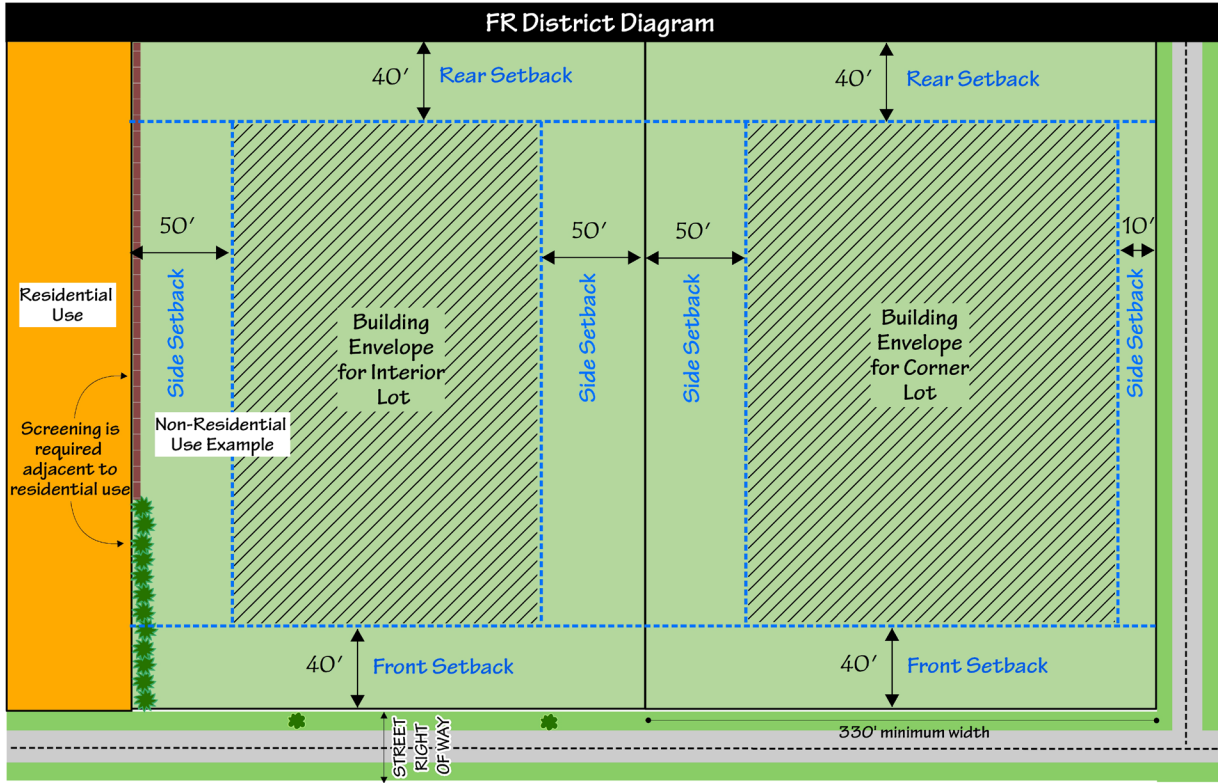
2. Setbacks (minimum)

a. Front	40 ft
b. Side, Interior	50 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
f. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.10



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.11 Commercial District (C)

A. Intent.



This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	S
Cabin Courts (or Cabin Complex)	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.29	S*
Food Trucks §7.31	P*
Hotels & Motels	P
Inns (Lodging units within restaurant serving meals to the public)	P
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)	S
Night Clubs	S
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, and incidental retail sales & services)	P
Restaurants (drive-throughs) §7.10	S*
Wineries & Cider Tasting Rooms	S
Agriculture, Forest Products & Animal Services	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	P
Dog Grooming Establishments	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Agriculture, Forest Products & Animal Services (cont.)	
Farm Product Sales (Fruit/Vegetable Market) (not affiliated with a specific farm)	P
Greenhouses; Nurseries; Landscaping Establishments	P
Kennels, Commercial; Dog Clubs §7.13	S*
Veterinary Clinics/Animal Hospitals §7.13	S*
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Historic Sites (Open to the public)	S
Indoor Commercial Recreation Facilities (ex - bowling alleys, billiards halls, arcades, fitness, skating, sports centers.)	P
Marinas (public/private)	S
Museums	P
Nature Parks/Nature Areas (private)	P
Outdoor Performance Facilities (Commercial Events Facilities) §7.29	S*
Outdoor Commercial Recreational Facilities (ex - go-karts; miniature golf) §7.19	S*
Performing Arts Companies; Dance, Music, Voice Studio	P
Private Clubs; Lodges; Fraternal Organizations	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Arts, Entertainment & Recreation	
Public Parks, Playgrounds, & Recreation Areas	P
Shooting (Firearms) Ranges (in enclosed building)	S
Spectator Sports Arenas	P
Theaters	P
Theaters – Drive-In	P
Tours (Commercial Operations)	P
Wildlife Preserves/Forestry Preserves	P
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens	S
Commercial, Services & Retail	
Automobile Repair; Auto Body/Paint/Interior & Glass §7.4	S*
Automotive Oil Change §7.4	S*
Automotive Tire Sales & Installation §7.4	S*
Automobile Towing Businesses	S
Banks/Financial Institutions	P
Boat Yard/RV/Recreational Equipment Repair & Storage (§7.4 if service is offered)	P*
Building & Garden Equipment & Supplies Dealers	P
Business Incubators (Food Incubator listed under Manufacturing)	P
Business Services & Computer Repair	P
Car Washes §7.8	P*
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Data Processing & Computer Centers	P
Drive-Through or Drive-In Establishments §7.10	P*
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities Including Sound Stages & Other Related Activities	P
Fix-It Shops	P
Flea Markets	P
Funeral Homes & Mortuaries	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Commercial, Services & Retail (cont.)	
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations §7.4	S*
General Rental Centers	P
Health Spas	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Laundromats & Dry Cleaning Establishments	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales §7.15	P*
Manufactured Home Dealers (& Service) §7.20	S*
Movie Rental Stores	P
Offices, Professional	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service §7.20 (§7.4 if service is offered)	S*
Pawn Shops	S
Personal & Household Goods Repair & Maintenance	P
Personal Services (ex: beauty shops, tailoring, massage therapy, tanning)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P
Retail Sales	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Antique Stores/Second-Hand Stores	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Commercial, Services & Retail (cont.)	
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (incl wall/floor cover)	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Markets	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Jewelry Stores	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers, or Shopping Plazas	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales	P
Sexually Oriented Businesses §7.22	S*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise & Music	P
Taxidermy Shops	P
Tattoo & Body Piercing Studios	S
Truck & Heavy Equipment Repair & Maintenance §7.4	S*
Contractors	
Special Trade Contractors Offices & Showrooms – NO outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms WITH outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Educational Services & Religion	
Colleges/Universities	P
Private Instructional Facilities, Business Schools, Vocational Schools & Trade Schools	P
Public, Charter or Private Schools (elementary through high school)	P
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facilities NOT IN PRIVATE HOME	P
Charitable Institutions (ex: soup kitchen); Non- Profit Organizations	P
Child Care Centers/Nursery Schools (not in home) §7.6	P*
Child Caring Institutions	P
Health Care/Dental/Optical Clinics	P
Rehabilitation Institutions (non-residential)	P
Residential Human Care & Treatment Facilities (not in a residence)	P
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Community Centers	P
Government Administration Facilities	P
Libraries	P
Police Stations/Jails/Fire Stations	P
Public Parks, Playgrounds & Recreation Areas	P
Public Works Facilities	P
Residential Uses	
Dwelling Units on same lot with Non-Residential §7.34	P*
Senior Citizen Housing	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Postal Service	P
Scenic & Sightseeing Transportation	P
Storage including Self-Storage Facilities/Mini-Storage §7.24	P*
Transit Facilities (including bus garages/stations)	P
Truck Rental Facilities	P
Truck Washes §7.8	P*
Warehousing §7.24	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	C
Utilities, Energy & Communications	
Battery Energy Storage System – stand alone or in conjunction with Large Solar Energy Systems §7.35	S*
Battery Energy Storage System –in conjunction with Wind Energy Systems (Commercial/Utility-Scale) §7.35	S*
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy (On-Site Accessory) §7.27	P*
Large Solar Energy Systems §7.28	S*
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.26	S*
Wind Energy Systems (On-Site) §7.26	P*
Wireless: §7.25	
Antenna Co-Location	P*
Small Cell Wireless Facilities	S*
Television/Radio Broadcasting Stations	S
Wireless Communications Facilities with Support Structures (i.e. cell towers)	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station)	S*

C. Development Standards for C District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	None
b. Lot Width (min)	None Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800-sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	N/A

2. Setbacks (minimum)

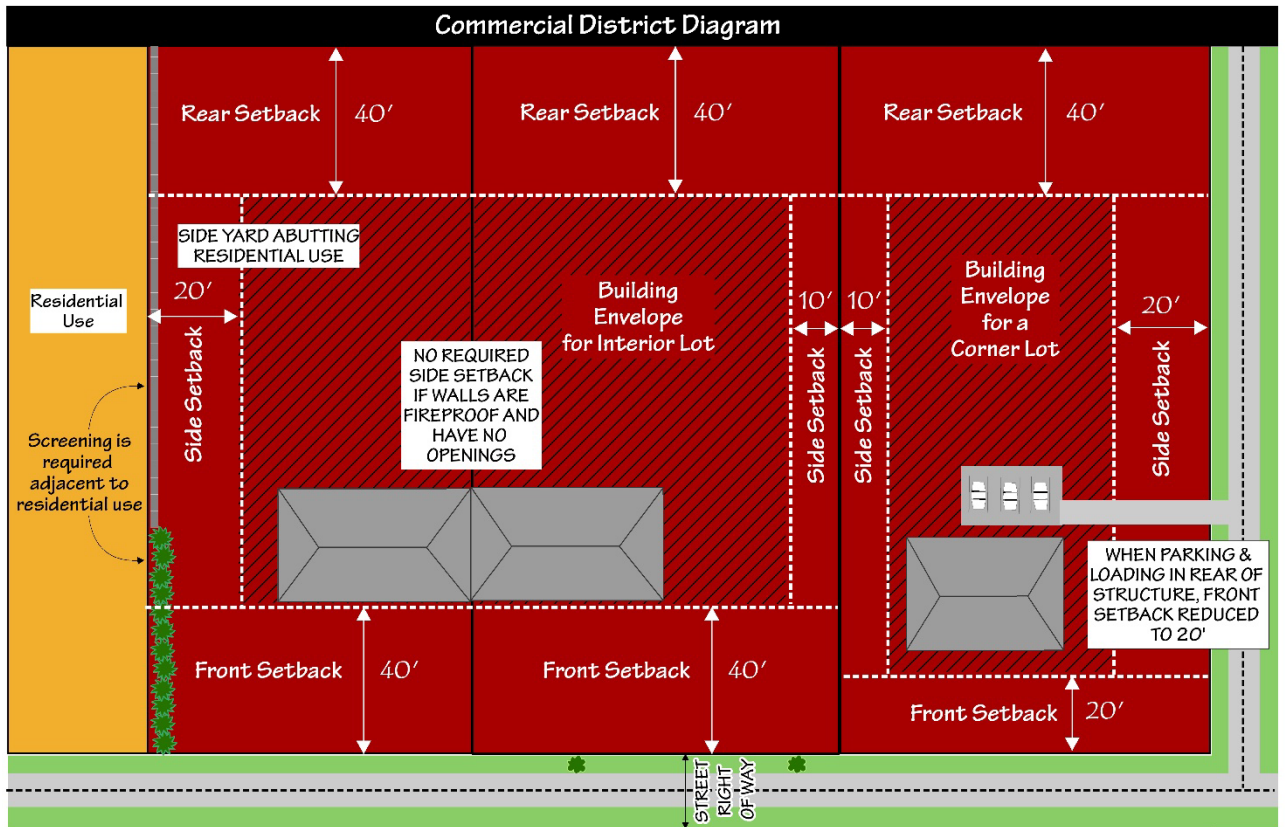
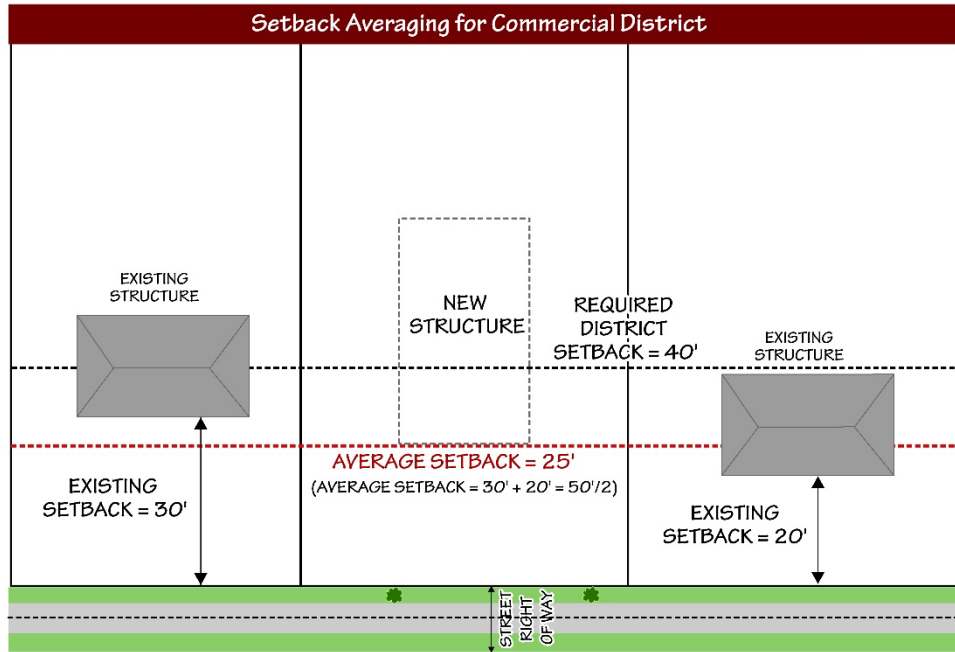
	40 15 ft
a. Front	Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than 40 feet nor less than 15 feet. If parking and loading spaces are confined to the rear of the principal structure, the required front setback may be reduced to 20 feet but no less than the average setback of existing buildings on immediately adjacent lots.
b. Side, Interior	10 ft

	Side setbacks may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than 20 feet on the side abutting the residential use.
c. Side, Corner	20 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 5 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a six (6) foot-high solid wall or privacy fence. Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.
g. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
h. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.
i. Commercial Overlay District	(T28N, R8E, Sections 1, 12, and 13). The Commercial Overlay District is located along US 23 and F-41, as shown on the Caledonia Township Zoning Map, and allows for Commercial District uses on lots within the overlay in addition to the uses allowed in the underlying district. Except where shown following exact lot lines, the Commercial Overlay District is three hundred (300) feet deep, measured from the front lot line, on each side of the road right-of-way, where indicated on the Zoning Map. (1) Uses which are listed as Permitted or Special Land Uses within the underlying district only shall adhere to the development standards for the underlying district and, if applicable, all supplemental standards in Article 7. (2) Uses which are listed as Permitted or Special Land Uses within the Commercial District only shall adhere to the development standards of the Commercial District and, if applicable, all supplemental standards in Article 7. (3) Uses which are listed as Permitted or Special Land Uses within both the underlying district and the Commercial District shall adhere to the least restrictive district development standards and, if applicable, all supplemental standards in Article 7.
j. Sidewalks	Commercial uses along Hubert road in the Commercial District in T28N, R7E Sections 3 and 4 shall provide sidewalks for new development. New development includes any new uses, changes in use, or alterations which require site plan review.

FIGURE 4.11



- | | | | | |
|----------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
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Section 4.12 Community Facilities District (CF)

CF

A. Intent.

This district is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	CF
Arts, Entertainment & Recreation	
Performing Arts Companies; Dance, Music, Voice Studio	P
Public Parks, Playgrounds, and Recreation Areas	P
Wildlife Preserves/Forestry Preserves	P
Commercial, Services & Retail	
Laboratories, Medical/Dental	P
Educational Services & Religion	
Private Instructional Facilities, Business Schools, Vocational Schools & Trade Schools	P
Public, Charter, or Private Schools (elementary through high school)	P
Human Care & Social Assistance	
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	P
Hospitals	P
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)	S
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	CF
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Cemeteries including Columbaria & Mausoleums (human or pet)	P
Planned Unit Developments §7.21	S*
Site Condominium Developments	S
Public Facilities	
Community Centers	P
Government Administration Facilities	P
Libraries	P
Police Stations/Jails/Fire Stations	P
Public Parks, Playgrounds & Recreation Areas	P
Public Works Facilities	P
Transportation, Storage & Wholesale	
Postal Service	P
Utilities, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards)	S*
Wind Energy Systems (On-Site) §7.26	P*

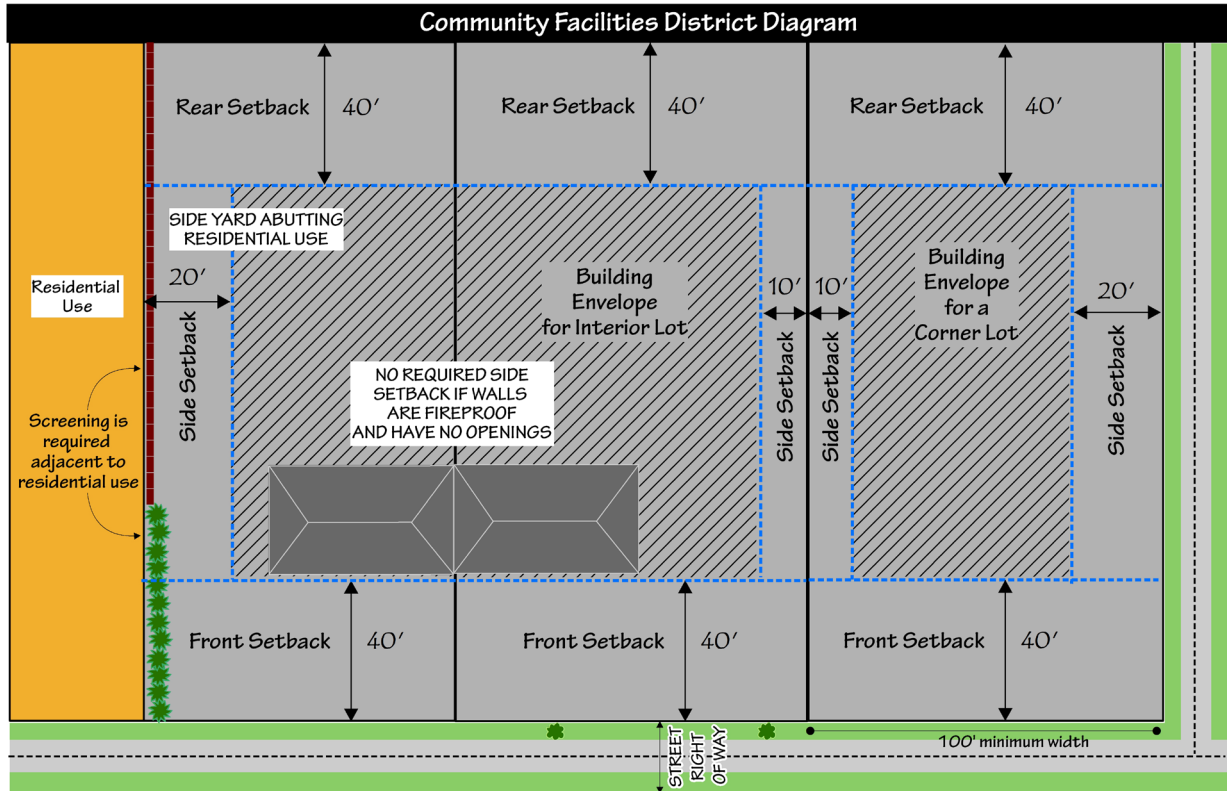
C. Development Standards for CF District.

CF

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards	
a. Lot Area (min)	40,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	N/A
2. Setbacks (minimum)	
a. Front	40 ft
b. Side, Interior	10 ft
	Side setbacks may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than 20 feet on the side abutting the residential use.
c. Side, Corner	20 ft
d. Rear	40 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per §3.18 when a non-residential use in this zone abuts a residential use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 5 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a six (6) foot-high solid wall or privacy fence.
g. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
h. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

FIGURE 4.12



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Section 4.13 Industrial District (I)

I

A. Intent.

The purpose of this district is to provide areas for industrial sites occupied by manufacturing plants, assembling and fabrication activities including large-scale or specialized industrial operations, laboratories, distribution warehouses, and similar uses. It is the intent of this district to permit only those industrial operations having characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation, or any other physically adverse effects which are discernible beyond the lines of the lot upon which the industrial activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development regulations will contain groundwater protection standards.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Land Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I
Agriculture, Forest Products & Animal Services	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P
Grain Elevators	P
Arts, Entertainment & Recreation	
Public Parks, Playgrounds & Recreation Areas	P
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Laboratories, Medical/Dental	P
Lumber Yards (pre-planned, finished lumber)/Building Material Sales §7.15	P*
Contractors	
Special Trade Contractors Offices & Showrooms – <u>NO</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms <u>WITH</u> outdoor storage of materials & contractor’s equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Human Care & Social Assistance	
Correctional or Penal Institutions (private)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Bulk Storage &/or Distribution of Flammable or Hazardous Materials	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	P
Crematoriums	S
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery	S
Incinerator Plants	S
Industrial Parks (planned)	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I
Manufacturing, Industrial & Waste Management	
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.12	S*
Machine Shops; Tool & Die Shops; Metal Plating/Buffering/Polishing/Cutting/ Slitting/Shearing	P
Mineral Processing Facilities & Operations	S
Extractive Industries (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §7.11	S*
Printing, Lithographic & Blueprinting	P
Ready-Mix Concrete & Asphalt Plants, & Similar	P
Research/Design/Experimental Product Dev.	P
Slaughterhouses	S
Waste Collection Facilities; Recycling facilities/Resource Recovery Facilities; Solid Waste Transfer Stations	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.7	P*
Planned Unit Developments §7.21	S*
Site Condominium Development	S
Public Facilities	
Public Parks, Playgrounds & Recreation Areas	P
Residential Uses	
Dwelling Units on same lot with Non-Residential §7.34	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields §7.3	S*
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Postal Service	P
Railyards	S
Scenic & Sightseeing Transportation	P
Storage including Self-Storage Facilities/Mini-Storage §7.24	P*
Transit Facilities (including bus garages/stations)	P
Truck Rental Facilities	P
Truck Transportation Facility including Truck Repair & Maintenance	P
Truck Washes §7.8	P*
Warehousing §7.24	P*
Wholesale Businesses	P
Utilities, Energy & Communications	
Battery Energy Storage System –in conjunction with Wind Energy Systems (Commercial/Utility-Scale) §7.35	S*
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	S
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy (On-Site Accessory) §7.27	P*
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.26	S*
Wind Energy Systems (On-Site) §7.26	P*

C. Development Standards for I District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings.

1. Lot & Structure Standards

a. Lot Area (min)	40,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (Section 4.3.D)
c. Building Height (max)	32 ft (See Section 4.3.B)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include, cabin courts, motels, or similar uses)
e. % of Lot Coverage (max)	N/A

2. Setbacks (minimum)

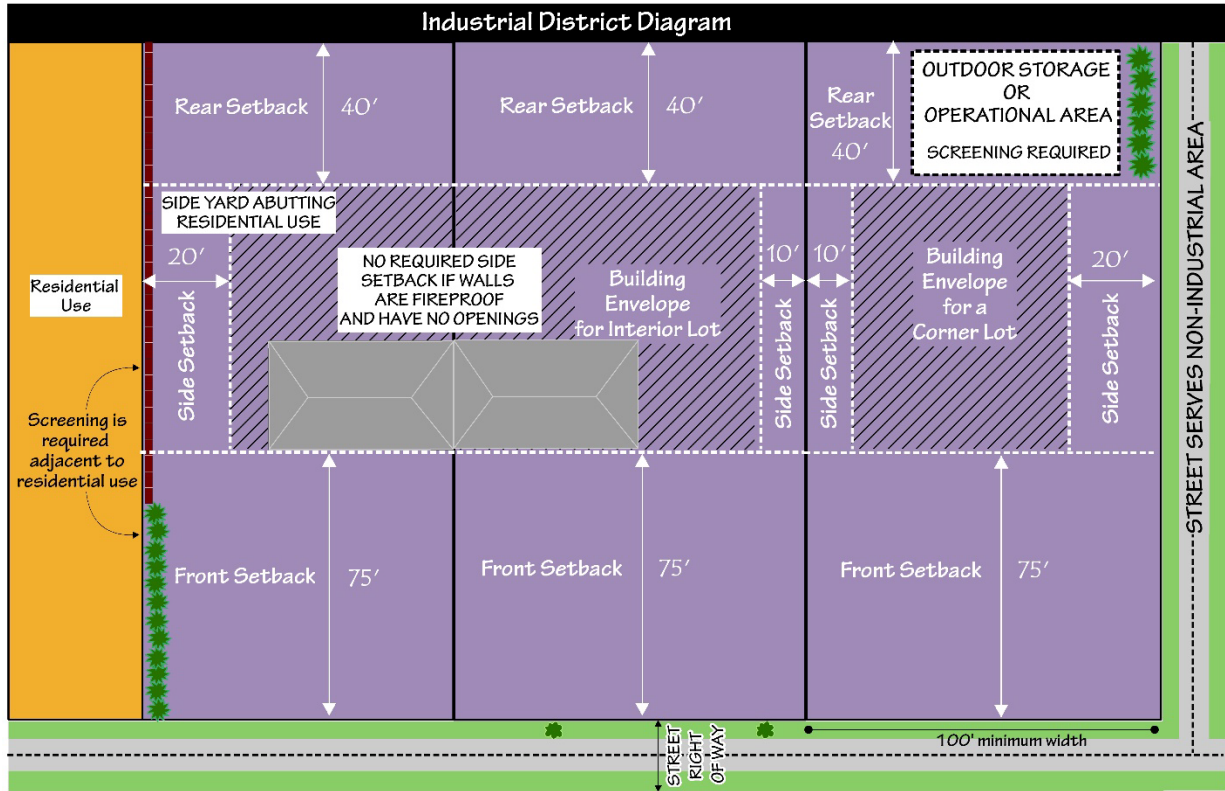
a. Front	75 ft
b. Side, Interior	10 ft
	Side setbacks may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than 20 feet on the side abutting the residential use.
c. Side, Corner	20 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7
b. Fences	See §3.16
c. Screening	Screening shall be provided per Section 3.18 when a non-residential use abuts a residential use on either of the side lot lines or on the rear lot line.
	Screening shall be provided per Section 3.18 whenever outdoor storage areas or operational activities abut a public road that extends through the Industrial District and serves non-industrial areas. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.34
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 5 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or privacy fence. Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.
g. Patios & Decks	Patios, paved terraces, stamped concrete, or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setbacks (over 12 inches in height shall conform to setbacks of principal building)
h. Architectural Features	Architectural features, not including vertical projections, may extend or project into a required front or rear setback for no more than three (3) feet.

i. Discontinued or Abandoned Uses	When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.
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FIGURE 4.12



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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Section 4.14 Full Table of Permitted Uses & Special Land Uses

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 4.4**.

Caledonia Township Zoning Districts	
R-1	Single-Family Residential District
R-2	Low- to Medium-Density Residential District
R-3	Multiple-Family Residential District
R-4	Manufactured Housing Community District
AG	Agricultural District
FR	Forest Recreational District
C	Commercial District
CF	Community Facilities District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-42
Agriculture, Forest Products & Animal Services	4-43
Arts, Entertainment & Recreation	4.45
Commercial, Services & Retail	4.46
Contractors	4-48
Educational Services & Religion	4-48
Human Care & Social Assistance	4-49
Manufacturing, Industrial & Waste Management	4-50
Miscellaneous	4-51
Public Facilities	4-51
Residential Uses	4-51
Transportation, Storage & Wholesale	4-52
Utilities, Energy & Communications	4-52

Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Accommodation & Food/Event Services									
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops							P		
Bars/Taverns							S		
Bed & Breakfasts & Tourist Homes §7.5	S*	S*	S*		S*	S*			
Cabin Courts (or Cabin Complex)					S	S	P		
Caterers/Food Service Contractors							P		
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.29					S*	S*	S*		
Food Trucks §7.31							P*		
Hotels & Motels							P		
Inns (Lodging Units within Restaurant serving meals to the public)							P		
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)							S		
Night Clubs							S		
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corral, swimming pools, food services, and incidental retail sales & services)					S	S	P		
Restaurants (drive-throughs) §7.10							S*		
Rooming Houses		S	S		S	S			
Short Term Rental Homes	P	P	P		P	P			
Wineries & Cider Tasting Rooms					P	P	S		

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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Agriculture, Forest Products & Animal Services									
Agricultural Sales & Service					P	P			
Agricultural Products Processing & Storage					P				
Animal Shelters/Animal Rescue Facilities §7.13					S*				
Agricultural Tourism Businesses (on Farms):									
Bakeries selling goods primarily grown on-site					P	P			
Educational tours, classes, lectures & seminars					P	P			
Family-oriented animated barns (funhouses, haunted houses)					P	P			
Farm stays					P	P			
Gift shops for agriculturally-related products					P	P			
Historical agricultural exhibits					P	P			
Kitchen facilities, processing/cooking items for sale					P	P			
Organized meeting space (ex - weddings, birthdays, corporate picnics) (Commercial Event Facility) §7.29					S*	S*			
Outdoor mazes					P	P			
Petting farms, animal display, pony rides					P	P			
Picnic areas (including restrooms)					P	P			
Playgrounds, wagon/sleigh rides, nature trails					P	P			
Restaurant operations related to the agricultural use of the site					S	S			
Small-scale entertainment (music, concert, car show, art fair) §7.29					S*	S*			
Biofuel Production Facilities on Farms §7.30					PS*	PS*			
Boarding Stables; Riding Stables/Academies, Commercial					P	P			
Boarding Stables; Riding Stables/Academies on Domestic/Hobby Farm §7.23					P*	P*			
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)					P	P	P		P
Cider Mills (including accessory uses such as tasting rooms)					P	P			
Dog Grooming Establishments					P	P	P		
Farming, Commercial					P	P			
Farming, Domestic					P	P			
Farm Market/Roadside Stands (on property controlled by the affiliated farm)					P	P			
Farm Product Sales (Fruit/Vegetable Market) (not affiliated with a specific farm)					P	P	P		
Firewood Sales (Large Scale) (does not include small bundles of firewood)					P	P			P

- | | | | | |
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Caledonia Township FINAL DRAFT

Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) that operate for more than 60 days (60 days or less do not require a permit) §7.16					S*	S*			
Forestry/Forest Management (including forest harvesting & temporary log storage yards)					P	P			
Game Preserves/Hunting Preserves					P	P			
Grain Elevators					P	P			P
Greenhouses; Nurseries; Landscaping Establishments					P	P	P		
Kennels, Commercial; Dog Clubs §7.13					P*	P*	S*		
Veterinary Clinics/Animal Hospitals §7.13					S*		S*		
Wineries (including accessory uses such as tasting rooms)					P	P			

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Arts, Entertainment & Recreation									
Archery Ranges (& as accessory use), Indoor					P	P	P		
Archery Ranges (& as accessory use), Outdoor					P	P			
Art Galleries & Art Studios					P	P	P		
Campgrounds & RV Parks §7.7					S*	S*			
Camps (ex: summer camps)					P	P			
Canoe/Kayak/Boat Liveries					P	P			
Country Clubs					S	S			
Commercial Docks, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses (not publicly-owned) - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S	S	S		P	P			
Equipment Rental, Motorized (ORV, snowmobile)					P	P	P		
Equipment Rental, Non-Motorized (outfitter)					P	P	P		
Golf Courses					S	S			
Golf Driving Ranges §7.19					S*	S*			
Historic Sites (open to the public)					S	S	S		
Indoor Commercial Recreation Facilities (ex - bowling alleys, billiards halls, arcades, fitness, skating, sports centers.)							P		
Marinas (public/private)							S		
Museums							P		
Nature Parks/Nature Areas (private)					P	P	P		
Outdoor Performance Facilities (Commercial Events Facilities) §7.29					S*	S*	S*		
Outdoor Commercial Recreational Facilities (ex – go karts; miniature golf) §7.19					S*	S*	S*		
Performing Arts Companies; Dance, Music, Voice Studio							P	P	
Private Clubs; Lodges; Fraternal Organizations	S	S	S		P	P	S		
Public Parks, Playgrounds, & Recreation Areas	P	P	P	P	P	P	P	P	P
Race Tracks (motorized or non-motorized)					S	S			
Shooting (firearms) Ranges (in enclosed building)					S	S	S		
Spectator Sports Arenas					S		P		
Sports Clubs					P	P			
Theaters							P		
Theaters – Drive-In							P		
Tours (commercial operations)							P		P
Wildlife Preserves/Forestry Preserves	P	P	P	P	P	P	P	P	
Zoos (including petting zoos) & Animal Tours/Botanical Gardens					S	S	S		

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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Commercial, Services & Retail									
Automobile Repair; Auto Body/Paint/Interior & Glass §7.4					S	S	S*		
Automotive Oil Change §7.4							S*		
Automotive Tire Sales & Installation §7.4							S*		
Automobile Towing Businesses					S	S	S		
Banks/Financial Institutions							P		
Boat Yards/RV/Recreational Equipment Repair & Storage (§7.4 if service is offered)					S*	S*	P*		
Building & Garden Equipment & Supplies Dealers					S	S	P		
Business Incubators (Food Incubator listed under Manufacturing)							P		
Business Services & Computer Repair							P		
Car Washes §7.8							P*		
Cash Advance Stores							P		
Cleaning Services							P		
Commercial Equipment Repair & Maintenance							P		
Data Processing & Computer Centers							P		
Drive-Through or Drive-In Establishments §7.10							P*		
Electronic & Precision Equipment Repair & Maintenance							P		
Equipment Rental & Sales							P		
Extermination & Pest Control Services							P		
Film Production Facilities including Sound Stages & Other Related Activities							P		
Fix-It Shops					S	S	P		
Flea Market					S	S	P		
Funeral Homes & Mortuaries							P		
Furniture Refinishing (Upholsterers)/Furniture Repair					S	S	P		
Gas Stations §7.4							S*		
General Rental Centers							P		
Health Spas							P		
Interior Designers/Showrooms							P		
Laboratories, Medical/Dental							P	P	P
Laundromats & Dry Cleaning Establishments							P		
Locksmiths							P		
Lumber Yards (pre-planed, finished lumber)/Building Material Sales §7.15					S*	S*	P*		P*
Manufactured Home Dealers (& Service) §7.4							S*		
Movie Rental Stores							P		

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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Commercial, Services & Retail									
Offices, Professional							P		
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service \$7.20 (\$7.4 if service is offered)					S*	S*	S*		
Pawn Shops							S		
Personal & Household Goods Repair & Maintenance							P		
Personal Services (ex - beauty shops, tailoring, massage therapy, tanning)							P		
Photofinishing/Photographers							P		
Printing/Binding/Publishing of Print Material							P		
Recording Studios							P		
Retail Sales							P		
Art & Photography Shops					S	S	P		
Automotive Accessory Sales							P		
Antique Stores/Second-Hand Stores					S	S	P		
Bait & Tackle Shops					S	S	P		
Bicycle Shops							P		
Book Stores							P		
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)							P		
Convenience Stores							P		
Department Stores							P		
Electronics & Appliance Stores							P		
Farm & Feed Supply Stores					S	S	P		
Farm Market					S	S	P		
Firearms Store					S	S	P		
Florists							P		
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)							P		
General Merchandise Stores/General Retail							P		
Gift Shops					S	S	P		
Grocery Stores/Meat Market/Fruit & Vegetable Market							P		
Hardware Stores							P		
Health & Personal Care Stores							P		

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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Commercial, Services & Retail									
Home Improvement Centers (lumber stored in enclosed structure)							P		
Jewelry Stores							P		
Liquor Stores (where liquor is the primary item for sale)							P		
Malls, Shopping Centers, or Shopping Plazas							P		
Office Supply Stores							P		
Pet Stores & Pet Supply Stores							P		
Pharmacies/Medical & Optical Supplies							P		
Resale Shops/Thrift Shops							P		
Sporting Goods, Hobby, Book & Music Stores							P		
Seasonal Sales/Transient Sales					S	S	P		
Sexually Oriented Businesses §7.22							S*		
Small Engine Repair					S	S	P		
Small-Scale Craft Making					S	S	P		
Studios for Dance, Physical Exercise & Music					S	S	P		
Taxidermy Shops					S	S	P		
Tattoo & Body Piercing Studios							S		
Truck & Heavy Equipment Repair & Maintenance §7.4					S*	S*	S*		
Contractors									
Special Trade Contractors Offices & Showrooms – <u>NO</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)					P	P	P		P
Special Trade Contractors Offices & Showrooms <u>WITH</u> outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)					S	S	P		P
Educational Services & Religion									
Colleges/Universities							P		
Private Instructional Facilities, Business Schools, Vocational Schools & Trade Schools							P	P	
Public, Charter or Private Schools (elementary through high school)							P	P	
Religious Institutions & Customary Accessory Uses	S	S	S		S	S	S		

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Table of Permitted Uses & Special Land Uses									
P = Permitted S = Permitted with Special Land Use Permit *supplemental development regulations	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Human Care & Social Assistance									
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P	P	P	P	P	P			
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S	S	S	S	S	S			
Adult Day Care Facility NOT IN PRIVATE HOME							P		
Assisted Living Home/Nursing Home/Convalescent Home		S	S						
Charitable Institution (ex: soup kitchen); Non-Profit Organizations							P	P	
Child Care Homes, Family	P	P	P	P	P	P			
Child Care Homes, Group §7.6	S*	S*	S*	S*	S*	S*			
Child Care Centers/Nursery Schools (not in home) §7.6							P*		
Child Caring Institutions							P		
Correctional or Penal Institutions (private)									S
Health Care/Dental/Optical Clinics							P		
Hospitals								P	
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)		S	S					S	
Rehabilitation Institutions (non-residential)							P		
Residential Human Care & Treatment Facilities (not in a residence)							P		
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)							P	P	
State-Licensed Residential Facilities (6 or less adults)	P	P	P	P	P	P			
State-Licensed Residential Facilities (more than 6 adults): Adult Foster Care Small Group Home (7-12) Adult Foster Care Large Group Home (13-20) Adult Foster Care Congregate Facilities (over 20)		S	S						

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Manufacturing, Industrial & Waste Management									
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.									P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)									P
Bulk Storage and/or Distribution of Flammable or Hazardous Materials									S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)									S
Cold Storage Plants									P
Crematoriums									S
Food Hub Facilities/Food Incubator Facilities									P
Gas & Oil Processing Facilities/Refineries									S
Incinerator Plants									S
Industrial Parks (planned)									P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.12									S*
Machine Shops; Tool & Die Shops; Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing									P
Mineral Processing Facilities & Operations									S
Extractive Industries (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §7.11						S*			S*
Printing, Lithographic & Blueprinting									P
Ready-Mix Concrete & Asphalt Plants, & Similar									P
Research/Design/Experimental Product Development									P
Slaughterhouses					S				S
Waste Collection Facilities; Recycling Facilities/Resource Recovery Facilities; Solid Waste Transfer Stations									S

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Miscellaneous									
Accessory Buildings & Uses Incidental to Principal Uses §3.7	P*	P*	P*	P*	P*	P*	P*	P*	P*
Cemeteries including Columbaria & Mausoleums (human or pet) §7.9					P*	P*		P*	
Planned Unit Developments §7.21	S*	S*	S*	S*	S*	S*	S*	S*	S*
Site Condominium Developments	S	S	S	S	S	S	S	S	S
Public Facilities									
Community Centers							P	P	
Government Administration Facilities							P	P	
Libraries							P	P	
Police Stations/Jails/Fire Stations							P	P	
Public Parks, Playgrounds & Recreation Areas	P	P	P	P	P	P	P	P	P
Public Works Facilities							P	P	
Residential Uses									
Accessory Dwelling Units/Guest Houses §7.2	P*	P*	P*	P*	P*	P*			
Dwelling Units on same lot with Non-Residential §7.34					P*	P*	P*		S*
Home Based Businesses §7.1	P*	P*	P*	P*	P*	P*			
Cottage Industries §7.1	S*	S*	S*	S*	S*	S*			
Keyhole Development §7.14	S*								
Manufactured Housing Communities (with accessory uses such as laundry facilities, office building, & community building) §7.17				S*					
Multiple-Family Dwelling Units §7.18			S*						
Platted Subdivisions	P								
Senior Citizen Housing		S	S			S	S		
Single-Family Dwellings	P	P	P	P	P	P			
Townhouse Dwellings		S	S						
Two-Family Dwellings (duplex)		P	P	P	P	P			

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Transportation, Storage & Wholesale									
Airports, Aviation Support Services, Heliports/Landing Fields §7.3					S*				S*
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments							P		P
Drone (unmanned aerial) Centers									P
Distribution Centers/Freight Terminals/Trucking Facilities					S	S	P		P
Postal Service							P	P	P
Railyards									S
Scenic & Sightseeing Transportation							P		P
Storage including Self-Storage Facilities/Mini-Storage §7.24							P*		P*
Transit Facilities (including bus garages/stations)							P		P
Truck Rental Facilities							P		P
Truck Transportation Facilities including Truck Repair & Maint.					S	S			P
Truck Washes §7.8							P*		P*
Warehousing §7.24					S*	S*	P*		P*
Wholesale Businesses					S	S			P
Utilities, Energy & Communications									
Battery Energy Storage System – stand alone or in conjunction with Large Solar Energy Systems §7.35					S*		S*		
Battery Energy Storage System –in conjunction with Wind Energy Systems (Commercial/Utility-Scale) §7.35					S*	S*	S*		S*
Essential Services	P	P	P	P	P	P	P	P	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S	S	S	S	S	S	S	S	S
Heating & Electric Power Generating Plants									S
Public Utility Facilities (without storage yards)								S	P
Public Utility Facilities (with storage yards)								S	P
Solar Energy (Accessory Panels) §7.27	P*				P*	P*	P*		P*
Large Solar Energy Systems §7.28					S*		S*		
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.26					S*	S*	S*		S*
Wind Energy Systems (On-Site) §7.26	P*	P*	P*		P*	P*	P*	P*	P*
Wireless: §7.25									
Antenna Co-Location					P*	P*	P*		
Small Cell Wireless Facilities					S*	S*	S*		
Television/Radio Broadcasting Stations							S		
Wireless Communications Facilities with Support Structures (i.e. cell towers)					S*	S*	S*		
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station)					S*		S*		

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Section 4.15 Full Schedule of Regulations

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Maximum height, minimum setbacks, and minimum floor area shall apply only to principal buildings and shall not apply to accessory buildings. See the individual district tables for full set of regulations.

Use Districts	Area of Lot	Width of Lot (a)	Maximum Height of Structure (b)	Setbacks				Maximum % Lot Coverage (c)	Minimum Floor Area (d)
				Front	Interior Side	Corner Side	Rear		
R-1 Single-Family Residential	20,000 sq ft	100'	25' (e)	40'	10'	10'	40'	35%	800 sq ft (i)
R-2 Low- to Medium-Density Residential	20,000 sq ft	100'	32'	40'	10'	10'	40'	35%	800 sq ft
R-3 Multiple-Family Residential (multiple-family uses)	45,000 sq ft	200'	32'	40' 65' (f)	20'	20'	35'	35%	800 sq ft
R-3 Multiple-Family Residential (all other uses)	20,000 sq ft	100'	32'	40'	10'	10'	40'	35%	800 sq ft
R-4 Manufactured Housing Community District (manufactured housing communities)	10 acres per community	(g)							
R-4 Manufactured Housing Community (all other uses)	20,000 sq ft	100'	32'	40'	10'	10'	40'	35%	800 sq ft
AG Agricultural	10 acres	300'	32'	40'	10'	10'	40'	N/A	800 sq ft
FR Forest Recreational	20 acres	330'	32'	40'	50'	10'	40'	N/A	800 sq ft
C Commercial	None	None	32'	15'	10' (h)	20'	40'	N/A	N/A
CF Community Facilities	40,000 sq ft	100'	32'	40'	10' (h)	20'	40'	N/A	N/A
I Industrial	40,000 sq ft	100'	32'	75'	10' (h)	20'	40'	N/A	N/A

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Footnotes to Schedule of Regulations:

- a. **Depth to Width Ratio.** Each lot will not exceed a depth-to-width ratio of 4:1 except as allowed by **1967 PA 288** (Land Division Act) section 560.109 (1b) (The municipality having authority to review proposed divisions may allow a greater depth-to-width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the lot and compatibility with surrounding lands.) The depth-to-width ratio requirements of this land division do not apply to lots larger than then (10) acres. Minimum lot width and area standards apply to lots created after the adoption of this Ordinance. Lots which do not meet these lot area and lot width standards are regulated by **Section 3.22.E** (Nonconforming Lots of Record).
- b. **Height Regulations.** Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not: be used for living or commercial space (rooftop equipment, chimneys, etc.). Height restrictions do not apply to flag poles, light poles, agricultural accessory structures, wind turbines, anemometer towers, wireless towers, and related facilities.
- c. **Maximum Lot Coverage.** Applies to the percentage of lot coverage by permanent structures.
- d. **Minimum Floor Area.** Applies to permanent dwelling units, including individual units in a multiple-family dwelling, and does not include cabin courts, motels, or similar uses.
- e. **Height Increase.** Height may increase for dwelling units and/or structures if side yards are increased by one (1) foot for each additional one (1) foot of height -- NOT to exceed a maximum height of thirty-two (32) feet.
- f. **Multiple-Family Uses.** The front setback shall be forty (40) feet if the front yard is not used as parking (the total of which shall be landscaped) and sixty-five (65) feet if the front yard is used as parking (the front twenty-five (25) ft shall be landscaped).
- g. **Manufactured Housing Communities.** Manufactured Housing Communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, **1987 PA 96** and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with **Michigan Manufactured Housing Commission regulations** concerning internal roads, parking requirements, fencing, screening, unit spacing, and recreational and open spaces. **All other uses shall comply with the area and height regulations of the R-2 District.**
- h. **Side Setbacks in C, CF, and I.** Side setbacks may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than twenty (20) feet on the side abutting the residential use.

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- i. **R-1 District Minimum Dwelling Width.** In the R-1 District, there shall be a minimum dwelling width of eighteen (18) feet at the narrowest point of the structure.

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Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.0	Purpose & Approval Summary Table	5-1	5.4	Site Plan Approval Standards	5-8
5.1	Plot Plan	5-2	5.5	Amendment of Approved Site Plan	5-11
5.2	Site Plan Review Procedures	5-3	5.6	Expiration or Revocation of a Site Plan	5-12
5.3	Site Plan Data Required	5-5	5.7	Site Plan Waiver	5-12

Section 5.0 Purpose & Approval Summary Table

The purpose of this Article is to specify the documents and/or drawings required for plot plan and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Table 5.0: Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings; Two-Family Dwellings	Plot Plan	Zoning Administrator
2. Townhouses, Multiple-Family Dwellings; Residential in Conjunction with Non-Residential	Site Plan	Planning Commission
3. Home Occupations	Application	Zoning Administrator
4. Cottage Industries	*	Planning Commission
5. Accessory Dwelling Units	Plot Plan	Zoning Administrator
6. Special Land Uses	Site Plan	Planning Commission
7. Family Child Care Homes & Adult Day Care Homes (6 or less adults)	Plot Plan	Planning Commission
8. Parking Lots	Site Plan	Planning Commission
9. Change of Use (zoning permit required for each change of use)	Site Plan	ZA determines if PC review is needed
10. Accessory structures for Single- & Two-Family Dwellings.	Plot Plan	Zoning Administrator
11. Accessory Structures for Buildings (other than single- & two-family)	Site Plan	Planning Commission
12. Fences	N/A	Zoning Administrator
13. Signs	Site Plan	Zoning Administrator
14. New Commercial, Industrial, Utility, & Institutional Structures/Uses.	Site Plan	Planning Commission
15. Expansion or renovation of an existing use which increases the existing floor space more than 25% (other than single-family & two-family)	Site Plan	Zoning Administrator
16. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
17. Temporary Dwellings	Plot Plan	Zoning Administrator
18. Food Trucks (single truck on one lot)	Plot Plan	Zoning Administrator
19. Food Trucks (multiple trucks on one lot)	Plot Plan	Planning Commission
20. Seasonal Use Sales	Plot Plan	Zoning Administrator
21. Short Term Rentals	Plot Plan	Zoning Administrator
22. Wind Energy Systems (On-Site) & Accessory Solar Panels	Plot Plan	Zoning Administrator

*ZA determines level of plan needed based on proposed use.
For all uses which are reviewed & approved by the ZA, the ZA may request review and approval by the PC.

Section 5.1 Plot Plan

A. Plot Plan Submittal Requirements.

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the information in **Table 5.1**. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his/her agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided.

Table 5.1: Plot Plan Requirements

1. Address/Contact	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. Lot Lines	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. Map Information	The scale and north arrow.
4. Setbacks	Location of required setbacks of the zoning district.
5. Structures	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
6. Access	The location and configuration of the lot access and driveway, drawn to scale.
7. Roads/Open Space	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
8. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
9. Well/Septic	Location of existing or proposed septic system and water well.
10. Natural Features	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
11. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

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B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in **Section 5.0** after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue zoning approval pursuant to **Section 9.2** after a determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.2 Site Plan Review Procedures

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer. Site plan review by the Planning Commission shall be required for all uses listed as requiring a site plan review in **Table 5.0**.

A. Site Plan Pre-Application Meeting.

The Zoning Administrator, Planning Commission Chair, and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, other Ordinance requirements, and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for **Section 7.21** (Planned Unit Developments), this conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Application Submittal & Review Procedures.

1. **Number of Copies and Timing.** Eight (8) copies of the proposed site plan, including all required additional or related information in **Section 5.3**, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered.
2. **Fees.** Application fees to cover the estimated review costs as determined pursuant to the currently adopted fee schedule and **Section 9.7** of this Ordinance shall be paid when the application and site plan are submitted.
3. **Review for Completeness.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to

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the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

4. **Coordination with Other Agencies/Departments.** The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval:
 - a. The **Alcona County Road Commission** and, if appropriate, the **Michigan Department of Transportation**.
 - b. **District Health Department No. 2**.
 - c. Local fire and ambulance service providers.
 - d. **Michigan Department of Natural Resources or Department of Environment Great Lakes, and Energy**.
 - e. Other agencies or consultants as deemed appropriate.
5. **Site Plans Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
6. **Representation at Meeting.** The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting. If the applicant or his/her representative fails to provide representation at the second meeting, the application shall be null and void.
7. **Professional Review.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.

C. Planning Commission Action.

1. **Decision.** Within ninety (90) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan according to the standards in **Section 5.4** and any other applicable standards in this Ordinance. The applicant may request that this decision be delayed beyond ninety (90) days. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

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2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings of fact relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.5** of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Signed Copies.** If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and the Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant, one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
5. **Performance Guarantee.** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.8** of this Ordinance.
6. **Conformity to Approved Site Plan Required.** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

Section 5.3 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

Table 503: Site Plan Requirements

A. General Information

1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. Name and address of firm preparing the site plan (including contact information).
3. The parcel's legal description.
4. The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
5. Gross acreage of development and total usable floor area.

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6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

B. Map Information

1. Date, north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.

C. Lot Lines, Right of Way, Easements, Utilities & Open Space

1. A certified survey of the property prepared and sealed by a professional licensed survey, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
2. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.

D. Development Features

1. **Proposed Features.** The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, common use areas, recreational areas and facilities, and any impervious surface.
2. **Percent Lot Coverage.** Area of the subject property to be covered by structures (not available to open space).
3. **Nearby Structures.** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names. The front yard dimensions of the nearest building on both sides of the proposed structure.
4. **Vehicular and Pedestrian Circulation.** The proposed streets, driveways, sidewalks/walkways, accesses, and other vehicular and pedestrian circulation features within and adjacent to the site.
5. **Parking.** The location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes. Show the dimensions of a typical parking stall and parking lot.
6. **Loading and Unloading Areas.** The proposed location and size of all loading and unloading areas.
7. **Landscaping/Fences.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
8. **Waste.** The location of all storage and disposal facilities including location of dumpsters.
9. **Lighting and Signs.** The location of all proposed exterior lighting and signs, including size and type.
10. **Hazardous Materials.** Information on the storage and use of hazardous materials and the disposal of hazardous waste.

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11. **Storage.** Description and location of any existing or proposed outdoor storage facilities (above-ground and below-ground storage).
12. **Snow Storage.** The location of snow storage areas.
13. **Wells, Drains & Wastewater.** Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan. Description and location of on-site wastewater treatment and disposal systems. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
14. **Drainage.** The location, size, and slope of all surface and subsurface drainage facilities.
15. **Elevation Drawings.** Elevation drawings of the front and rear of the principal building.

E. Natural Features & Soils

1. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high-risk erosion areas, slopes over ten (10%) percent, drainage, and other similar features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10%) percent or greater, contours shall be shown at intervals of two (2) feet or less.
3. Generalized soil analysis data, which may include data prepared by the Alcona County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
4. All site plans shall comply with the terms of the Alcona County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.

F. Multi-Family and Manufactured Housing Communities

Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:

1. Minimum floor area of dwelling units.
2. Total number of units proposed.
3. Number of bedrooms per unit in multiple-family developments.
4. Areas to be used for open space and recreation.

G. Impact Statement

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The statement shall address itself to the following as applicable to the type of use:

1. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
2. Expected demands on community services and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to groundwater reserves, change in traffic volume on adjacent streets, and other factors that may apply to the particular development.
3. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.

H. Other

Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 5.4 Site Plan Approval Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact based on evidence presented on each standard.

A. Public Welfare and Adjoining Properties.

The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. Topography and Natural Landscape.

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All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

C. Drainage.

On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

D. Privacy.

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate for the protection and enhancement of property and for the privacy of its occupants.

E. Emergency Vehicle Access.

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

F. Vehicular and Pedestrian Circulation.

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
2. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system.
3. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry.
5. Where possible, shared commercial access drives shall be encouraged.

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G. Access.

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

H. Outdoor Storage.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first-floor elevations.

I. Exterior Lighting.

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution.

J. Compliance with other Statutes and Regulations.

Site plans shall conform to all applicable requirements of state and federal statutes and the current Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Zoning Permit is granted.

K. Groundwater Protection.

The following standards relate to groundwater protection:

1. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
2. Stormwater detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system onsite, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Stormwater facilities shall conform to the requirements of the Alcona County Road Commission Manager who has been delegated the duties of Drain Commissioner.
3. General-purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has

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been obtained from the appropriate governing entity. General-purpose floor drains, which discharge to groundwater, are prohibited.

4. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
6. Underground storage tanks shall be registered, installed, operated, maintained, closed, and removed in accordance with regulations of the appropriate governing entity.
7. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.
8. Aboveground storage tanks shall be certified, installed, operated, maintained, closed, or removed in accordance with regulations of the appropriate governing entity.
9. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
10. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and **District Health Department No. 2**.
11. State and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste, or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.

Section 5.5 Amendment of Approved Site Plan

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning

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Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan nor any specified conditions imposed as part of the original approval.

1. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes that will preserve the natural features of the site without changing the basic site layout.
 - g. Changes related to item A.1.a through A.1.f above, required or requested by Caledonia Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 2. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under **subsection A** above shall be processed in the same manner as the original site plan application.

Section 5.6 Expiration or Revocation of a Site Plan

A. Expiration of Site Plan.

1. The site plan shall expire unless construction of an approved site plan improvement has begun with one (1) year of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the

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site plan at no fee. The Planning Commission may grant the requested extension for an additional one (1) year if it finds good cause for the extension.

- 2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

B. Revocation of a Site Plan.

- 1. **Revocation.** When the construction of a building or creation of a use is found to be in nonconformance with the approved site plan, the Zoning Administrator may revoke the site plan approval by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time they shall so notify the Zoning Administrator who may then, by official action, defer revocation.
- 2. **Appeal of Revocation.** The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within thirty (30) days of the notice to the owner of such revocation action.

Section 5.7 Site Plan Waiver

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- A. Accessory structures for a non-residential use.
- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access, or other external site characteristics, or create a violation of this Ordinance.

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Article 6

Special Land Use Review

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Section 6.0 Intent

Special Land Uses are those uses of land which are compatible with the uses permitted in a zoning district but possess characteristics or location qualities which require individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses.

Section 6.1 Special Land Use Procedures

A. Application Submittal.

1. **Application.** An application for a Special Land Use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose and shall include items listed below:
 - a. **Plot Plan or Site Plan.** For those Special Land Uses which also require a plot plan or site plan, in addition to a complete application form, the applicant is required to submit a plot plan prepared in accordance with **Section 5.1** and a site plan prepared in accordance with **Section 5.3**. See **Table 5.0** to determine which type of plan is needed. Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Land Use.
 - b. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 - c. A statement prepared by the applicant appraising the effect on the neighborhood.

- d. The application shall be accompanied by the fee established by the Township Board of Trustees.
- 2. **Timing of Submittal.** Special Land Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the Special Land Use will be considered.

B. Application Processing.

- 1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall forward the application to the Planning Commission Chair for placement on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **Section 9.3.**
- 2. **Coordination with Other Agencies.** The Planning Commission may distribute the application materials to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval:
 - a. The **Alcona County Road Commission** and, if appropriate, the **Michigan Department of Transportation.**
 - b. **District Health Department No. 2.**
 - c. Local fire and ambulance service providers.
 - d. **Michigan Department of Natural Resources or Department of Environment Great Lakes, and Energy.**
 - e. Other agencies or consultants as deemed appropriate.
- 3. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- 4. **Public Hearing.** The Planning Commission shall take no action until a public hearing has been held after having given notice of the public hearing pursuant to **Section 9.3.**
- 5. **Representation at the Meeting.** The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at

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the next scheduled Planning Commission meeting. If the applicant or his/her representative fails to provide representation at the second meeting, the application shall be null and void.

C. Planning Commission Action.

1. **Decision.** Within ninety (90) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use according to the standards in **Section 6.2** and any other applicable standards in this Ordinance. The applicant may request that this decision be delayed beyond ninety (90) days. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.
2. **Findings of Fact.** The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **Section 9.5**. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Signed Copies.** If approved by the Planning Commission, three (3) copies of any required plot plan or site plan shall be signed and dated by both the applicant and the Planning Commission Chair. One (1) signed and dated plan shall be provided to the applicant, one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
5. **Conformity to Approved Plan Required.** Following approval of a plot plan or site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so shall be deemed a violation of this Ordinance.
6. **Performance Guarantee.** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.8** of this Ordinance.
7. **Inspection.** The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.
8. **Other.** All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.

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9. As a minimum, or unless specifically modified by the provisions of **Article 7**, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable Articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 7** or the approving body.

Section 6.2 Special Land Use Approval Standards

The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards:

A. Allowed Special Land Use.

The property subject to the application is located in a Zoning District in which the proposed Special Land Use is allowed.

B. Compatibility with Adjacent Uses.

The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment, or conditions of operation.
2. Vehicular circulation and parking areas.
3. Outdoor activity, storage, and work areas.
4. Hours of operation.
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
6. Impacts on adjacent property values.
7. The relative ease by which the impacts above will be mitigated.

C. Public Services.

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1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community.

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment.

The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

F. Impact of Traffic on Street System.

The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

G. Non-Detrimental Standards.

The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.

H. Compliance with Supplemental Site Development Standards.

The proposed Special Land Use complies with all applicable supplemental site development standards as contained in **Article 7** of this Ordinance.

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Section 6.3 Amendment of Approved Special Land Use

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

- A. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
 - 1. Minor changes shall include the following:
 - a. Reduction in the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes which are required or requested by Caledonia Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
 - 2. All amendments to a Special Land Use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- B. An amendment to an approved Special Land Use that cannot be processed by the Zoning Administrator under **subsection A** above shall be processed in the same manner as an original Special Land Use application.

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Section 6.4 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration of Special Land Use Permit.

1. Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. At least thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.
2. Any subsequent re-submittal of a Special Land Use due to expiration which has not been granted an extension shall be processed as a new request with new fees.

B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C**.

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E. Special Land Use Suspension or Revocation.

The Zoning Administrator may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent or is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Section 7.0 General

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 7.1 Home-Based Businesses & Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home-Based Businesses and Cottage Industries are compatible with other allowed uses in residential districts and thus to maintain and preserve the residential character of the neighborhood. Home-Based Businesses and Cottage Industries shall not affect the residential character of the neighborhood. The following are not considered Home-Based Businesses or Cottage Industries: Bed and Breakfasts/Tourist Homes, Family or Group Child Care Homes, or Adult Day Care Facilities (in private homes).

A. Home-Based Businesses.

1. **Zoning Permit.** Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A Zoning Permit is required.
2. **Use of Dwelling and Accessory Building.** Home-Based Businesses shall be operated entirely within the dwelling or in an accessory building. No more than twenty-five percent (25) of the dwelling's ground floor area shall be devoted to the Home-Based Business. Home-Based Businesses may occupy up to one hundred (100) percent of a detached or attached accessory building.
3. **Additions.** Additions to a dwelling for the purpose of conducting a Home-Based Business shall meet all required setbacks in the zoning district classification in which the dwelling is located and shall be designed so that the addition can be used for dwelling purposes if the Home-Based Business is discontinued.
4. **Incidental Use.** Home-Based Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
5. **Nuisance Conditions.** Home-Based Businesses shall not result in the creation of conditions that would constitute a nuisance to or endanger the health, safety, and welfare of neighboring property owners or to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business shall not generate noise,

vibration, radiation, odor, glare, smoke, steam, unsanitary conditions, unsightly conditions, or other condition not typically associated with the use of the dwelling for residential purposes.

6. **Traffic.** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. **Outdoor Storage.** The outdoor storage of goods and/or materials of any kind is prohibited.
8. **Parking.** There shall be no parking permitted within any setback areas.
9. **Other Laws.** No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.
10. **Fine Art or Craft.** The utilization of a dwelling for instruction in a fine art or craft is specifically permitted.
11. **Employees.** Home-Based Businesses may have one (1) employee that does not live on the premises.

B. Cottage Industries.

1. **Special Land Use.** Cottage Industries are permitted as a Special Land Use in any zoning district in which single-family dwellings are permitted. If the premises are sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit.
2. **Incidental Use.** Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
3. **Additions.** Additions to a dwelling for the purpose of conducting a Cottage Industry shall meet all required setbacks in the zoning district classification in which the dwelling is located and shall be designed so that the addition can be used for dwelling purposes if the Cottage Industry is discontinued.
4. **Outdoor Storage.** The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location shall meet all required setbacks and shall be approved by the Planning Commission.
5. **Nuisance Conditions.** Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to or endanger the health, safety, and welfare of neighboring property

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owners and surrounding zoning districts. Machinery, mechanical devices, or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, unsanitary conditions, unsightly conditions, or other conditions not typically associated with the use of the premises for residential purposes.

6. **Traffic.** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. **Parking.** To ensure that the Cottage Industry is compatible with surrounding residential use, the Planning Commission shall limit the number of vehicles that may be parked on the Cottage Industry premises during business operations. Parking areas shall be approved during Special Land Use review.
8. **Employees.** The number of employees that do not reside at the premises may be approved during Special Land Use review.
9. **Other Laws.** No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.

C. Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home-Based Business or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his/her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home-Based Business or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home-Based Business or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his/her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the Planning Commission shall make a decision about the alleged violation based on specific written and recorded findings of fact. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity if the activity is found to be in conflict with provisions of this Section.
5. Proposed revisions or additions to a Home-Based Business or Cottage Industry shall constitute a change of use and shall be subject to new permit approval.

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Section 7.2 Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot or within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in specific districts within the Township. A guest house is considered an accessory dwelling unit. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed in the districts indicated in **Article 4** on each lot that contains a single-family dwelling.
- B. The accessory dwelling unit may be rented, leased, or provided for free.
- C. The accessory dwelling unit shall not exceed fifty (50) percent of the total floor area of the principal dwelling unit so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory dwelling unit shall not be located in the front yard.
- F. The accessory dwelling unit shall be a self-contained unit and may be located above a garage, may be attached to the primary dwelling or garage, may be located totally within a primary dwelling, or may be a stand-alone detached unit.
- G. The accessory dwelling unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The accessory dwelling unit shall conform to the building code standards adopted by Alcona County.
- J. One and one-half (1 ½) parking spaces shall be provided on-site for each dwelling unit.
- K. The accessory dwelling unit may not exceed the maximum lot coverage required by **Article 4**.
- L. An Accessory Dwelling Unit may be used as a Short Term Rental if the primary dwelling is owner-occupied.

Section 7.3 Airports & Landing Fields

- A. Privately owned and maintained aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned

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landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.

- B. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designated as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

Section 7.4 Automobile Repair/Gas Station

- A. No ingress or egress to a gas station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential lot line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road and so that no portion of the vehicle, while it is stopped for service, shall overhang onto a sidewalk, curb, road, or public right-of-way.
- C. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a fence or masonry wall at least six (6) feet in height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with **Section 3.19** of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to **Section 3.33** of this Ordinance.

Section 7.5 Bed & Breakfasts/Tourist Homes

While this Section is established to enable single-family dwelling units to be used as bed and breakfast facilities or tourist homes, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast or tourist home is a subordinate use to a single-family dwelling unit subject to the following conditions:

- A. The bed and breakfast or tourist home shall not alter the residential character of the structure.
- B. The operator shall live on the premises when the operation is active.
- C. Bed and breakfasts or tourist homes shall operate in compliance with all local, state, and federal requirements.

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- D. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- E. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or accessory structures to be used as additional sleeping rooms.
- F. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be thirty (30) consecutive days.
- G. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employee.
- H. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case-by-case basis based on information provided by the applicant. Applicable state laws regarding the rental of motorized vehicles shall be complied with.
- I. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of **Section 3.34**, to indicate that the dwelling is being utilized for any purpose other than as a residence.
- J. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
- K. Any number of dwelling residents may assist with the bed and breakfast or tourist home operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast or tourist home operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.

Section 7.6 Child Care Homes (Group)/Child Care Center

A Special Land Use Permit in the case of a Group Child Care Home and a standard Zoning Permit in the case of a Child Care Center will be issued if the Group Child Care Home or Child Care Center meets all of the following conditions:

- A. Is not located closer than fifteen hundred (1,500) feet to any of the following:
 - 1. Another licensed group child care home.

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2. An adult foster care home or large group home licensed under the **Adult Foster Care Facility Licensing Act, PA 218 of 1979**.
 3. A facility offering substance abuse treatment and rehabilitation services for seven (7) or more people licensed under Article 6 of the **Public Health Code PA 368 of 1978**.
 4. A community correction center, resident home, halfway house/or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- B. Has at least four hundred (400) square feet of fenced outdoor space.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Township may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

Section 7.7 Campgrounds/RV Parks

- A. The minimum lot size shall be ten (10) acres.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or RV park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from lot lines.
- D. The campground perimeter shall be completely screened from abutting properties by natural terrain, a neatly finished and well-maintained wooden privacy fence or masonry wall, or well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from lot lines.
- F. All campgrounds and RV parks shall comply with **State of Michigan** and **District Health Department No. 2** requirements.

Section 7.8 Car Wash Facilities

- A. **Layout.** Washing activities shall be carried on within an enclosed building and/or one exterior wash bay may be allowed. Entrances and exits shall not face abutting residentially-used property if an existing residence is located within two hundred (200) feet of the car wash facility.

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- B. **Vacuuming.** Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.
- C. **Entrances and Exits.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash lot itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 7.9 Cemeteries

- A. Establishment of a cemetery shall comply with Section 2458 of the **Public Health Code 1978 PA 368**.
- B. **Location.** No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- C. **Accessory Buildings.** A mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan and in compliance with appropriate district setbacks.
- D. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 7.10 Drive-In or Drive-Through Businesses

- A. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots, and vehicles using drive-through service lanes.
- B. Businesses which provide a drive-in or drive-through service (not including Gas Stations) may be permitted as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:
 - 1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
 - 2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
 - 3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.

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4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential use.
5. Stacking spaces shall be provided for drive-through operations, subject to the standards listed in the parking requirements in **Section 3.33**.

Section 7.11 Extractive Industry

- A. Businesses engaged in extractive operations shall comply with all applicable state and federal regulations.
- B. The Planning Commission shall adhere to Section 125.3205 of **2006 PA 110, Michigan Zoning Enabling Act**, when reviewing applications for a Special Land Use for Extractive and Mining Operations.
- C. When extractive industrial operations cease at a site the following shall apply:
 1. All buildings must be removed from the site; and
 2. All hazardous materials shall be removed from the site.
- D. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the **Natural Resources and Environmental Protection Act, 1994 PA 451**, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

Section 7.12 Junkyards, Salvage Yards, Scrap Yards & Transfer Stations

- A. Junkyards, salvage yards, scrap yards, and transfer stations may be established and maintained in accordance with all applicable Statutes of the State of Michigan shall be located only on sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in these facilities are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. **Junkyards, Salvage Yards, Scrap Yards, and Transfer Stations.**
 1. Shall only be located in the Industrial District.
 2. Shall have direct access only from an impervious hard surface paved all-weather year-round road as defined by the **Alcona County Road Commission** or **Michigan Department of Transportation**.
 3. The location of a junkyard, salvage yard, scrap yard, or transfer station shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely

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screened from sight by natural terrain or by a neatly finished and maintained wooden privacy fence or masonry fence, screening wall, or well-maintained evergreens. Said screening fence or wall shall not contain any signs or symbols. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.

4. Glare from any process, such as arc welding, conducted at the facility, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
 5. Operations shall be limited to between the hours of 8 a.m. and 10 p.m.
 6. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.
 7. Transfer stations shall be kept in a neat and orderly condition.
- C. Sanitary landfills shall only be permitted if planned to be located in the Township in accordance with the county's Solid Waste Management Plan prepared in conformance with **Part 115 of the Natural Resources and Environmental Protection Act**, as amended or under the jurisdiction of the appropriate governing entity in conformance with **Part 111 of the Natural Resources and Environmental Protection Act**, as amended. If provided for in the county's Solid Waste Management Plan, the Township may regulate haul routes and required fencing.

Section 7.13 Kennels or Veterinary Clinic/Animal Hospital

- A. All kennels, veterinary clinics, or animal hospitals shall be operated in conformance with county and state regulations and shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the lot line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or an evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed principal building.

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Section 7.14 Keyhole Development (Residential Uses with Common Use Waterfront Property)

- A. This Section is intended to limit the number of users of the Township's lakes and streams frontage, to preserve the quality of surface waters, and to preserve the quality of the recreational use of all surface water in the Township. The restrictions below shall apply to any lot regardless of whether access to the water shall be gained by easement, common fee ownership, single ownership, condominium agreement, or lease.
- B. Any residential development which shares common water frontage shall not permit a greater density ratio than one (1) single-family dwelling, cottage, condominium unit, or apartment per twenty-five (25) feet of lake or stream frontage held in common ownership. The lake or stream frontage shall be measured along the ordinary high water mark of the lake or stream. As part of the Special Land Use permit application, the property owner or developer shall provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.
- C. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent properties. Existing natural vegetation shall be maintained to provide immediate buffering and screening. Additional landscaping may be required by the Planning Commission within the buffer area where necessary to achieve an adequate buffer.

Section 7.15 Lumber Yards

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site shall be of a configuration as to be compatible with adjacent uses, having at least two hundred (200) feet of frontage on a public road or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage, other than lumber, shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 7.16 Mills - Lumber, Planing & Veneer

Sawmills, planing mills, veneer mills, and accessory or incidental mill operations involving logs, "unprocessed timber," and/or rough-sawn lumber, are permitted provided:

- A. Structures housing mechanical wood-cutting devices (head saws, cut-off saws, planers, lathes, etc.) shall not be located closer to an off-premise residence than two-hundred fifty (250) feet.

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- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) feet from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of sixty (60) days or less on the same zoning lot.
- E. Operations shall be limited to between the hours of 8 a.m. and 10 p.m.
- F. The location of sawmills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust, or pollution.
- G. Residue from sawmill operations such as slab wood, sawdust, other by-products, etc., shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.

Section 7.17 Manufactured Housing Communities

Manufactured housing communities shall be subject to the following conditions:

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the **Michigan Manufactured Housing Commission, 1987 PA 96**, and **any rules promulgated pursuant to this Act**, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing, and recreational and open spaces.
- B. To the extent permitted by the **Michigan Manufactured Housing Commission**, this Ordinance shall require all manufactured homes in manufactured housing communities to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The underside or chassis of all manufactured homes in manufactured housing communities shall be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

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Section 7.18 Multiple-Family Dwelling Units

- A. **Front Setback.** Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback of at least sixty-five (65) feet of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback of forty (40) feet the total area of which shall be landscaped.
- B. **Side Setback.** For multiple-family dwellings, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet. There shall be a minimum rear yard of thirty-five (35) feet.
- C. **Minimum Floor Area.** Each multiple-family dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

D. Density Regulations for Multiple-Family Dwelling Units.

- 1. Not more than four (4) dwelling units per acre shall be permitted, except as otherwise herein provided.
- 2. There shall be a minimum of fifty (50) percent of the net area of the lot on which the multiple-family dwelling unit is proposed maintained as open space or non-profit recreational uses.
- 3. Density bonuses will be allowed provided the developer follows the following schedule:

Open Space*	Density* *
50%	4 units/acre
60%	6 units/acre
70%	8 units/acre
75%	10 units/acre
* Percent of Net Acreage	* * Units/Net Acre

- 4. In the process of determining the net acreage available for construction in a particular project, the developer shall not consider the following:
 - a. Lands having a slope greater than twenty (20) percent: Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the **State of Michigan**.

- c. Lands currently being utilized as a power line or gas line right-of-way or dedicated as some other type of right-of-way.

E. Other Development Regulations for Multiple-Family Dwelling Units.

1. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
2. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete, or similar materials.
3. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel, and other services shall be provided, shall be adequate in size, and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.
4. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
5. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams, and open spaces that add to the overall enhancement of the area.
6. The developer shall be required to provide community areas, laundry facilities, playground, and other services necessary for the comfort and convenience of residents.
7. All outside storage areas for trash shall be enclosed by a six (6) foot-high solid wall or fence.
8. A site plan shall be submitted for each multiple-family development in accordance with **Article 5** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.

Section 7.19 Outdoor Recreational Facilities (Commercial)

Commercially used outdoor recreational space including but not limited to children's amusement parks, carnivals, tumbling facilities, miniature golf, and driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot-high protective wall or fence.

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- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

Section 7.20 Outdoor Sales/Rental Facilities

Outdoor sales lots including but not limited to automobile, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, manufactured homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road.
- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value and contribute to shade while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two (2) or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
- D. All areas subject to vehicular use shall be paved with durable dust-free surfacing with appropriate bumper guards where needed.
- E. Display lot lighting shall comply with terms of **Section 3.19**, which apply whether or not the lighting is projected from buildings, private poles, or utility company poles. i.e., as yard lights.
- F. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated on the site plan as to the display of new, used, and/or inoperable units.

Section 7.21 Planned Unit Development (PUD)

A. **Purpose.**

The Planned Unit Development (PUD) allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the application to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards

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dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this Section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

B. Criteria.

Procedures set forth in this Section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in **Section 5.4** and **Section 6.2** also apply.

1. **Size.** A Planned Unit Development shall be of sufficient size to contain, on the site both physically and aesthetically, not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
2. **Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas, and public services.
3. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
4. **Permitted Uses.** The following uses may be allowed in a PUD. Mixed uses are encouraged.
 - a. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
 - b. **Nonresidential Uses.** Nonresidential uses are permitted in a PUD provided that such uses are compatible and harmoniously incorporated into the unitary design of the PUD.
 - c. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.
5. **Flexibility of District Standards.** Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage

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flexibility and creativity consistent with the intent of PUD regulations, the Planning Commission may permit specific departures from the requirements of the Zoning Ordinance.

6. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.

C. Approval Procedures.

Each of the following steps in the submittal process is mandatory and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this Ordinance.

1. **Pre-Application Meeting.** The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time.

The Zoning Administrator may request or recommend that the applicant request representatives from the relevant township or county agencies (fire department, county sheriff, and other agencies) attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.

2. **Preliminary Plan Submission Requirements.** Following the pre-application conference, the applicant may file a PUD application, with an application fee, with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of the Preliminary Planned Unit Development Plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a public hearing on the plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified in **Section 5.3**.

3. **Planned Unit Development Preliminary Review Procedure.**

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan after notification in accordance with **Section 9.3** of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve the preliminary plan, disapprove the preliminary plan, or approve the preliminary plan subject to specified conditions/revisions. Such recommendations shall be based on the standards listed in **Section 5.4** and **Section 6.2** of this Ordinance and **Section 7.21.B** above.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final

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site plan for the entire project or a phased portion thereof is not submitted within the two (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. Planned Unit Development Final Review Procedure.

- a. **Final Site Plan Submittal.** Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof, along with evidence of the paid filing fee, to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- b. **Public Hearing.** The Planning Commission shall conduct a public hearing after notification in accordance with **Section 9.3** of this Ordinance.
- c. **Final Site Plan Approval/Action.** Following the public hearing, the Commission shall approve the final plan, disapprove the final plan, or approve the final plan subject to specified conditions. If approved, with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the review criteria listed in **Section 5.4**, **Section 6.2**, and **Section 7.21.B** above and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the resubmission of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

5. **Performance Guarantee.** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per **Section 9.8**.

6. **Amendments to the Approved PUD.** Minor amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or State law. Minor amendments subject to administrative review are addressed in **Section 5.5**.

Major amendments to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to an increase in density or number of dwelling units, an increase in land area or building size, or the addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

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Section 7.22 Sexually-Oriented Businesses

The purpose and intent of this Section of the Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities prohibited by Township ordinances, state law, or federal law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to the regulation of sexually-oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be established on a lot within one thousand (1,000) feet of any residence, library, school, religious institution, or public park. This measurement is made from lot line to lot line.
- B. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business. This measurement is made from lot line to lot line.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or government agencies having jurisdiction, and to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- E. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.

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- F. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- G. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 7:00 a.m. to 2:00 a.m.
- J. Any booth, room, or cubicle available in any sexually-oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the **Americans With Disabilities Act**.
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device.
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Has no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 7.23 Stables (on Domestic/Hobby Farms)

- A. Structures used as stables shall not be located closer than sixty (60) feet to any lot line or less than one hundred (100) feet from any residential dwelling.
- B. Animals shall be secured in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than sixty (60) feet to any residential dwelling.

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- C. Stable and corral facilities shall be constructed in such a way that dust, noise, odor, and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjacent properties.

Section 7.24 Storage Uses

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be sited to be perpendicular to the road. Landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or the storage buildings shall be set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this Section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- D. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 7.25 Wireless Communications

A. **Intent and Exemptions.**

- 1. **Intent.** The intent of this Section is to establish general guidelines for the location of wireless communication facilities, support structures (towers), alternative tower structures, and antennas. The Township recognizes that it is in the public interest to permit the location of wireless communication facilities, support structures (towers), alternative tower structures, and antennas within the Township. It also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, and that these structures may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:
 - a. Protect residential areas from potential adverse impact of towers and antennas.
 - b. Encourage the location of towers in nonresidential areas.
 - c. Minimize the total number of towers throughout the community.
 - d. Encourage the joint use of new and existing tower sites rather than the construction of additional towers.

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- e. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact.
 - f. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.
 - g. Consider the public health and safety of telecommunication towers and alternative tower structures.
 - h. Avoid potential damage to adjacent property from tower failure.
2. **Exemptions.** Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by **47 CFR Section 1.4000**) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at a maximum of fifty (50) feet in height. The Planning Commission may approve an increase in height if evidence is shown that an increase in height is needed to operate the antenna. See Over-the-Air Reception Devices (**47 CFR Section 1.4000**). Single-use tower and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

B. Uses Allowed.

1. **Permitted Uses.** Wireless communications equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval under this Zoning Ordinance if ALL the following requirements are met:
- a. Wireless communications equipment shall be co-located on an existing wireless support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Planning Commission.
 - c. The proposed co-location will not do any of the following:
 - (1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
 - (2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

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(3) Increase the area of the existing equipment compound to greater than twenty-five hundred (2,500) square feet.

- d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission.
- e. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- f. The installation and/or operation of the above-mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- g. A zoning permit, issued by the Zoning Administrator, is required.

2. **Special Land Uses.**

- a. **Wireless Equipment.** Wireless communications equipment that meets the requirements of subsection 1.a and subsection 1.b but does not meet the requirements of subsection 1.c and subsection 1.d is a permitted use of property if it receives Special Land Use approval using the procedures in **subsection C**. Special Land Use approval of wireless communications equipment described in this subsection may be made expressly conditional only on the wireless communications equipment's meeting the requirements of the Zoning Ordinance and of federal and state laws before the wireless communications equipment begins operation.
- b. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Land Use as listed in **Section 4.14** and the individual district tables and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.
- c. **Other Wireless Communications Facilities.** Wireless communications facilities which do not fall under subsections **subsection 2.a** or **subsection 2.b** (above) shall follow the same Special Land Use approval procedure and standards as uses listed in **subsection B.2** (above)

C. **Approval Procedure for Wireless Special Land Uses.**

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1. An application for Special Land Use approval shall include a site plan with all information required by **Section 5.3**.
2. After an application for a Special Land Use is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the fourteen (14) day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection C.2** is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany the application shall not exceed the Township's actual, reasonable costs to review and process the application or one thousand (\$1,000.00), whichever is less.
4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.3**.
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the Special Land Use standards in **Section 5.4** and **Section 6.2** and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

D. Special Land Use Standards.

1. **Ownership.** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the wireless facility. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the wireless facility within thirty (30) days of the effective date of the change.
2. **Need.** The applicant shall provide documentation to the Planning Commission establishing the need for a new wireless facility and analysis of alternative options such as co-location of an existing tower or structure. The applicant shall provide evidence of the feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower

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structures can accommodate the applicant's needs. If such a tower or structure is in existence said tower or structure shall be utilized.

3. **Visual Impact.** The application for Special Land Use shall include a visual impact analysis which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

4. **Size and Spacing.**

(a) A wireless facility shall be exempt from building height limits established by zoning district regulations provided that the height shall not exceed the minimum height necessary to serve its intended functions.

(b) The wireless facility and any ancillary building housing equipment needed for operation of the wireless facility shall not exceed the floor area and height minimally necessary for such equipment and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

(c) There shall be no less than three (3) miles between wireless facilities in the Township. The Planning Commission may grant a waiver to reduce or eliminate this separation distance upon the following findings:

(1) Granting the waiver will not cause a substantial adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.

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

(3) Granting the waiver will uphold the spirit and intent of this Ordinance.

A request for waiver shall be considered as part of the Special Land Use permit process. The need/reason for the waiver shall be provided, in writing, by the applicant.

5. **Lighting.**

a. The applicant shall provide documentation of any lighting to be installed on the wireless facility. If lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

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- b. The color and intensity of wireless facility lighting required by the **Federal Communications Commission (FCC)**, the **Federal Aviation Administration (FAA)**, or the **Michigan Aeronautics Commission (MAC)** regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night, if allowed by state or federal regulations.
 - d. Lighting may consist of a red top light that does not pulsate or blink.
 - e. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the FAA.
6. **Color.** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by the **Federal Communications Commission (FCC)**, **Federal Aviation Administration (FAA)**, or **Michigan Aeronautics Commission (MAC)** regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. **Height Decrease.** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
8. **Signs.** No signs other than signs required pursuant to federal, state, or local law and this Ordinance shall be allowed on an antenna or tower or site.
9. **Cable and Anchor Setbacks.** Guy cables and anchors shall comply with applicable zoning district setback regulations.
10. **Setbacks.**
- a. **Towers.**
 - (a) **Setback from Dwellings.** The tower and any supporting or appurtenant structures shall be setback from any dwelling no less than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.

(b) **Setback from Lot Line.** The tower shall be set back no less than the distance equal to the height of the tower measured from the base of the tower to all points on each lot line of non-participating lots.

b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities (without towers).** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each lot line of non-participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect the neighboring property.

11. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission** regulations. The tower shall comply with the **Michigan Tall Structures Act** (Public Act 269 of 1959, as amended).

12. **Use.** The owner/operator of the tower shall agree to permit the use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the reasonable use of the tower by the owner/operator.

13. **Decommissioning Plan and Performance Guarantee.**

a. A decommissioning plan is required at the time of application.

b. The decommissioning plan shall include:

(1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

(2) The projected decommissioning costs for removal of the facility.

(3) The method of ensuring that funds will be available for site decommissioning and stabilization. As a condition of approval, the Planning Commission may require an owner to deposit funds for a performance guarantee to assure the removal of wireless facilities as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval.

- c. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

14. **Cease of Operations/Abandonment.** If a Wireless Communications Facility owner or operator intends to abandon and, in fact, does abandon a Wireless Communications Facility for a period of twelve (12) continuous months, the Township will order its removal from the site by the owner of the Wireless Communications Facility within six (6) months of notification of abandonment by the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.

15. **ZBA.** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain wireless facilities.

E. Small Cell Wireless Facilities.

- 1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Land Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
- 2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.

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- (2) The running of the time period tolled under **subsection E.2.a.1** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
- (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
- b. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.4** and **Section 6.2** provided, however that a denial shall comply with all of the following:
- (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
- (2) There is a reasonable basis for the denial.
- (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **subsection E.2.b**, in the Planning Commission's review:
- (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
- (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
- (a) The need for a wireless support structure or small cell wireless facilities.
- (b) The applicant's service, customer demand for the service, or the quality of service.
- (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

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- (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.26 Wind Energy Systems

This Section includes regulations for small on-site wind energy conversion systems (residential, commercial, and agricultural) and commercial wind energy systems. Anemometer towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction of commercial/utility-scale wind turbines or other devices.

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

- A. **Small On-Site Wind Energy Systems.** A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.
 - 1. Small On-Site Wind Energy Systems must be professionally designed and installed.
 - 2. **Tower Height.** The tower height shall be limited to one-hundred fifty (150) feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
 - 3. **Blade Clearance.** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
 - 4. **Guy Wires.** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
 - 5. **Setbacks.** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance at least equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the lot line than the required setback for the district in which the unit is located.

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6. **Waterfront Property.** Wind energy systems are not permitted within the waterfront setback and must meet the side setbacks at least equal to the total height of the wind turbine generator.
 7. **Visual Impact.** Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the system.
 8. **Noise.** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) (Leq (1 hour)) above the background noise, whichever is greater, as measured at the nearest non-participating lot line. This level may be exceeded during short-term events such as utility outages and severe windstorms.
 9. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the participating lot line.
 10. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
 11. **Shadow Flicker.** Small wind energy systems shall not cause shadow flicker upon any structure on a non-participating lot.
 12. **Potential Ice Throw.** The potential ice throw or ice shedding for the wind turbine generator shall not cross lot lines of non-participating lots nor impinge on any right-of-way or overhead utility line.
 13. **Safety.** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
 14. **Other Regulations.** On-site use wind energy systems shall comply with all applicable state construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, the **Michigan Tall Structures Act** (Public Act 259 of 1959, as amended), and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.
- B. **Commercial/Utility-Scale Wind Energy Facilities and Anemometer Towers.** Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6**. Battery Energy Storage Systems that are proposed in conjunction with a Commercial/Utility-Scale Wind Energy Facility shall comply with **Section 7.35**.
1. **Principal or Accessory Use.** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same

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lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. **Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.
3. **Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - (a) **Non-Participating Property Lines.** Each wind turbine shall be set back from the nearest property line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - (b) **Occupied Buildings and Dwellings on Non-Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.
 - (c) **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - (d) **Setback from Road.** In addition to the above, a wind turbine generator shall, in all cases, be setback from a public or private road right-of-way a distance not less than 1.1 times the height of the wind turbine generator total height as defined in the Ordinance.
 - (e) **Setback from Communication and Power lines.** Each wind turbine shall be setback from the nearest above-ground public electric power line or telephone line a distance of not less than 1.1 times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - (f) **Building Setbacks.** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the zoning district.
5. **Maximum Height.** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a case-by-case basis. The applicant shall demonstrate compliance with the **Michigan Tall Structures Act** (Public Act 259 of 1959, as amended), **FAA** guidelines, and **Michigan Aeronautics Commission** guidelines as part of the approval process.

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6. **Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.
7. **Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
8. **Maximum Noise Levels.** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) (Leq (1 hour)) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A) (Leq (1 hour)), the standard shall be ambient plus five (5) dB(A).
9. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible on non-participating lots.
10. **Potential Ice Throw.** Applicant shall submit plans for mitigation when ice is present.
11. **Signal Interference.** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.
12. **Visual Impact, Lighting, and Power Lines.**
 - a. Wind turbines shall be mounted on tubular towers and colored a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
 - b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
 - c. Wind turbine generators shall not be artificially lighted, except to the extent required by the **FAA** or **MAC** or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the FAA.

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- d. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be intensity required under state or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if allowed by state or federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- e. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- f. The electrical collection system shall be placed underground within the interior of each lot at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.
- g. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the **Michigan Public Service Commission** under **2008 PA 295** are exempt from local zoning regulations.

13. Shadow Flicker.

- a. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures on non-participating lots. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

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14. **Safety.**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbines shall not be climbable up to fifteen (15) feet above the ground surface.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.
- e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

15. **State or Federal Requirements.** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)** the **Michigan Aeronautics Commission (MAC)** the **Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission,** and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use permit is approved.

16. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose any hazard.
- b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
- c. A listing of any hazardous fluids that may be used on-site shall be provided, including Material Data Safety Sheets (MDSS).
- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. **Roads.** Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a Wind Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries. The Applicant shall abide by all county requirements regarding the use and/or repair of county roads.
18. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
19. **Removal of Wind Turbine Generators.**
- a. The applicant shall submit a decommissioning plan at the time of application. The plan shall include:
 - (a) The anticipated life of the project.
 - (b) The estimated decommissioning costs, in current dollars, for removal of the wind turbine(s) and soil stabilization. Such costs shall not include credit for salvageable value of any materials.
 - (c) The method of ensuring that funds will be available for decommissioning and restoration.
 - (d) The anticipated manner in which the project will be decommissioned and the site restored.
 - (e) As a condition of approval, the Planning Commission may require an owner to deposit funds for a performance guarantee to assure the removal of wireless facilities as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to 1.25 times the estimated cost of removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.

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- b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index (CPI). A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
- c. **Abandonment.** Any wind turbine generator or anemometer tower that is inoperational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of the notice of abandonment from the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the township will have the removal and restoration done at the owner/applicant’s expense.

In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

20. Equipment Replacement. Major components of the wind turbine generator may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to.

C. Wind Energy Facilities - Site Plan Required. A Special Land Use application for a Commercial/Utility-Scale Wind Energy Facility shall include a site plan pursuant to **Section 5.3** The following items are required unless waived by the Planning Commission:

- 1. **Site Plan Drawing.** All applications for a Commercial/Utility-Scale Wind Energy Facility shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:

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- a. Existing property features to include the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Commercial/Utility-Scale Wind Energy Facility.
 - c. Additional details and information as required by the Special Land Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
2. **Site Plan Documentation.** The following documentation shall be included with the site plan:
- a. The contact information for the Owner(s) and Operator(s) of the Commercial/Utility-Scale Wind Energy Facility as well as contact information for all property owners on which the Commercial/Utility-Scale Wind Energy Facility is proposed to be located.
 - b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Commercial/Utility-Scale Wind Energy Facility. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.
 - c. Identification and location of the properties on which the proposed Commercial/Utility-Scale Wind Energy Facility will be located.
 - d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
 - e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
 - f. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.

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- g. Engineering data concerning construction of the wind turbine and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Commercial/Utility-Scale Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any battery energy storage system on site.
- k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing wind turbines to conduct maintenance, if applicable.
- l. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications.
- m. Proof of applicant's liability insurance.
- n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved. Off grid-systems shall be exempt from this requirement.
- o. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.
- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Land Use Permit.
- q. A written description of the anticipated life of each Commercial/Utility-Scale Wind Energy Facility.
- r. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- s. Signature of Applicant.
- t. In addition to the Site Plan Requirements listed previously, the Commercial/Utility-Scale Wind Energy Facility System shall be subject to the following:
 - (a) A site grading, erosion control, and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Land Use permit for a Commercial/Utility-

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Scale Wind Energy Facility. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

- (b) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Commercial/Utility-Scale Wind Energy Facility.
- (c) A statement indicating what hazardous materials will be used and stored on the site.
- (d) A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.

Section 7.27 Solar Energy – Accessory Solar Panels

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. Accessory solar energy panels shall not be located on a lot without a principal building. For ground-mounted solar energy panels, a plot plan pursuant to **Section 5.1** shall be submitted to the Zoning Administrator and a zoning permit is required. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area. Building-mounted solar energy panels are a permitted use and, while no zoning permit is required, compliance with this Section is required. The Zoning Administrator has the authority to review and issue permits for On-Site Accessory Solar Panels.

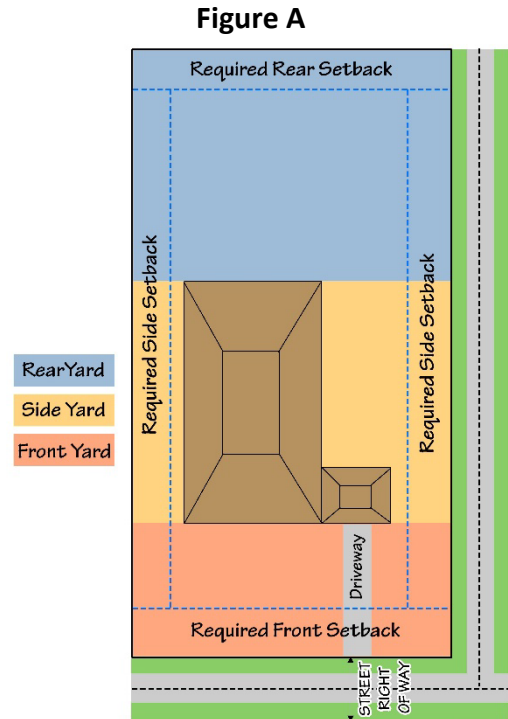
A. Height.

- 1. Ground-mounted accessory solar energy panels shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).
- 2. Building-mounted accessory solar energy panels shall not exceed three (3) feet above the maximum allowed building height in any zoning district.

B. Yard Location and Setbacks.

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1. Ground-mounted accessory solar energy panels located in the rear or side yard shall adhere to district setbacks for accessory buildings. A minimum setback of two hundred fifty (250) feet shall be required for ground-mounted or pole-mounted accessory solar energy panels located in the front yard. For the purposes of this Section, the front yard shall be defined as the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. (See Figure A).



2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building.
- C. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.
- D. **Coverage and Size.** Building-mounted accessory solar energy panels shall allow for adequate roof access for fire-fighting purposes. For single-family and two-family residences, ground-mounted accessory solar energy panels shall not exceed twenty (20) percent of the building footprint for the principal building.
- E. **Nonconformities.**
1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
 2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.
- F. **Installation.**
1. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.
 2. Solar energy panels that are ground-mounted shall be safely attached to the ground.
 3. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer’s specifications.

4. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
5. Solar energy panels shall comply with building code, electrical code, and all other applicable regulations.

G. Building-Integrated Solar Panels.

Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or building-mounted standards in subsections A through D above.

Section 7.28 Large Solar Energy Systems

A. Purpose and Intent.

The purpose and intent of this Section are to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems. Battery Energy Storage Systems that are proposed in conjunction with Large Solar Energy Systems shall comply with **Section 7.35**.

B. Site Plan Drawing and Supporting Materials.

All applications for a Large Solar Energy Systems use 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:

1. All requirements for a site plan contained in **Section 5.3**.
2. All lot lines and dimensions, including a legal description of each lot or lot comprising the Large Solar Energy System.
3. Names of owners of each lot or lot within Caledonia 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 of any wetlands regulated by the State of Michigan and a description of any wetlands impacts expected from the project.
6. 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 a Large Solar Energy System.

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7. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities on the property.
8. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all nonparticipatint lot lines of the Large Solar Energy System.
9. Location of battery energy storage structures.
10. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
11. 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 at a minimum of two (2) foot contours.
12. 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 **Alcona County Road Commission** approval and shall be planned so as to minimize the use of lands for that purpose. All permits from the road commission/drain commission shall be provided to the township prior to construction.
13. A soil erosion permit from the Alcona County Building Department and a NPDES permit, if required, from EGLE shall be submitted to the township prior to construction.
14. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Large Solar Energy System.
15. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
16. Planned lightning protection measures.
17. Additional detail(s) and information as required by the Special Land Use requirements of the Caledonia Township Zoning Ordinance, or as required by the Planning Commission.

C. Application Escrow Account.

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An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Large Solar Energy System pursuant to **Section 9.7.C**.

D. Compliance with the County 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 County Building Code (as shown by approval by the county) as a condition of any Special Land Use under this Section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

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 ("ETI"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.

F. Height.

Maximum height of a Solar Array, other collection device, or components, of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet at maximum tilt (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet. Buildings shall not exceed the maximum height of the district.

G. Lot Size.

Solar Energy Facilities (Utility-Scale or Commercial) shall only be located on lots which are at least twenty (20) acres in size in combination. Adjacent lots under the same ownership or which are leased by the owner of the Solar Energy Facility may be considered in combination to satisfy the minimum lot size.

H. Setbacks.

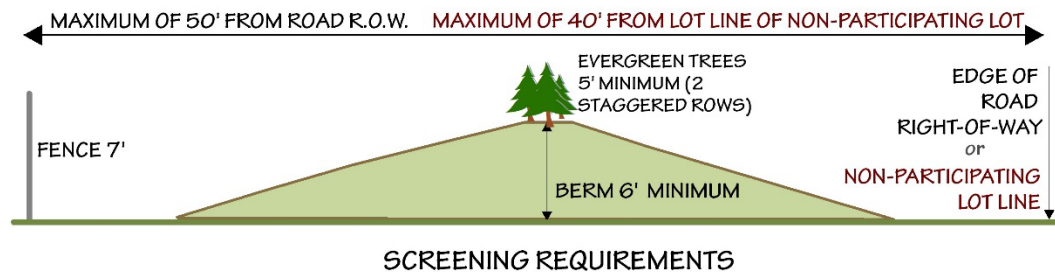
A minimum setback distance of fifty (50) feet from all lot lines of non-participating lots and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of one hundred (100) feet shall be required adjacent to any residential structure.

I. Screening/Security.

A Large Solar Energy System shall be completely enclosed by perimeter fencing to restrict unauthorized access. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall be screened year-round as follows:

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1. **Screening Along Abutting Road Rights-of-Way.** A seven (7) foot high fence shall be installed a maximum of fifty (50) feet off the road right-of-way. A six (6) foot high berm shall be installed between the fence and the road right-of-way line. Two (2) staggered rows of evergreen trees shall be planted on top of the berm. At the time of planting, the evergreen trees shall be a minimum of five (5) feet tall with twenty (20) feet of spaces between each tree.
2. **Screening Along Abutting Non-Participating Properties.** A seven (7) foot high fence shall be installed a maximum of forty (40) feet from the lot line of an abutting non-participating property. A six (6) foot high berm shall be installed between the fence and the abutting lot line. Two (2) staggered rows of evergreen trees shall be planted on top of the berm. At the time of planting, the evergreen trees shall be a minimum of five (5) feet tall with twenty (20) feet of spaces between each tree.



3. Natural vegetation may be counted toward screening requirements in subsection 1.1 and 1.2. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.
4. The Planning Commission may reduce, waive, or alter screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
5. All plant materials shall be installed between March 15th and November 15th. 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 one and one-half (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.
6. Failure to install or continuously maintain any required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.

J. Signage.

No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or

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notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

K. Noise.

No component of any Large Solar Energy System shall emit noise exceeding fifty-five (55) dBA (Leq (1 hour)) as measured at all non-participating property lines and the existing ROW line. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard. Inverters shall be placed as far interior of the project as possible so as to increase distance from non-participating property lines.

L. 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.

M. 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, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

N. Abandonment and Decommissioning.

1. **Decommissioning.** Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components.
 - a. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - b. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of six (6) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

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Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. Soil tests by an environmental engineer shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

2. Performance Guarantee.

- a. The applicant shall be required to post a Performance Guarantee (cash bond or letter of credit from a financial institution as approved by the Township), pursuant to **Section 9.8**, for reclamation in an amount to be determined by Township Engineering Consultant as a condition of site plan approval.
- b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
- c. The Engineer will be able to review the size of the facility and the number of solar panels that will be installed. The amount of the surety bond may fluctuate depending on the size of the facility. The Engineer shall set the surety bond amount.
- d. The Performance Guarantee is to remain in place for the length of the leases/contracts and through the completion of the decommissioning plan, whichever is later.

O. General Standards.

The Planning Commission shall not approve any Large Solar Energy System Conditional Use unless it finds that all of the general standards for Conditional Land Uses contained in this Ordinance are met.

P. Approval Time Limit and Extension.

Special Land Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Planning Commission approval. Once commenced, should construction cease for a period of twelve (12) consecutive months, the Special Land Use and Site Plan approvals shall be considered null and void. If construction begins prior to the expiration date established by Planning Commission approval, the Special Land Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Planning Commission approval, the Planning Commission may consider an additional one-year period upon showing of good cause for the extension.

Q. Conditions and Modifications.

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Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' 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 Chairperson of the Planning Commission and authorized representative of the Applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the Applicant's authorized representative.

R. Inspection.

The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with inspections at the Applicant's or project owner's expense. Applicant shall submit inspection escrow with the township in advance of start of construction. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the **Occupational Safety and Health Administration (OSHA)**, **NESC**, and all other applicable safety guidelines. Fees may be required pursuant to **Section 9.7.C**.

S. 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 to meet the requirements of this Ordinance and the Special Land Use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start, or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within forty-eight (48) hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous or unsanitary conditions.

T. 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 the appropriate county agency a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries. The Applicant shall abide by all county requirements regarding the use and/or repair of county roads.

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U. **Continuing Security.**

If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall 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.

1. **Continuing Obligations.** Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use and this Ordinance and will subject the Large Solar Energy System Applicant, owner, and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use.
2. These securities will be reviewed and updated every five (5) years in order to ensure that adequate financial resources are available for a decommissioning process.

V. **Other Requirements.**

1. Each Large Solar Energy System shall also comply with all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances.

Section 7.29 Commercial Event Facilities

- A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
- B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roads. All vehicle parking shall be maintained "on-site." "On-site" is defined as at least one hundred (100) feet from the lot lines of the lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.

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- C. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection B** above.
- D. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 11 AM and shall terminate no later than 11 PM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- E. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Planning Commission as part of site plan review. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12 PM, and shall be terminated by 11 PM. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000) feet from the property boundary.
- F. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless such overnight accommodations are included in the applications and approved through site plan review. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
- G. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
- H. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on-site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the **Health Department**.
- I. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
- J. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission, in consultation with emergency responders and the **County Road Commission**, based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.

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- K. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of lot, the natural topography, and vegetative cover.
- L. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

M. **Submittal Requirements.**

1. In addition to the requirements in **Section 5.3**, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities, and the maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide the expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the Special Land Use permit, a new Special Land Use permit process shall be required.

- N. The Planning Commission may grant a deviation from any of the subsections A through L above upon the following findings:

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

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2. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Land Use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new Special Land Use permit process shall be required.

Section 7.30 Biofuel Productions Facilities on Farms

- A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, the following regulations shall apply to biofuel production facilities:
 1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Land Use approval under **subsections A.3 to A.5**:
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b** but that does not meet the requirements of **subsection A.1.c**.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b**.
 3. An application for Special Land Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:

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- a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2 and A.5**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.
 5. Special Land Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.

- (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.31 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
- B. Zoning approval is required for food trucks. The property owner shall submit a plot plan pursuant to **Section 5.1**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property.
 - 1. The Zoning Administrator is responsible for the review and issuance of zoning permits for a single food truck located upon a lot.
 - 2. The Planning Commission is responsible for the review and issuance of approval for multiple food trucks on one (1) lot.
 - 3. A single food truck may receive approval for multiple locations.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public streets.
- E. All areas of the lot shall be kept clean and free of debris.

Section 7.32 Short Term Rentals

A. Standards.

1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
7. **Noise.** Noise shall be subject to **Section 3.31 (Performance Standards)**.
8. **Fireworks.** Fireworks shall not be allowed later than 11 pm except as superseded by Section 7 of **2011 PA 256**, as amended (Michigan Fireworks Safety Act).
9. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and shall reside within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.

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3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local agent.
5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

C. Owner Responsibility.

The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm’s way.

D. Zoning Permits.

1. Short term rentals require a zoning permit.
2. The following application elements are required prior to receipt of a Short Term Rental zoning permit or permit renewal:
 - a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.
 - b. Owner contact information.
 - c. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - d. **More Than One (1) Owner or Ownership by Entity.** Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the Short Term Rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A Short Term Rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.

E. Violations.

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Failure to adhere to the standards in this Section shall be a violation of this Ordinance per **Section 9.9**.

Section 7.33 Medical Marihuana Primary Caregivers

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana Act** (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

A primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.
2. Except when being transported as provided in subsection 8 below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.

6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within two thousand (2,000) feet of the lot on which another primary caregiver facility is located and shall not be located within two thousand (2,000) feet of a lot on which any of the following uses are located:
 - a. Any religious institution, church, or place of worship and its accessory structures.

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- b. Any public or private school, having a curriculum including kindergarten through 12th grade and its accessory structures.
 - c. Any preschool, child care, or child care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

D. Prohibited Uses.

Marihuana Facilities as designed by **2016 PA 281, Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq. and marihuana establishments as defined by **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq. are prohibited.

Section 7.34 Residential in Conjunction with Non-Residential (Mixed Uses)

- A. Residential uses in conjunction with non-residential (mixed uses), whether the uses are on the same lot or in the same building, shall require site plan review by the Planning Commission.
- B. The approved site plan shall contain dedicated non-residential space in addition dedicated residential space.
- C. Residential space shall not be located facing the front lot line on the street-facing side of the building.
- D. Non-residential space shall not be used as residential space unless an amended site plan is approved by the Planning Commission.
- E. The non-residential space does not need to be occupied by a business prior to the occupation of the residential space.

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- F. The Zoning Administrator shall have the authority to conduct periodic inspections for approved mixed use developments to ensure that residential uses are not occupying the dedicated non-residential space.

Section 7.35 Battery Energy Storage Systems

A. Purpose.

This Section applies to Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use such as Large Solar Energy Systems or Wind Energy Systems. Battery Energy Storage Systems shall comply with this Section and the approval standards in **Section 5.4** and **Section 6.2**.

B. Site Plan Data and Supporting Materials.

All applications for a Battery Energy Storage System use 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:

1. All requirements for a site plan contained in **Section 5.3**.
2. All lot lines and dimensions, including a legal description of each lot or lot comprising the Battery Energy Storage System.
3. Names of owners of each lot within Caledonia Township that is proposed to be within the Battery Energy Storage System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location of any wetlands regulated by the State of Michigan and a description of any wetlands impacts expected from the project.
6. Location and height of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.
7. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Battery Energy Storage System, buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities on the property.
8. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Battery Energy Storage System project and within one hundred (100) feet of all participating lot lines of the Battery Energy Storage System.

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9. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.
10. Land elevations for the Battery Energy Storage System location and the relationship to the land elevations of all existing and proposed structures within the Battery Energy Storage System at a minimum of two (2) foot contours.
18. Access driveways within and to the Battery Energy Storage System together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to **Alcona County Road Commission** approval and shall be planned so as to minimize the use of lands for that purpose. All permits from the road commission/drain commission shall be provided to the township prior to construction.
19. A soil erosion permit from the Alcona County Building Department and a NPDES permit, if required, from EGLE shall be submitted to the township prior to construction.
11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
12. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.
13. Planned lightning protection measures.
14. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit.
15. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of zoning permit.
16. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code.
17. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

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- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed for summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - g. Other procedures as determined necessary by the Caledonia Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
18. Additional detail(s) and information as required by the Special Land Use requirements of the Caledonia Township Zoning Ordinance, or as required by the Planning Commission.

C. Application Escrow Account.

An escrow account of at least \$15,000 shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Battery Energy Storage System pursuant to **Section 9.7.C**. Fifteen (15) percent of the amount deposited is designated for administrative costs to the Township. The remainder shall be available to be used by the Township for consultant and fees pertaining to the Special Land Use review. Additional fees may be requested above the \$15,000.

D. Height.

Maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.

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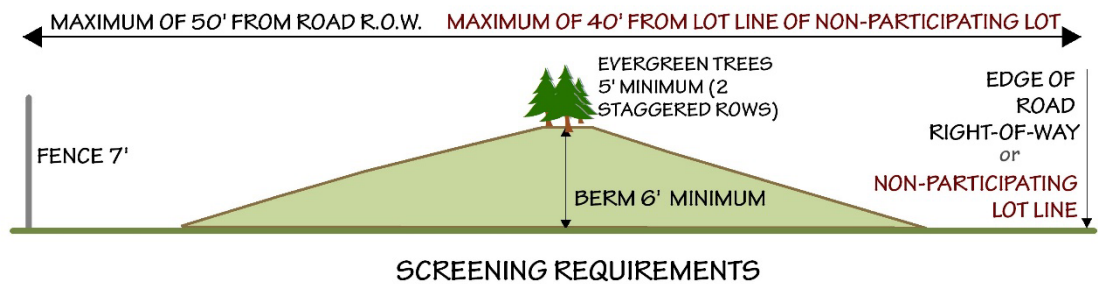
E. Setbacks.

A minimum setback distance of one hundred (100) feet from all lot lines of non-participating lots and existing public roads rights-of-way shall be required for all buildings and components of a Battery Energy Storage System, provided that a setback of five hundred (500) feet shall be required adjacent to any residential structure.

F. Screening and Security.

A Battery Energy Storage System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. The perimeter of Battery Energy Storage Systems shall be screened year-round as follows:

1. **Screening Along Abutting Road Rights-of-Way.** A seven (7) foot high fence shall be installed a maximum of fifty (50) feet off the road right-of-way. A six (6) foot high berm shall be installed between the fence and the road right-of-way line. Two (2) staggered rows of evergreen trees shall be planted on top of the berm. At the time of planting, the evergreen trees shall be a minimum of five (5) feet tall with twenty (20) feet of spaces between each tree.
2. **Screening Along Abutting Non-Participating Properties.** A seven (7) foot high fence shall be installed a maximum of forty (40) feet from the lot line of an abutting non-participating property. A six (6) foot high berm shall be installed between the fence and the abutting lot line. Two (2) staggered rows of evergreen trees shall be planted on top of the berm. At the time of planting, the evergreen trees shall be a minimum of five (5) feet tall with twenty (20) feet of spaces between each tree.



3. Natural vegetation may be counted toward screening requirements in subsection F.1 and F.2. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.

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4. The Planning Commission may reduce, waive, or alter screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
5. Areas within ten (10) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
6. All plant materials shall be installed between March 15th and November 15th. 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 one and one-half (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.
7. Failure to install or continuously maintain any required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.

G. Utility Lines and Electrical Circuitry.

All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

H. Signage.

1. No advertising or non-project related graphics shall be on any part of the Battery Energy Storage System or other components of the Battery Energy Storage System.
2. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
3. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

I. Lighting.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

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J. Noise.

No component of any Battery Energy Storage System shall emit noise exceeding fifty-five (55) dBA (Leq (1 hour)) as measured at all non-participating property lines and the existing right-of-way line. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

K. Ownership Changes.

If the owner of the battery energy storage system changes or the owner of the property changes, the Special Land Use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Land Use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Zoning Administrator of such change in ownership or operator within thirty (30) days of the ownership change. A new owner or operator must provide such notification to the Zoning Administrator in writing. The Special Land Use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Zoning Administrator in the required timeframe. Reinstatement of a void Special Land Use permit will be subject to the same review and approval processes for new applications under this Ordinance.

L. Safety and Compliance.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
2. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
 - b. UL 1642 (Standard for Lithium Batteries),
 - c. UL 1741 or UL 62109 (Inverters and Power Converters),
 - d. Certified under the applicable electrical, building, and fire prevention codes as required.

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- e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- 3. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- 4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

M. Abandonment and Decommissioning.

- 1. **Decommissioning.** Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Battery Energy Storage System and all its components.
 - a. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - b. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches below-grade shall be removed offsite for disposal. Any Battery Energy Storage System that is not operated for a continuous period of six (6) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. Soil tests by an environmental engineer shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.
- 2. **Performance Guarantee.**
 - (1) The applicant shall be required to post a Performance Guarantee, pursuant to **Section 9.8**, for reclamation in an amount to be determined by Township Engineering Consultant as a condition of site plan approval.
 - (2) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and

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approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

- (3) The Engineer will be able to review the size of the facility and the number of batteries that will be installed. The amount of the surety bond may fluctuate depending on the size of the facility. The Engineer shall set the surety bond amount.
- (4) The Performance Guarantee is to remain in place for the length of the leases/contracts and through the completion of the decommissioning plan, whichever is later.

N. Inspection.

The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Battery Energy Storage System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Battery Energy Storage System to ensure compliance with the **Occupational Safety and Health Administration (OSHA)**, **NESC**, and all other applicable safety guidelines. Fees may be required pursuant to **Section 9.7.C**.

O. Roads.

Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a Battery Energy Storage System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries. The Applicant shall abide by all county requirements regarding the use and/or repair of county roads.

P. Continuing Financial Security.

If any Battery Energy Storage System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Battery Energy Storage System. Such financial security shall be kept in full force and effect during the entire time that the Battery Energy Storage System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

- 1. **Continuing Obligations.** Failure to keep any required financial security in full force and effect at all times while a Battery Energy Storage System exists or is in place shall constitute a material and

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Article 8

Zoning Board of Appeals

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Section 8.0 Creation & Membership of the Zoning Board of Appeals

A. Membership of the Zoning Board of Appeals.

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of **2006 PA 110, the Michigan Zoning Enabling Act**, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

1. The Board shall consist of three (3) members appointed by the Township Board by a vote of a majority of its membership.
2. The first member shall be a member of the Planning Commission for the terms of his/her office.
3. The remaining members must 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. One (1) member may be a member of the Township Board.
4. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

B. Alternate Members.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case

in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Terms of Office.

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

D. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as chair.

E. ZBA Member who is also Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

F. Removal of a 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. A member shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.1 Meetings

A. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the **Open Meetings Act, 1976 P.A. 267**, as amended.

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B. Meeting Scheduling and Notice.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, in response to the receipt of a Request for Appeal, and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure.
2. All meetings shall be open to the public.
3. Notice of the meetings shall be placed in compliance with the notification requirements in **Section 9.3**.

C. Quorum.

The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

D. Procedure and Vote.

1. **Rules of Procedure.** The Zoning Board of Appeals shall adopt its own rules of procedure.
2. **Records.** The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact, and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.
3. **Majority Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or Planning Commission, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

Section 8.2 Jurisdiction

A. Exercising Powers.

In exercising the powers listed below, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken.

B. Jurisdiction.

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1. **Appeals from Aggrieved Persons.** The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance adopted under this **2006 PA 110**.
2. **Variances.** The Zoning Board of Appeals shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance as provided for in **Section 8.5**.
3. **Interpretation.** The Zoning Board of Appeals may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.

C. Powers Not Granted.

1. **Use Variances.** The Zoning Board of Appeals shall not grant use variances.
2. **Special Land Use and PUD.** The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.
3. **Amendment.** Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.

Section 8.3 Procedure & Decisions

A. Request for Appeal.

1. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of Michigan or Caledonia Township. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision, or determination made by, an administrative official and/or the Planning Commission charged with enforcement of any ordinance adopted pursuant to the provisions of **2006 PA 110**, as amended. A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the **Uniform Condemnation Procedures Act, Public Act 87 of 1980**, MCL 213.54, and as provided under the **Michigan Zoning Enabling Act, Public Act 110 of 2006**, as amended.
2. **Application.**
 - a. **Submittal Requirements.** The appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.

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- b. **Number of Copies.** The appellant is required to submit six (6) copies of any surveys, plans, and data as may be required under **Article 5** or **Article 6**, or other information deemed reasonably necessary for making any informed decision on his/her appeal.
- c. **Timing.** An appeal concerning the administration of the provisions of this Ordinance may be taken to the Zoning Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- d. Once the application is deemed complete, the Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all papers constituting the record of the appealed action.

B. Hearing & Public Notice.

1. Following receipt of a written request for a variance, an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice pursuant to **Section 9.3**.
2. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.
3. The Zoning Board of Appeals shall not decide on an appeal until after a public hearing.

C. Decision.

1. **Final Decision.** The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The final decision of such appeal shall be in the form of a motion reversing, modifying or affirming, wholly or partly, the decision or determination appealed. Reasons for the decision must be stated.
2. **Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the appellant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.

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3. **Conditions.** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 9.5**.
4. **Expiration.** No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.
5. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Alcona County. See **Section 8.6**.
6. **Resubmittal.** No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision unless a rehearing is granted pursuant to **Section 9.6** of this Ordinance.

Section 8.4 Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any Zoning Permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court. Provided, however, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 8.5 Variance Standards

The Zoning Board of Appeals may grant dimensional variances when the applicant demonstrates, in the official record of the hearing, that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.
- B. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

- C. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
- D. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 8.6 Appeal to Circuit Court

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court for Alcona County.
- B. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The Court may make other orders as justice requires.

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Article 9

Administration & Enforcement

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Section 9.0 Zoning Administrator

A. Establishment of the Zoning Administrator.

The provisions of this Ordinance shall be administered and enforced by the Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate or compensation as said Board shall determine is reasonable. The Zoning Administrator shall have the power of a police officer in the enforcement of this Ordinance. The Zoning Administrator may be assisted by any other Township employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall, for the purpose of this Ordinance, have the power of public officers.

B. Duties and Powers of the Zoning Administrator.

The provisions of this Ordinance shall be administered in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

1. Zoning Permits.

- a. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any permits

for excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

- b. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.
 - c. When any application is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
2. **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 Secretary of the respective body shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
 3. **Violations.** The authorized local officer responsible to issue citations to those responsible for commuting municipal civil infractions shall be pursuant to the **Civil Infractions Ordinance of Caledonia Township.**
 4. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review for completeness all applications for site condominium projects, site plan review (or plot plan review), and Special Land Uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
 5. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
 6. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review for completeness all applications **from the public** for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
 7. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Land Use permits, variances, and appeals.
 8. **Advisor.** The Zoning Administrator shall act as a non-voting advisor to the Township Board, Zoning Board of Appeals, and the Planning Commission. Any information, data, or statements presented to these bodies by the Zoning Administrator shall be purely advisory in nature for the purpose of clarification and coordination and will not restrict decisions made by these bodies.

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9. **Shall Not Change Ordinance.** The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of the Zoning Administrator.

Section 9.1 Duties of the Planning Commission & Township Board

A. Planning Commission.

The Planning Commission is authorized to adopt Rules of Procedure consistent with the statutes of Michigan, the provisions of the Township Laws, and the provisions of this Ordinance.

1. **Zoning Ordinance.** The Planning Commission shall develop and administer a Zoning Ordinance.
2. **Site Plan Approval.** The Planning Commission shall review and approve, approve with conditions, or disapprove site plans or plot plans according to **Table 5.0**.
3. **Special Land Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Land Use Permit. Following a public hearing, the Planning Commission shall approve, approve with conditions, or disapprove Special Land Uses.
4. **Review of Rezoning or Text 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. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

B. Township Board.

For the purposes of administering this Ordinance, all matters concerning zoning will be directed to the appropriate official, board, or commission for proper action.

1. **Rezoning or Text Amendment.** The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
2. **Fees.** The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

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Section 9.2 Zoning Permit

A. Zoning Permit Required.

No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No permit shall be issued except in strict conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the Zoning Board of Appeals. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.

B. Application.

The application shall be signed by the owner of the premises or his/her agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting except for Special Land Use applications which shall be submitted at least forty-five (45) days prior to the scheduled meeting. The application shall be accompanied by:

1. **Site Plan or Plot Plan.** A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Article 5**.
2. **Survey.** Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
3. **Copies of Other Permits.** Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
4. **Other Information.** Such other information as may be required to determine compliance with this Ordinance.

C. Signed Copies.

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One (1) copy of the application and site plan or plot plan, if required, shall be returned to the applicant by the Zoning Administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original and one (1) copy of the application and site plan or plot plan, similarly marked, shall be retained by the Zoning Administrator, maintained on file, and available to the public for inspection upon request during normal business hours. One (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan. In all cases when the Zoning Administrator shall refuse to issue a permit, he/she shall state such refusal in writing with the cause and reasons for said refusal.

D. Other Required Permits.

A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a Zoning Permit. A zoning permit shall be required prior to a building permit.

E. Inspections.

1. **Staked Property.** The location of the property boundaries and all structures shall be staked on the ground for the Zoning Administrator's use prior to the issuance of the Zoning Permit. The Zoning Administrator has the right to waive this requirement if the staking out of boundary lines is not pertinent to the issuance of the Zoning Permit. The applicant shall notify the Zoning Administrator when the property has been staked and is available for inspection.
2. **Final Inspection.** The Zoning Administrator shall be given the opportunity to make a final inspection of all buildings and structures after completion, before occupancy begins, upon receiving notice from the owner, contractor, or their agent that said building is ready for final inspection. All buildings or alterations shall comply with the statements in the approved application, plot plan or site plan, and specifications.

F. Expiration.

The Zoning Permit will expire after one (1) year from the date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the Zoning Permit. Said permit shall be canceled by the Zoning Administrator and written notice thereof shall be given to the person(s) affected. Said notice shall state that work as described in the canceled permit shall not proceed until a new permit has been obtained.

G. Revocation.

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing and sent by certified mail.

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H. Fees.

No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

I. Township Assessor.

Upon issuance of the Zoning Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

J. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

K. Failure to Obtain a Zoning Permit.

- a. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit shall be subject to **Section 9.2** unless a Permit-After-the-Fact is obtained pursuant to **subsection 2** below.
- b. **Permit After-the-Fact.** Any building, structure, or use erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit is the same as a standard permit, except that the fee for said permit is triple the fee for a standard permit. This fee applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Land Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

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Section 9.3 Public Notification

All applications for development approval requiring a public hearing (including but not limited to Special Land Uses, rezonings, and ZBA requests) shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the **Planning Commission Secretary** shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township, and mailed or delivered as provided in this Section. All public notices shall also be posted on the Township website.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request if applicable. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. Notice.

1. Except as noted in **Section 9.3.C.2** and **Section 9.3.C.3** below, notices for all public hearings shall be given as follows:

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- a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in **Section 9.3.C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
 3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals, notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in **Section 9.3.C.1** above.
 4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The **Planning Commission Secretary** shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
 5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each public utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township

to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.

- b. **Requirements.** The requesting party must provide the Township Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 9.4 Conflicting Regulations

A. When this Ordinance is More Restrictive.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern where legally superseded by such other law.

B. When Another Ordinance is More Restrictive.

Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern.

C. Conflicts within this Ordinance.

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail. The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

Section 9.5 Conditions

The Planning Commission and the Zoning Board of Appeals may attach reasonable conditions on zoning decisions under its respective jurisdiction. These conditions may include those necessary to 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, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources and the health, safety, welfare, social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 9.6 Rehearing Process

A. Final Decisions.

Except as provided in this Section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The Township Attorney by written opinion states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the

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time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.7 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as (but not limited to) those fees related to the following:
 1. Zoning Permits.
 2. Special Land Use Permits.
 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board of Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site Plan Reviews.
 7. Requests by the applicant for a special meeting of the Planning Commission.
 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
 9. Wireless communications equipment applications.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying,

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mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

Section 9.8 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site restoration or clean-up, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a

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new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development of each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.9 Violations & Penalties

A. Inspection.

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a Zoning Permit has been issued to ensure compliance with the plans and conditions of the Zoning Permit or approved site plan.

B. Violation Notification.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall within ten (10) days notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures or of discontinuance of any illegal work being done or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. The notification shall be sent by certified mail.

C. Penalties.

- 1. Any person, firm, or corporation, including, but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Planning Commission, Zoning Board of Appeals, or Township Board adopted pursuant thereof, shall be guilty of a municipal civil infraction as

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defined by Michigan law and subject to the **Caledonia Township Civil Infractions Ordinance**. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as authorized under Michigan law.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land and dwellings, buildings or structures, including tents, and manufactured homes used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se (by itself). The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, manufactured home, or land may be adjudged guilty of maintaining a nuisance per se (by itself) and same may be abated by order of any Court of competent jurisdiction.

2. In addition to or in lieu of enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in any Court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

D. Stop Work Order.

1. If construction or land uses are being undertaken contrary to a Zoning Permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the Ordinance. A stop work order may be issued when the Zoning Administrator finds that any of the following conditions exists:
 - a. Work is being done or has been done without a Zoning Permit;
 - b. Work is being done beyond the scope of the issued Zoning Permit;
 - c. Work is being done which does not match approved plans;
 - d. A permittee fails to comply with any of the terms, conditions, or requirements of the applicable Zoning Permit or a condition of the permit; or
 - e. A permittee fails to pay any fees required by this Ordinance or any other applicable ordinance.
2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by Court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the Circuit Court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or Ordinance, and does not prevent civil prosecution for failure to obey the order.

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Section 9.10 Process Summary Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice – number of days prior to hearing	Mailed notice to all property owners within 300 feet - days prior to hearing	Body to which applicant may appeal a denial	
Single-family detached & two-family dwellings; accessory buildings; fences; signs; home occupations; accessory dwelling units; temporary dwellings; food trucks; accessory solar panels; wind turbine (on-site); short term rentals (See §5.0)	Applicant	ZA	No	n/a	n/a	ZBA	
Site Plan Approval	Applicant	PC	No	n/a	n/a	ZBA	
Special Land Use Permit/PUD	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Appeal from a decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Map Amendment (Rezoning) or Text Amendment	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Step 2: Alcona County reviews amendment & provides comment (30 days)					
		Step 3: TB	No	n/a	n/a	n/a	
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on the 8th day after publication.					
Zoning Ordinance Enforcement	ZA	n/a	n/a	n/a	n/a	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

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Article 10

Adoption & Amendments

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Section 10.0 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in **2006 PA 110**, as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Caledonia Township Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Planning Commission.

Section 10.1 Amendment Procedures

Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. The procedure to be followed for initiating and processing an amendment shall be as follows:

- A. **Filing of Amendment Application.**
 - 1. **Application.** Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - 2. **Timing.** Such application shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the public hearing will be held.

3. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.

B. Public Hearing and Planning Commission Action.

1. A public hearing shall be held on the proposed amendment. Notice of such hearing shall be published using the procedures in **Section 9.3**.
2. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
3. **Rezoning Standards.** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - a. Is the proposed rezoning consistent with the current Master Plan?
 - b. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - c. Will there be an adverse physical impact on surrounding properties?
 - d. Will there be an adverse effect on property values in the adjacent area?
 - e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e., will rezoning result in spot zoning)?
 - h. Are there sites nearby already properly zoned that can be used for the intended purpose?
4. **Submission to County.** Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the Alcona County Board of Commissioners. If the recommendation of the County Board of Commissioners has not been

received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.

5. **Submission to Township Board.** The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

C. Township Board Action.

1. **Additional Public Hearing (optional).** The Township Board *may* hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **Section 9.3**. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.
2. **Refer Amendments Back to Planning Commission.** The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
3. **Adoption.** After the public hearing, the Township Board shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the Township Board.
4. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall become effective on the expiration of seven (7) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
5. **Resubmittal.** No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 10.2 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as

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amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing with notification as set forth in **Section 9.3** of this Ordinance and consideration of the factors set forth in **Section 10.1.B.3 (except 10.1.B.3.g)** of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning

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application shall be submitted to Alcona County as specified in Section **10.1.B.4** for not more than a thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming, in form, to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Alcona County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.

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- f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

- 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
- 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

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

I. Reversion of Zoning.

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If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall automatically revert to its former zoning classification with no further action from the Township Board.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the **County Register of Deeds** that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

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

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.3 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

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Section 10.4 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 10.5 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Caledonia Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Caledonia Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred there under or actions involving any of the provisions of said Ordinance or parts thereof. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.6 Enactment & Effective Date

- A. This Ordinance was adopted on _____ by the Caledonia Township Board of Trustees and will be effective _____. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Planning Commission on _____.
- B. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) business days, or at a later date specified by the Township Board, after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

I hereby certify that the above Ordinance was adopted by the Caledonia Township Board at a regular meeting held on _____.

Caledonia Township Clerk

Published: _____ Effective Date: _____

Affidavit of Publication Required.

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