

# **Sims Township**

## **Zoning Ordinance**

**Sims Township  
P.O. Box 868  
4489 E. Huron Road  
Au Gres, MI 48703**

Final, adopted September 8, 2010

Restructured 2023

### **Sims Township Zoning Disclaimer**

Sims Township shall not be liable for any indirect, incidental, consequential, or punitive damages or any losses caused by errors or omissions in the ordinance.

## How to make a change to the zoning ordinance text document

It is important for the Zoning Ordinance to be maintained in an accurate, consistent and professional manner. Following a legally adopted amendment to the zoning ordinance, per the amendment process described in [Chapter 9, Administration](#), the following steps should be taken by the Clerk of Sims Township to keep the text of the ordinance up to date:

- Designate and mark **one paper and one digital** copy of the Zoning Ordinance as the Master Copy. This copy should remain with the clerk and stay in the Township Offices at all times.
- Within one week following a text amendment, obtain the current digital copy of the Ordinance. Make all edits in the Word version of the document. Always choose to “enable the macros” when prompted when the document is opened. The Adobe pdf version is not able to be edited.
- Make the change to the text by adding new text in ***bold italics*** 11 point Arial font. Show any deleted text in ~~strikeout~~. Note the change on the master list of amendments in the front of the Master Copy of the Zoning Ordinance.
- Add the date of the amendment, which is the date the Township Board adopted the change, in parentheses in 9 point Arial font. (This item amended on October 14, 2008)
- Press the green box labeled “Update Fields” in the tool bar. This will automatically change the page references in the table of contents and index to reflect any changes as a result of the amendment.
- Print out two copies of each of the page(s) where there is a change on a colored sheet of paper. Three hole punch the pages and put one in the master Zoning Ordinance book behind the page that the change impacts. Put the other copy of the change with the official record of the Township Board minutes where the change was adopted.
- Make sufficient copies of the new page(s), also on colored paper, and distribute to the Planning Commission for their next meeting.
- At the end of each calendar year reprint the Chapter(s) of the ordinance that have been changed or possibly the entire ordinance if necessary to so that the master copy has proper pagination. **Keep the previous version of the Ordinance with colored pages in a file indefinitely. Old Zoning Ordinances should be part of the permanent records retention policy in the Township.** The purpose of this is to be able to substantiate the rules that were in effect on any given date in the event there is a dispute about a nonconforming use, site plan, building permit or other date sensitive issue.
- Make sufficient paper copies for each Planning Commissioner and Board of Appeals Member.
- If you choose to put the ordinance on a web site, make sure it is converted to a secured .pdf format so that it is not able to be changed by others.
- If there is a change to the zoning ordinance map, it should be completed within 30 days after the change and new maps printed and posted on the website immediately. A copy of the legal description of the change should be kept with the minutes of the meeting where the change was made and inserted into the master list of amendments.

# Sims Township Planning Commission

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**AMENDMENTS: EFFECTIVE 9/29/12**

**5/7/2015**

**4/16/2019**

**8/18/2020**

# **Chapter 1 ■ General Provisions**

## **SECTION 1.1 TITLE**

This Ordinance shall be known, cited and referred to as the "Sims Township Zoning Ordinance".

## **SECTION 1.2 AUTHORITY AND ZONING COMMISSION**

The Township Trustees provides for this Zoning Ordinance pursuant to Public Act 110 of 2006 as amended. This Ordinance hereby establishes a Planning Commission, hereafter known as the Sims Township Planning Commission.

## **SECTION 1.3 PURPOSE**

The purpose of this Ordinance shall be to promote the public health, safety, and general welfare by:

- Providing for the orderly development of the Township.
- Providing, in the interests of health and safety, conditions under which certain buildings and structures may hereafter be erected and used. Such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers.
- Facilitating the development of an adequate system of transportation, education, sewage disposal, safe and adequate water supply conforming to the requirements of the health department and other public requirements.
- Conserving life, property, and natural resources, and the expenditure of public funds for improvements and services to conform with the most advantageous uses of land, resources, and properties.
- To avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

## **SECTION 1.4 INTENT**

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

## **SECTION 1.5 PRIOR REGULATIONS AND REQUIREMENTS OF LAND AND BUILDINGS**

The use of any dwelling, building, or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance or any subsequent amendment to this

Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, provided that this provision does not waive the applicability of any other law or ordinance intended to protect the health, safety, and welfare of the public.

### **SECTION 1.6 LEGAL BASIS**

This ordinance is enacted and administered pursuant to [P.A. 110 of 2006](#), as amended (being the Michigan Zoning Enabling Act.)



## Chapter 2 ■ Definitions

### SECTION 2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- a. The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- b. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- c. A building or structure includes any part thereof.
- d. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or any other similar phrase.
- e. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- f. Terms not herein defined shall have the meaning customarily assigned to them.

### SECTION 2.2 SPECIFIC TERMS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT:** The cessation of a permitted activity in, or a permitted use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, and that has fallen into disrepair or is neglected in some way for a period of twelve (12) months or longer.

**ABOVE GROUND LEVEL (AGL):** A measurement of height from the natural grade of a site to the highest point of a structure.

**ABUTTING:** Having property or district line in common, e.g., two lots are abutting if they have property lines in common.

**ACCELERATED SOIL EROSION:** The increased removal of the land surface that occurs as a result of human activities.

**ACCESS:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway.

**ACCESSORY BUILDING or ACCESSORY STRUCTURE:** Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

**ACCESSORY USE:** Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.

**ACRE:** A measure of land area containing 43,560 square feet.

**ACTIVITY:** (see PERMITTED USE)

**ADDITION:** A structure added to the original structure at some time after the completion of the original.

**ADJACENT PROPERTY OWNERS:** Those property owners or residents bordering, abutting a corner or across the street from the subject property.

**ADJOINING LOT OR LAND:** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

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

**ADULT MEDIA STORE:** An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

**ADULT MOTION PICTURE THEATER:** An establishment emphasizing or predominately showing sexually oriented movies.

**AGRICULTURE:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**AGRICULTURAL BULK STORAGE AND PROCESSING:** A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto.

**AISLE:** The traveled way by which cars enter and depart parking places.

**ALLEY:** A public thoroughfare that affords only a secondary means of access to abutting property.

**ALTERATION OF BUILDING:** A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

**AMENITY:** A natural or artificial feature that enhances or makes a particular property more attractive or satisfying.

**ANIMAL (SMALL):** A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other creature that can be kept in a relatively small or confined space and normally treated as a pet.

**ANIMAL HOSPITAL:** see KENNEL

**ANTENNA:** The surface from which wireless radio signals are sent and received by a personal wireless facility.

**ANTIQUÉ SHOP:** A retail establishment dealing exclusively in the resale of items (objects, artwork, and furniture) of value because of the item's age.

**APARTMENT:** See Dwelling, Multiple-family.

**APPEAL:** The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

**APPLICANT:** A person or entity submitting an application for review and action by the Township or any of its departments or commissions.

**APPROVED PLAN:** A plan that has been granted final approval by the appropriate approving authority.

**APPROVING AUTHORITY:** The agency, board, group, or other legally designated individual or authority that has been charged with review and approval of plans and applications.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**AREA:** see LOT AREA

**ASSEMBLY BUILDING:** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**ATTACHED:** Any structure or part of a structure immediately adjacent to another structure or attached to or part of a structure secured by a common wall or covered roof.

**ATTACHED SINGLE FAMILY DWELLING:** A single family dwelling unit attached to one or more other single family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature such as a garage or carport, and with such dwelling having its own doors open to the outdoors.

**ATTIC:** That part of a building that is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.

**AUTOMOBILE:** A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

**AUTOMOTIVE REPAIR:** General repair, engine building, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rust proofing and any related activities.

**AUTOMOBILE SERVICE STATION:** see GAS STATION.

**BANK:** A financial institution.

**BAR:** A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**BASEMENT:** See County of Arenac adopted building code. That portion of a building wholly or partially below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

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

**BERM:** An earthen mound of definite height and location designed to serve as an obscuring device in carrying out the requirements of this Ordinance.

**BILLBOARD:** Any non-accessory sign, device, design, words, letters, number or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

**BLOCK:** A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

**BOARD OF APPEALS:** The Zoning Board of Appeals for Sims Township.

**BOAT (WATERCRAFT):** A boat or watercraft shall include every kind of boat, vessel, tug, tender, however propelled, and all classes of pleasure boats, however propelled.

**BOAT DOCK:** Docks shall include all forms of dock, wharf, pier or other structure used as a means of entrance or exit from watercraft or for use in connection with other waterfront activities.

**BOAT FLOATING DOCK OR PIER:** Floating docks piers shall include every kind of floating pier, dock or raft whether tied to another object, anchored or floating untied or not anchored.

**BOAT LIFT (HOIST):** A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo.

**BOAT HOUSE:** Any fully or partially enclosed structure designed for the storage of boats, water toys and similar marine equipment.

**BOAT PILING:** Piling shall include all forms of piles, spiles or stakes whether for tying or anchoring watercraft or for use in connection with other waterfront activities.

**BODY SHOP:** see VEHICLE REPAIR

**BUFFER:** Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

**BUILDABLE AREA:** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**BUILDING:** A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or precut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

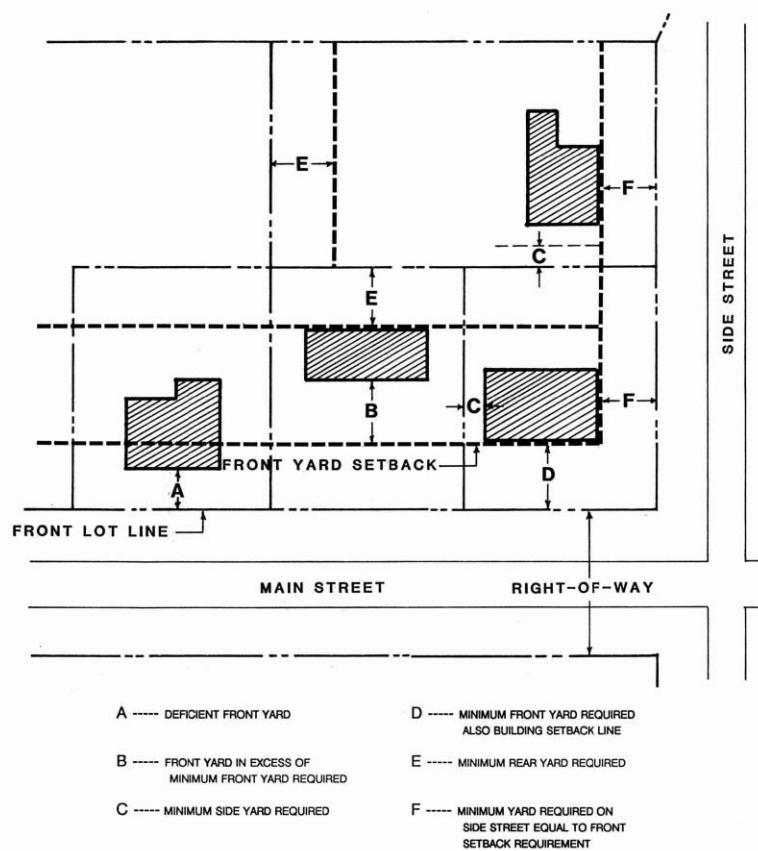
**BUILDING COVERAGE:** The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING DEPARTMENT:** Building department shall mean the Sims Township Building and Construction Codes Department unless the specific use or the context indicates a different reference.

**BUILDING HEIGHT:** see HEIGHT OF BUILDING

**BUILDING INSPECTOR:** This term shall refer to the Building Inspector of Sims Township, or his/her authorized representative.

**BUILDING LINE:** A line formed by the face of the building and, for the purposes of this Ordinance, a minimum building line is the same as a front setback line.



**Building Line**

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**BUILDING OFFICIAL:** Township Staff appointed by the Township Board and licensed pursuant to the State of Michigan's regulation to enforce and administer the Township's adopted building code.

**BUILDING PERMIT:** A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, density and with the requirements of all other development codes and Ordinances currently in effect in the Sims Township.

**BUILDING SETBACK LINE:** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

**BULKHEAD LINE:** A line established by the Michigan Department of Natural Resources with the concurrence of the Township of Sims, pursuant to Michigan [Public Act 451 of 1994](#), the Natural Resources and Environmental Protection Act, as amended, which line terminates the jurisdiction of the Township of Sims water ward from the shoreline with regards to filling, dredging and construction.

**BUSINESS CENTER:** A business center is more than one (1) business on the same parcel.

**BUSINESS SERVICES:** Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

**CALIPER:** The diameter of a tree trunk measured two feet above grade.

**CAMOUFLAGE:** A building or use that is disguised or hidden.

**CAMPGROUND:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**CANOPY:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**CARPOR:** A roofed accessory building with 0,1,2, or 3 enclosed sides. (Amended Effective 9/29/12)

**CAR WASH:** A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**CARETAKER:** One that oversees care of building, business or grounds. (Amended Effective 9/29/12)

CARRIER: A company that provides wireless service.

CARRY-OUT RESTAURANT: see DRIVE-IN RESTAURANT/FAST FOOD

CELLULAR TOWER: see WIRELESS COMMUNICATION FACILITY

CEMETERY: Any publicly or privately owned place for the interment of human remains.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and Ordinances and approved plans and specifications.

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

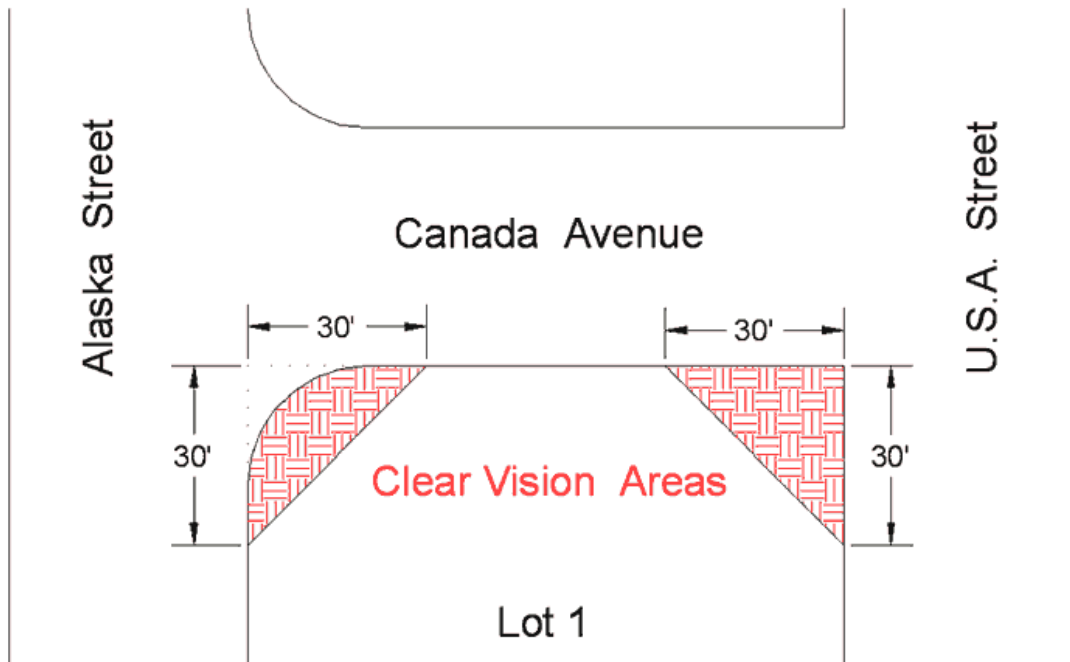
- a. CHILD CARE CENTER or DAY CARE CENTER means a facility, other than a private residence, receiving one or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. CHILD CARE CENTER or DAY CARE CENTER does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. FOSTER FAMILY HOME is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. FOSTER FAMILY GROUP HOME means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. FAMILY DAY CARE HOME means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. GROUP DAY CARE HOME means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCHES/SYNAGOGUES/MOSQUES: see INSTITUTION, RELIGIOUS



**CIRCULATION PATTERN:** Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

**CLEAR VISION:** An area thirty (30') feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist above thirty-six (36") inches from established street grades.



**CLINIC:** See INSTITUTION, HUMAN CARE.

**CLUBHOUSE:** A building to house a club or social organization not conducted for private profit, as documented by State or federal records, and that is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

**CLUB/LODGE:** see INSTITUTION, SOCIAL.

**CLUSTER:** 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 features.

**COLOCATION:** The use of a single mount on the ground by more than one telecommunications carrier (vertical colocation) and/or several mounts on an existing building or structure by more than one carrier.

**COMMERCIAL:** 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 (12) month period.



**COMMERCIAL RECREATION:** Establishments with the primary purpose of providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

**COMMERCIAL SCHOOL:** A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

**COMMERCIAL VEHICLE:** Any motor vehicle designed or used primarily for transportation of persons or property for, or in connection with, a business.

**COMMISSION:** The Planning Commission of the Sims Township.

**COMMON OPEN SPACE:** Common open space shall mean land within a planned unit development, under the common ownership of all occupants in the planned unit development, to be used for park, recreation, or environmental amenity. These lands shall not include public or private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving constituting not more than ten percent (10%) of the total open space.

**CONDOMINIUM:** see PLANNED UNIT DEVELOPMENT. A condominium is a system of separate ownership of individual units in multi-unit projects. Such as condominium apartments, site condominiums, mobile home condominiums, campground and boat dock condominiums. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- a. Condominium Act: Shall mean [Public Act 59 of 1978](#), as amended.
- b. Condominium Lot: That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth in Article VIII, Schedule of Regulations.
- c. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- d. Common Elements: Portions of the condominium project other than the condominium units.
- e. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- f. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- g. Master Deed: The condominium documents recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

- h. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternate to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

**CONTIGUOUS:** Next to, abutting, or touching and having a common boundary or portion thereof, that is co-terminus or as defined by the state tax code as it pertains to private residences.

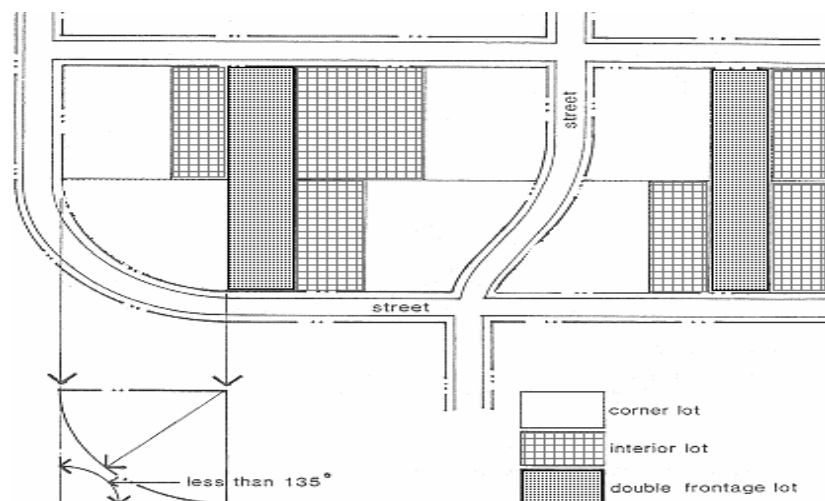
**CONTRACTOR:** General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

**CONTRACTOR, LANDSCAPE:** Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

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

**CONVALESCENT OR NURSING HOME:** see INSTITUTION, HUMAN CARE

**CORNER LOT (see LOT):** Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than one hundred and thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lines with the street line, intersect at an interior angle of less than 135 degrees. The outside yard shall be the side yard adjacent to the street.



Corner, Interior & Double Frontage Lots

**COTTAGE INDUSTRY:** An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of Cottage Industries include: mail order businesses, custom manufacturing, or light automotive and equipment repair.

**COUNTY:** County shall mean Arenac County unless the specific use or the context indicates a different reference.

**COVERAGE:** see LOT COVERAGE

**CROSS-POLARIZED:** A low mount dual polarized antenna that has three panels flush mounted or attached very close to the shaft.

**DAY CARE:** see CHILD CARE.

**DAY NURSERY:** A private residence, licensed by the state, receiving one but fewer than seven preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

**DECK:** A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

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

- a. **HIGH RESIDENTIAL:** Fifteen (15) or more dwelling units per acre.
- b. **LOW RESIDENTIAL:** Fewer than five (5) dwelling units per acre.
- c. **MEDIUM RESIDENTIAL:** Five to fifteen (5-15) dwelling units per acre.

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

**DISPLAY PUBLICLY:** The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

**DISH SATELLITE SIGNAL-RECEIVING ANTENNAE:** Also referred to as “earth stations” or “ground stations” shall mean one, or a combination of two or more of the following:

- a. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extra-terrestrial sources.
- b. A low-noise amplifier (LNA) that is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

**DISTRIBUTION CENTER:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DISTRICT:** see ZONE

**DOG CLUBS:** see KENNEL

**DRIVE-IN:** A business establishment so developed 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 rather than within a building or structure, or to provide self-service for patrons.

**DRIVE-IN RESTAURANT/FAST FOOD:** A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**DRY CLEANING PLANTS:** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation.

**DUMPSTER:** A container capable of holding a volume of material greater than two (2) cubic yards and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.

**DWELLING:** Any building or portion thereof usable exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking and/or eating. A dwelling is classified as one of the following:

- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
- b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
- c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
- d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

**DWELLING, ACCESSORY APARTMENT:** A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. Such dwellings may also be referred to as an in-law apartment or granny flat.

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family.

**EASEMENT:** Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

**EAVE:** The projecting lower edges of a roof overhanging the wall of a building.

**EGRESS (EXIT):** An exit from a building or site.

**ELDERLY HOUSING:** see SENIOR HOUSING

**ELEVATION, TOPOGRAPHIC:** The measurement of height above sea level.

**ELEVATION, VIEW:** An architectural or engineered rendering of each side of a building for purposes of site plan review.

**EMISSION:** A discharge into the air or water.

**ENGINEERED HOME:** see MANUFACTURED HOME

**ENVIRONMENTAL ASSESSMENT (EA):** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain designated area.

**ENVIRONMENTALLY SENSITIVE AREA:** An area with one or more of the following characteristics:

- a. Slopes in excess of twenty (20%) percent
- b. Floodplain
- c. Soils classified as having a high water table
- d. Soils classified as highly erodible, subject to erosion, or highly acidic
- e. Land incapable of meeting percolation requirements
- f. Land formerly used for landfill operations or hazardous industrial uses
- g. Fault areas
- h. Stream corridors
- i. Estuaries
- j. Aquifer recharge and discharge areas

**EQUIPMENT RENTAL/SALES:** A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

**EQUIPMENT SHELTER:** An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

**EROSION:** The process by which the ground surface is worn away by action of wind, water, gravity or 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, distribution or collection systems, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith. Essential Services are those that are reasonably necessary to furnish adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but do not include buildings other than the buildings that are primarily enclosures or shelters of the mentioned equipment in this definition. Private wireless communication facilities are not considered Essential Services.

**ESTABLISHMENT:** An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

**EXCAVATION:** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

**EXPLICIT SEXUAL MATERIAL:** Any hard-core material.

**FALL ZONE:** The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**FAMILY:** A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

**FAMILY DAY CARE HOME:** see CHILD CARE ORGANIZATION

**FARM:** A parcel of land used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including facilities for the sale of produce, wine, and dairy products, insofar as the majority of such products for sale have been produced or grown by the owner of the land on which the facility is located.

**FAST FOOD RESTAURANT:** see DRIVE-IN RESTAURANT/FAST FOOD

**FEEDLOT:** A confined area or structure used for feeding, breeding, or holding livestock as part of a commercial operation for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation, pig and hog farms.

**FENCE:** An unroofed man-made structure designed as a barrier. It may be made of wood, metal or other material. It may be ornamental or intended for or capable of enclosing a piece of land, preventing ingress and egress, dividing, bounding or simply marking a line of the land.

**FILLING:** The depositing or dumping of any matter onto, or into the ground, except in the case of common household gardening and general farm care.

**FIRE STATION:** Public building devoted to the storage and housing of fire equipment and personnel.

**FIREWORKS:** Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include Class B fireworks and Class C fireworks.

- a. **CLASS B FIREWORKS.** These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, airplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each and other similar devices.



- b. CLASS C FIREWORKS. These are toy smoke devices, toy caps containing not more than twenty-five (25) grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms, and other similar devices. Should the definitions of these items change per the Michigan Penal Code, [1931 PA 328](#), as amended, the Sims Township Zoning Ordinance definitions will change with the State law and must be interpreted as those contained in the State law.

FLAG LOT: A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

FLEA MARKET: see OUTDOOR TEMPORARY USE

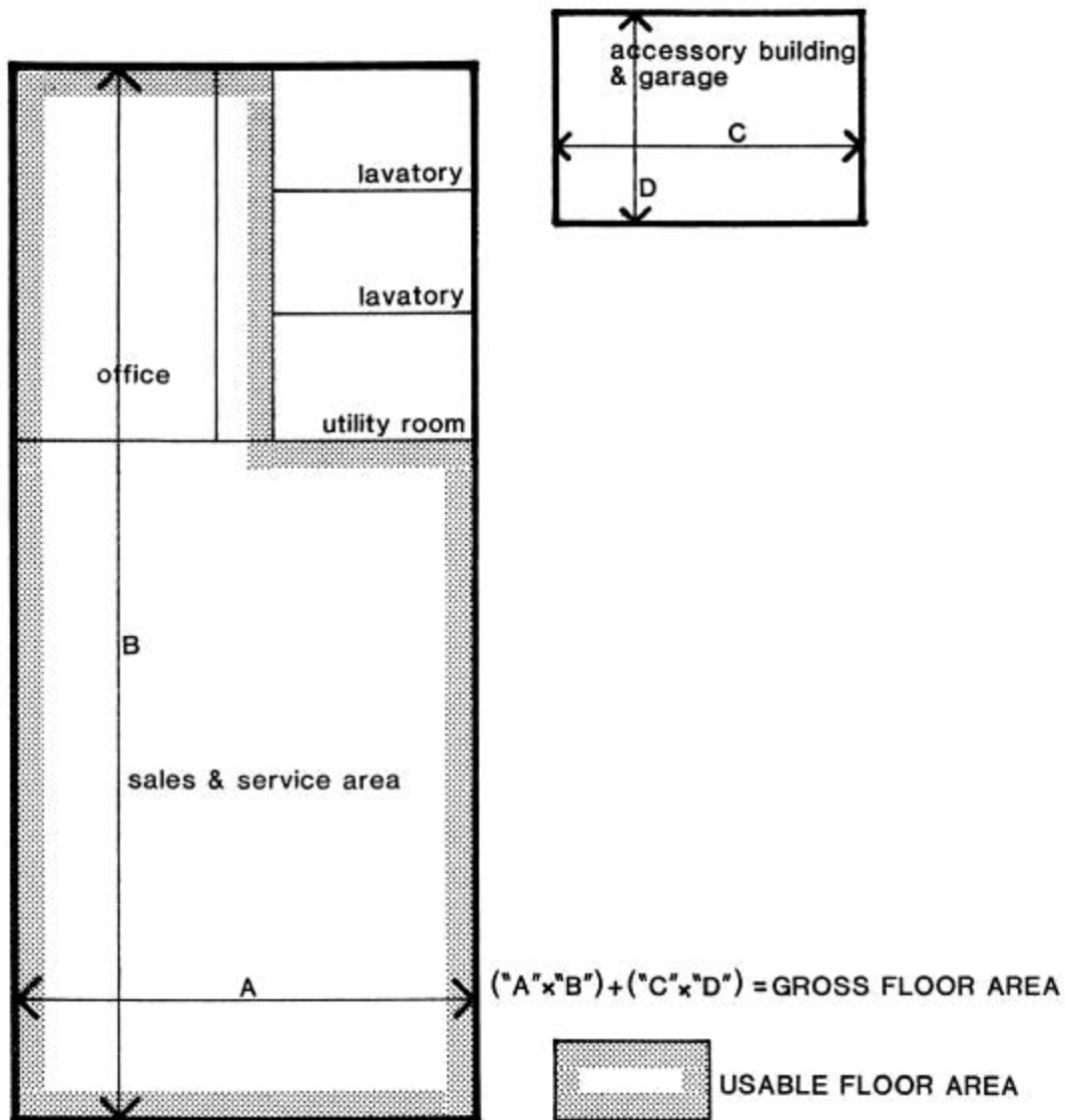
FLOODPLAIN: The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, that has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

- 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 years.
- b. Principal estuary courses of wetland areas that are part of the river flow system.
- c. Contiguous area paralleling a river stream or other body of water that exhibits unstable soil conditions for development.

FLOOR AREA: The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see "Basement" definition). Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.





## Floor Area Terminology

**FLOOR AREA, USEABLE:** That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

**FOSTER FAMILY GROUP HOME:** see CHILD CARE ORGANIZATION

**FOSTER FAMILY HOME:** see CHILD CARE ORGANIZATION

**FRATERNAL ORGANIZATION:** see INSTITUTION, SOCIAL

**FUEL SALES:** An establishment for the purpose of storage or sale of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

**FUNCTIONAL EQUIVALENT SERVICES:** Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

**FUNERAL HOME/MORTUARY:** A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**GARAGES:** Includes the following:

- a. **ATTACHED.** An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- b. **PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- c. **SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

**GARBAGE:** Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

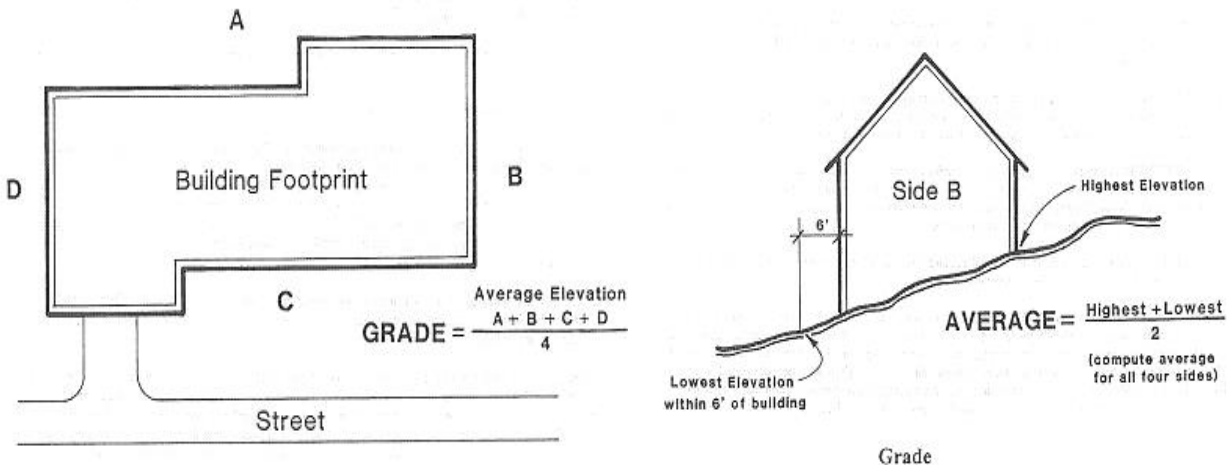
**GAS STATION/SERVICE STATION:** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include more than minor automobile or truck mechanical repair. Gas stations shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or sales. Convenience food sales and/or fast food restaurants may also be provided on the premises.

**GLARE:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE:** A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

- a. **PITCH AND PUTT COURSE:** A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.
- b. **9-HOLE COURSE:** A facility of 9 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

- c. **18-HOLE COURSE:** A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.



**GRADE:** For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

**GRADING:** Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

**GRAIN AND SEED ELEVATORS:** A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

**GREEN AREA:** Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

**GREENBELT:** see BUFFER

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

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

**GROUND COVER:** Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

**GROUNDWATER RUNOFF:** Storm water that is discharged into a stream channel as spring or seepage water.

**GROUP DAY CARE HOME:** see CHILD CARE ORGANIZATION

**GUYED TOWER:** A monopole or lattice tower that is tied to the ground or other surface by cables.

**HARD CORE MATERIAL:** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HAZARDOUS MATERIALS:** Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**HEALTH CARE (SERVICES) FACILITIES:** see INSTITUTION, HUMAN CARE

**HEIGHT OF BUILDING:** The vertical distance, measured from the established grade to the highest point of the roof surface if a flat roof and to the ridge of a gable, gambrel, hip, or mansard roof and to 75% of the height of an "A" frame.

**HIGH INTENSITY FOOD PROCESSING:** The preparation, processing or canning and packaging of food products.

**HIGHWAY:** A public thoroughfare or street, excluding alleys, but including federal, State and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**HOMEOWNERS ASSOCIATION:** An association of all owners of a project organized for the purpose of administering, managing, and maintaining the common property and facilities. This Association shall be described in all covenants, deeds, or other recorded legal documents which affect the title to any land within the development.

**HOME OCCUPATIONS:** Any business carried on by one or more members of a family residing on the premises, provided it:

- a. Is operated in its entirety within the principal dwelling;
- b. Does not have a separate entrance from outside the building;
- c. Does not involve alteration or construction not customarily found in dwellings;
- d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- e. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, with a maximum total area for the home occupation of five hundred (500) square feet;

- f. Does not display or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, non-illuminated wall sign having an area of not more than two (2) square feet;
- g. The parking needs generated by a home occupation are provided for in an off-street parking area, located other than in a required front yard.
- h. Does not employ any persons other than family members residing on the premises.

**HORTICULTURE:** The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.

**HOSPITAL:** see INSTITUTION, HUMAN CARE

**HOTEL:** see MOTEL

**HUNTING AND GAME PRESERVES:** Areas reserved for public or private hunting of wildlife, fishing and accessory structures in support of these activities.

**IMPERVIOUS SURFACE:** Any material that reduces and prevents the absorption of storm water into previously undeveloped land.

**INCINERATOR:** A device used to burn waste substances and in which all the combustion factors, temperature, retention, time, turbulence and combustion air can be controlled.

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

**INFRASTRUCTURE:** Facilities and services needed to sustain industrial, residential and business activities.

**INGRESS:** Access or entry.

**INSTITUTION, EDUCATIONAL:** A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

**INSTITUTION, HUMAN CARE; ADULT FOSTER CARE:** A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities. See Act 218, of 1979 as amended, for definitions of Adult Foster Care.

**INSTITUTION, REHABILITATION:** A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

**INSTITUTION, RELIGIOUS:** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL:** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals,

convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

**INTENSIVE LIVESTOCK OPERATIONS:** See the Michigan Generally Accepted Agricultural Management Practices. [GAAMPS](#)

**INTERSECTION:** The point where two or more roads cross at grade.

**JUNK:** For the purpose of this Ordinance, the term “junk” shall mean vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or in a condition which renders them incapable of performing the function for which the product was manufactured.

**JUNK MOTOR VEHICLE:** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or county laws or Ordinances.

**JUNK/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. A junk or salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and 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.

**KENNEL or ANIMAL HOSPITAL:** Any building or land used for the sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) cats or other household pets as a business.

**LABORATORY:**

- a. **Medical or dental:** A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. **Experimental:** A building or part of a building devoted to the testing and analysis of any product or animal.

**LAND:** Ground, soil, or earth, including structures on, above, or below the surface.

**LAND USE:** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**LAND USE PLAN:** A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.



**LATTICE TOWER:** A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**LAUNDROMAT:** An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

**LEGISLATIVE BODY:** The Sims Township Board of Trustees.

**LIBRARY:** Institutions for the storage and circulation of books, compact discs, videotapes and other media and materials for use by the general public.

**LICENSED CARRIER:** A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**LINGERIE MODELING STUDIO:** An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

**LIVESTOCK:** Domesticated animals intentionally reared in an agricultural setting to make produce such as food or fiber, or for its labor. Does not include poultry or farmed fish.

**LIVESTOCK AUCTION AND PRODUCTION YARDS:** See the Michigan Generally Accepted Agricultural Management Practices. [GAAMPS](#)

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

**LOT:** A lot is the parcel of land upon which the principal building, including any accessories, are placed together with the required yards of open space, the legal description of which is on file at the Register of Deeds. A lot is not limited to a recorded subdivision plat.

**LOT AREA:** The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT, CORNER (see CORNER LOT):** See graphic for Corner Lot.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH:** The mean horizontal distance from the front street line to the rear lot line.

**LOT, INTERIOR:** Any lot other than a corner lot. See graphic for Corner Lot.

**LOT LINES:** Any line bounding a lot, including the following:

- a. **FRONT LOT LINE.** The line separating the lot from the right-of-way of the street; in the case of a corner or situations where there are three street frontages for a single lot, the address of record is the front lot line.
- b. **REAR LOT LINE.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.

- c. SIDE LOT LINE. Any line other than front or rear lot lines.



**LOT, THROUGH:** Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for Corner Lot.

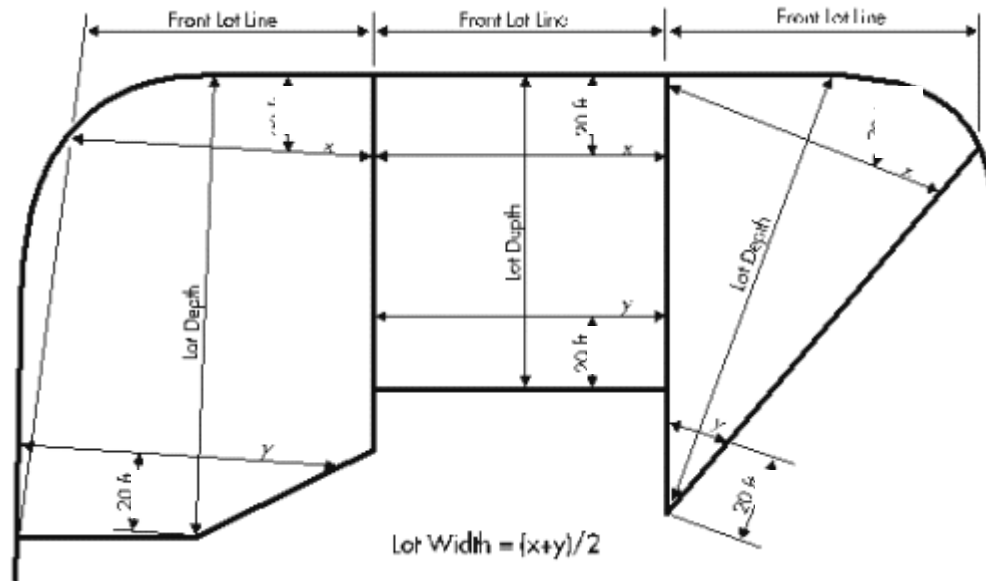
**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this Ordinance.

**LOT, WATERFRONT:** A lot having any frontage directly upon a lake, bay or other water body. The yard adjacent to the water shall be designated the front yard of the lot, and the opposite side shall be designated the rear yard of the lot. Also, a lot located within two hundred (200)



feet of a lake, bay or other body of water, when the lot is separated from the water body by land owned by the Federal or State government.

**LOT WIDTH:** The lot width shall be considered the average of the width between side lot lines.



**LOT, ZONING:** A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**LOUNGE:** see BAR

**LUMBER YARD:** A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

**LUMBERING:** The cutting and storing of forest products and the operation of portable sawmills and planers.

**MALL:** A shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

**MANUFACTURED HOME:** A dwelling unit designed and built in a factory.

**MANUFACTURED HOME DEVELOPMENT:** A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MANUFACTURING:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the

storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

**MARIJUANA:** This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

**MARIJUANA DISPENSARY:** Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.

**MARIJUANA COLLECTIVE OR COOPERATIVE:** Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as cooperative or in any way structure like a collective or a cooperative.

**MEDICAL USE OF MARIJUANA:** The acquisition, possession cultivation, manufacture, use internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

**PRIMARY CAREGIVER:** Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Care under the Act.

**QUALIFYING PATIENT OR PATIENT:** Qualifying patient or patient means a person as defined under MCL 333.7160(h) of the Act and who has been issued and possesses a Registry Identification Card under the Act. (Amended Effective 9/29/12)

**MARINA:** A facility which extends into or over a river, canal, Saginaw Bay, Lake Huron or waterway in the Township, which offers service to the public or members of the Marina for docking and loading of recreational watercraft. Marinas may include accessory facilities repair and fueling facilities, boat clubs and docks.

**MARQUEE:** Any hood, canopy, awning, or permanent structure that projects from a wall of a building, usually above an entrance.

**MASSAGE STUDIO:** An establishment offering massage therapy and/or body work by a massage therapist licensed under [P.A. 368 of 1978](#) as amended or under the direct supervision of a licensed physician.

**MASTER PLAN:** A comprehensive long-range plan intended to guide the growth and development of a community. The plan includes analysis, recommendations, and proposals

for the community's population, economy, housing, transportation, community facilities and land use.

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

**MEDIA SHOP:** A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet.

**MINISTORAGE/SELF STORAGE:** A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

**MIXED USE ZONING:** Regulations that permit a combination of different uses within a single development, under special regulations.

**MOBILE HOME:** A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

**MOBILE HOME PARK:** An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, Public Act 96 of 1987, as amended.

**MOBILE HOME SITE/MANUFACTURED HOME SITE:** A measured parcel of land within a Manufactured Home Development that is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**MOBILE HOME SUBDIVISION:** A Manufactured Home Development except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**MONOPOLE:** The type of mount that is self-supporting with a single shaft of wood, steel, or concrete, without guy wires, and a platform (or racks) for panel antennae arrayed at the top.

**MORTUARY:** see FUNERAL HOME

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

**MOUNT:** The structure of surface upon which antennae are mounted, including the following four types of mounts:

- a. Roof-mounted: Mounted on the roof of a building.
- b. Side-mounted: Mounted on the side of a building.
- c. Ground-mounted: Mounted on the ground.
- d. Structure-mounted: Mounted on a structure other than a building.

**MUNICIPAL BUILDING:** A structure housing an operation of Sims Township.

**MUNICIPALITY:** Sims Township.

**MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

**NATURAL RETENTION AREA:** A naturally occurring pond or wetland that retains storm water runoff.

**NONCONFORMING BUILDING, LEGAL:** Any building or portion thereof lawfully existing at the time this Ordinance became effective and that does not comply with this Ordinance's regulations.

**NONCONFORMING LOT, LEGAL:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the Zoning District.

**NONCONFORMING SIGN, LEGAL:** Any sign lawfully existing as of the effective date of an Ordinance, or amendment thereto, that renders the sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

**NONCONFORMING USE, LEGAL:** Any property use that was lawful at the time the zoning Ordinance became effective and which now does not comply with its regulations.

**NONPROFIT ORGANIZATION:** An organization with federal tax status as a nonprofit.

**NORTH POINT or NORTH ARROW:** The designation on a map illustrating the direction of north.

**NOXIOUS:** Offensive or disturbing.

**NUISANCE:** An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.

**NURSERY, PLANT MATERIALS:** Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**OCCUPANCY PERMIT:** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable Ordinances.

**OCCUPANCY PERMIT, TEMPORARY:** A certificate of occupancy that is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE BUILDING:** A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OMNIDIRECTIONAL (WHIP) ANTENNA:** A thin rod that beams and receives signals in all directions.

**OPEN SPACE:** Is that part of a zoning lot, including courts or yards, which:

- a. Is open and unobstructed from its lowest level to the sky, and
- b. Is accessible to all residents upon the zoning lot, and
- c. Is not part of the roof of that portion of a building containing dwelling units, and
- d. Is comprised of lawn and landscaped area, and
- e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

**OPEN STORAGE:** The keeping in an unroofed area building materials, sand, gravel, stone, lumber, equipment and other supplies and personal property.

**ORCHARD:** The establishment, care, and harvesting of more than 25 fruit-bearing trees or vines, such as apples, cherries, or grapes for the purpose of selling the fruit to others.

**OUTDOOR AMUSEMENT FACILITY:** A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

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

**OUTDOOR SALES:** See **OUTDOOR USE.** Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OUTDOOR USE:** A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

**OUTDOOR USE, TEMPORARY:** A use carried out in an open area or uncovered or temporary structure that is disbanded when the designated time period, activity or use for which the temporary structure was erected has ceased.

**PANEL ANTENNA:** A flat surface antenna usually developed in multiples.

**PARK, NEIGHBORHOOD:** Township or County-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park. A neighborhood park is less than 2.5 acres in size.

**PARK, RECREATIONAL:** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

**PARKING AISLE:** The area behind a parking space used for backing and turning into and out of the parking space. See Chapter 5 for parking space and aisle required sizes.

**PARKING AREA:** An area used for the parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

**PARKING AREA, TOTAL:** The parking lot and all connecting access drives and landscaping.

**PARKING ACCESS:** The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100') feet.

**PARKING BAY:** A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

**PARKING LOT:** An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

**PARKING, OFF-STREET:** Any parking area located on the same property it is intended to serve, or in a joint use lot.

**PARKING SPACE:** Any vehicle accessible area designated for vehicle parking and exclusive of drives and aisles.



**PATIO, PORCH:** Roofed open area that, while it may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

**PERFORMANCE STANDARDS:** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

**PERMANENTLY AFFIXED:** To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

**PERMITTED USE:** Any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.

**PERSON:** Any individual, partnership, organization, association, trust or corporation. When used as a penalty provision, 'person' shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.

**PERSONAL SERVICES FACILITIES:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

**PERSONAL WIRELESS SERVICE FACILITY:** A facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**PERSONAL WIRELESS SERVICE:** The three types of services regulated by this Ordinance as specified in the Special Use Permit regulations. These services are cellular, radio and satellite.

**PET:** A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, or similar animals and customarily kept for pleasure or companionship.

**PETROLEUM BULK PLANT:** An establishment for the purpose of storage of petroleum products, in bulk or in packages, distributed by tank car, tank vehicle, or motor truck.

**PIER:** A Structure extending outward from the shoreline for use as a promenade or to secure and provide access to boats.

**PIERHEAD LINE:** That line which is drawn or defined by the Michigan Department of Natural Resources with the concurrence of the Township of Sims pursuant to the Michigan [Public Act 451 of 1994](#), as amended, which defines the distance into the water, as measured from the bulkhead line, that piers and docks may be constructed.

**PLAN, FINAL:** A site plan that has been approved by the Planning Commission.

**PLAN, PRELIMINARY:** A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, Planned Unit Development (PUD), or other development.

**PLAN, TENTATIVE PRELIMINARY:** A conceptual site plan or sketch showing ideas for development and site use.

**PLANNED UNIT DEVELOPMENT (PUD):** A development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements,

facilities, and services which will be for the common use of the occupants of the planned unit development, not generally including a shopping center or other commercial developments intended for rental, but “planned unit development” includes cluster zoning, planned development, community unit plan, planned residential development, and other zoning requirements which are designed to accomplish the objective of a zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

**PLANNING COMMISSION:** Planning Commission shall mean the Sims Township Planning Commission organized under the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended, and the Michigan Planning and Enabling Act, [Act 33 of 2008](#), as amended, unless the specific use or the context indicates a different reference.

**POND:** A permanent or temporary body of man-made open water that is more than 0.25 acres in size and less than 1.0 acre in size.

**POOL, COMMERCIAL SWIMMING:** An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**POOL, PRIVATE SWIMMING:** Any artificially constructed basin or other structure for holding water for use in swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water and not over 24” deep. Section AG102 of Appendix G in the 2003 Michigan Residential Code defines “swimming pool” as any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

**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.

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed 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 a principal building or structure to which it is attached.

**PORTABLE TOILET:** A portable or mobile toilet is any type of toilet that can be moved around, some by one person, some by mechanical equipment. Some portable toilets can be carried by one person, whereas others need heavy equipment such as a truck or crane. (Amended 8/18/20)

**PORTABLE WATER:** Water suitable for drinking or cooking purposes.

**POULTRY:** Any of various breeds of birds used for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys and similar birds not including game fowl.

**PRIMARY LIVE ENTERTAINMENT:** On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.



**PRINCIPAL BUILDING:** A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

**PRINCIPAL USE:** The primary and predominate use of the premises including customary accessory uses.

**PRIVATE:** Not publicly owned or otherwise regulated by the State of Michigan either by statute or by rules and regulations of one of its administrative bodies.

**PROFESSIONAL SERVICES:** Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

**PROCESSING:** Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

**PUBLIC FACILITIES:** Facilities that are owned and operated by a municipality, government agency, or publicly owned utility.

**PUBLIC HEARING:** A meeting announced and advertised in advance and open to the public, with the public being given an opportunity to speak or participate.

**PUBLIC SERVICE INSTALLATION:** A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.

**PUBLIC UTILITY (PUBLIC SERVICE UTILITY):** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

**PUBLIC WAY:** A highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.

**QUASI PUBLIC AGENCY:** A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**QUORUM:** A simple majority of the full membership of a board or agency.

**RADIO ANTENNA:** A signal-receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

**RADIO FREQUENCY (RF) ENGINEER:** An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**RADIO FREQUENCY RADIATION (RFR):** The emissions from personal wireless service facilities.

**RADIO TOWER:** A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

**RECREATION, COMMERCIAL INDOOR:** A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics

and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

**RECREATION, OUTDOOR:** Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

**RECREATION, PASSIVE:** Recreational activities that do not rely on any specialized equipment or motorized vehicles. Examples include walking, nature observation, picnicking.

**RECREATION, PRIVATE:** Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

**RECREATIONAL VEHICLE/EQUIPMENT:** A vehicle or piece of equipment intended for recreational use, including but not limited to airplanes, boats, floats, ice fishing houses camping or travel trailers, off-road vehicles of any kind motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, utility trailers, snowmobiles, and other equipment or vehicles of a similar nature.

**RECREATIONAL VEHICLE:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND:** A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.

**RECYCLING FACILITY:** The process by which waste products are reduced to raw materials and transformed into new and often different products.

**RELIGIOUS INSTITUTION:** see INSTITUTION, RELIGIOUS

**RESEARCH AND DEVELOPMENT FACILITY:** Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.

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

**RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT:** The use of land parcels for human habitation. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**RESTAURANT:** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals,

and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD:** A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**RESTRICTION:** A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT:** A restriction on the use of land usually set forth in a deed or other appropriate document.

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

**RETREATS:** See INSTITUTIONS, SOCIAL.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

**RIGHT-OF-WAY LINE:** The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for Lot Lines.

**RINGLEMANN CHART:** A device to measure the opacity of smoke emitted from stacks and other sources.

**ROAD FRONTAGE:** The length of the lot line that borders a public or private road at the right-of-way line.

**ROADSIDE STANDS:** A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity. Such stand, if of a permanent character, shall not be more than one story high nor larger than twenty (20) feet by twenty (20) feet, and must be set back from the nearest right-of-way line at least seventy-five (75) feet.

**RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**SADOMASOCHISTIC PRACTICES:** Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

**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. A salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and 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:** Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**SATELLITE ANTENNA/DISH:** An accessory structure which at its widest dimension is in excess of 36 inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

**SAWMILLS:** see LUMBERING

**SCALE:** The relationship between distances on a map and actual ground distances.

**SCHOOL:** see INSTITUTION, EDUCATIONAL

**SCREENING:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SEASONAL BUSINESS:** A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

**SEASONAL RESIDENCE:** A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

**SEAWALL:** A vertical or near-vertical wall or bulkhead backfilled from its face landward and used to protect the shore from erosion and which meets the specifications, standards, and requirements of the US Army Corp of Engineers, and Michigan Department of Environmental Quality under permitting regulations.

**SECURITY BARRIER:** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**SENIOR HOUSING:** A residential complex containing multiple- family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed.

**SEPARATION:** The distance between one carrier's array of antennae and another carrier's array.

**SETBACK:** The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for Lot Lines.

**SEWAGE TREATMENT PLANT:** A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

**SEX SHOP:** An establishment offering goods for sale or rent and that meets any of the following tests:

- a. The establishment offers for sale items from any two of the following categories:
  - 1) Adult media:
  - 2) lingerie
  - 3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices
  - 4) the combination of such items constitutes more than ten (10%) percent of the stock-in-trade of the business or occupies more than ten (10%) percent of its floor area.
- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

**SEXUALLY ORIENTED BUSINESS:** An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

**SEXUALLY ORIENTED TOYS OR NOVELTIES:** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

**SHIPPING CONTAINER/INTERMODAL CONTAINER:** A container with strength suitable to withstand shipment, storage, and handling.

**SIGNS:**

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

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

- a. **AREA, OR SURFACE AREA, OF SIGN:** Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing,

representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

- b. **ABANDONED SIGN:** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.
- c. **BANNER:** Either a Temporary Sign or Portable Sign, depending on how it is used.
- d. **DIRECTIONAL SIGNS:** Signs posted to show direction of traffic flow through the property.
- e. **ELECTRIC SIGN:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- f. **ELECTRONIC MESSAGE BOARD/LED:** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.
- g. **FREESTANDING SIGN:** Signs that are supported from the ground by a structure and are not attached to a building. Types:
  - 1) **ELEVATED SIGN:** A sign elevated high above ground level, typically on a pole or other structure.
  - 2) **GROUND SIGN:** A sign low to the ground and typically used to identify large buildings, institutions and real estate developments.
- h. **ILLUMINATED SIGN:** A sign that provides artificial light directly or through any transparent or translucent material.
- i. **INTEGRAL SIGN:** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- j. **JOINT SIGN:** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.
- k. **LED SIGN.** See **ELECTRONIC MESSAGE BOARD.**
- l. **LOCATION:** A lot, premise, building, wall or any place whatsoever upon which a sign is located.



- m. **MARQUEE:** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- n. **MERCHANDISING SIGNS:** Signs identifying products or services available at the establishment and their prices. This is a descriptive term. Regulation depends on whether the sign is permanent, portable, temporary, a sign cover or a safety concern.
- o. **MONUMENT or GROUND MOUNTED:** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.
- p. **MULTI-TENANT SIGNS:** Wall, ground or freestanding signs for unified developments, such as shopping centers and office parks, shall identify only the development, individual tenants or establishments.
- q. **NONDWELLING USE SIGN:** A sign located on a parcel that does not have a dwelling as its principal structure and is located in a residential district. Examples of the uses that may be associated with non-dwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.
- r. **POLITICAL SIGNS/POSTERS:** Signs intended for use in promoting either a candidate for public office or proposal or similar issue that will be placed before the public to vote.
- s. **PORTABLE SIGNS:** Portable Signs are those signs that are designed to be transported. Examples of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed to be transported by means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable Signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a Temporary Sign, it shall not be considered portable for the purposes of this Sign Ordinance.
- t. **REAL ESTATE SIGNS:** Signs intended for temporary use in promoting the sale of real estate, with or without structures.
- u. **ROOF LINE:** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels; this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- v. **ROOF SIGNS:** Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall be considered a Wall Sign and not a Roof Sign in this Ordinance.
- w. **SETBACK:** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right-of-way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.



- x. **SIGN:** A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and that is intended to direct attention to an object, product, place, activity, person, institution, organization or business. This includes changeable copy and LED (light-emitting diode) Portable Signs. For this Ordinance, a national flag or official court or public office notice is not considered a sign. A sign located inside of a window shall not be regulated under this Ordinance.
  - y. **SIGN COVER:** Signs are defined as “Sign Cover” ONLY when they are located on permitted signs and cover up the content of the permitted sign. This includes a display sign, banner or other advertising device, with or without a structural frame, constructed of nondurable materials and intended for a limited period of use.
  - z. **STREET BANNERS:** Fabric signs, suspended across public streets, advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Arenac County.
  - aa. **TEMPORARY SIGN:** A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a Portable Sign, it shall not be considered temporary for the purposes of this Sign Ordinance.
  - bb. **WALL SIGNS:** Signs permanently attached to the exterior wall of a building and projecting out from such walls no more than fourteen (14) inches. The area of the Wall Sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.
  - cc. **WINDOW SIGNS:** Signs hung outside of a window and within the framework of any window of a business or residence.
- SINGLE OWNERSHIP:** Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
- SITE:** Any plot or parcel of land or combination of contiguous lots or parcels of land.
- SITE CONDOMINIUM:** see PLANNED UNIT DEVELOPMENT
- SITE PLAN:** The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.
- SITE PLAN REVIEW AND APPROVAL:** The submission of plans for review and approval, as required by this Ordinance and special use permits.
- SLAUGHTERHOUSE:** A facility for the slaughtering and processing of animals and the refining of their byproducts.
- SLOPE:** The degree of deviation of a surface from the horizontal, usually expressed as percent or degrees.

**SOIL:** All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

**SOIL RESOURCE EXTRACTION:** All or any part of the process involved in the mining of minerals by removing excess materials and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

**SPECIAL LAND USE:** A use, permitted within certain Zoning Districts, of such a nature that the public has reserved the right to approve its exact location, 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.

**SPECIFIED ANATOMICAL AREA:**

- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
- b. Human genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITY:** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Sims Township Master Plan.

**SQUARE FOOTAGE:** The length times width of a building, structure or use.

**STABLE, PUBLIC:** An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

**STABLE, PRIVATE:** Any building or structure and adjacent lands used for or designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

**STADIUM:** A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

**STALL, PARKING:** The parking space in which vehicles park.

**STATE LICENSED RESIDENTIAL FACILITY:** A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

**STORAGE, BULK:** The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity:

- a. in a bulk form or in bulk containers;
- b. under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements;
- c. in sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site;
- d. the major function is the collection and/or distribution of the material and/or products rather than processing;
- e. the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

**STORAGE, INDOOR:** see WAREHOUSE

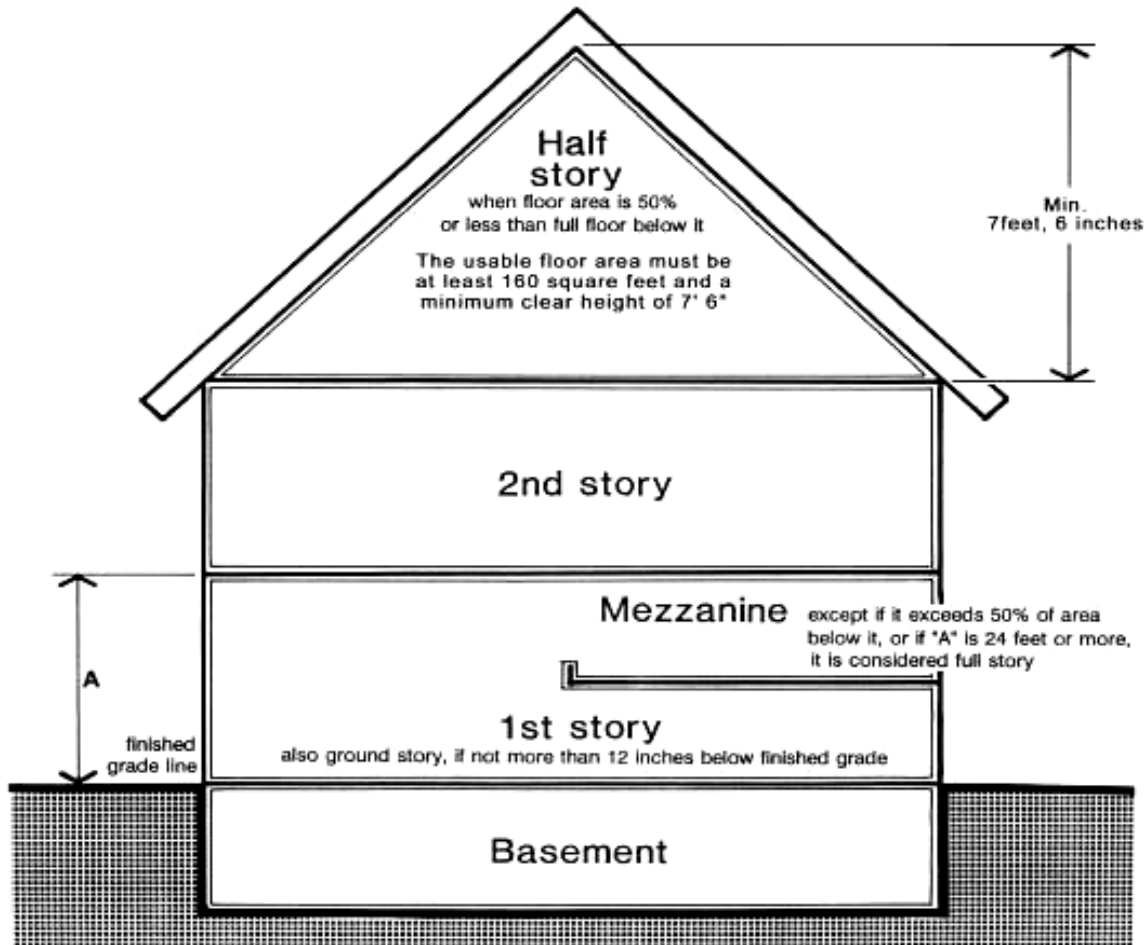
**STORAGE, OUTDOOR:** see OUTDOOR USE

**STORM SEWER:** A conduit that collects and transports runoff of storm water.

**STORM WATER DETENTION:** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORY:** That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.



**STREET:** A public right-of-way that has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

**STREET, COLLECTOR:** A street that collects traffic from local streets and connects with minor and major arterials.

**STREET, CUL-DE-SAC :** A street with a single, common ingress and egress, and with a turnaround at the end.

**STREET, GRADE:** The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

**STREET, LOCAL:** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**STREET, MAJOR ARTERIAL:** A street or highway so designated on the major road plan that is designed and intended to carry heavy traffic volumes.

**STREET, MINOR ARTERIAL:** A dedicated public way or recorded private street that affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

**STREET, PRIVATE:** A street that is not public as defined by this Ordinance.

**STREET, PUBLIC:** Any public right-of-way, conforming to Arenac County standards, that provides vehicular access to adjacent properties.

**STRUCTURE:** see BUILDING

**STRUCTURE CHANGES OR ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**SUBDIVISION OR SUBDIVIDE:** The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**SUBDIVISION CONTROL ACT:** [Public Act 288 of 1967](#), as amended.

**SUBSTANCE ABUSE REHABILITATIONS CENTER:** see INSTITUTION, REHABILITATION

**SUPPLY YARD:** A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

**SWALE:** A depression in the ground that channels runoff.

**SYSTEM BUILT HOME:** See MANUFACTURED HOME

**TAVERN:** see BAR

**TEMPORARY BUILDING AND STRUCTURES:** A use in a temporary building or structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

**TEMPORARY INDOOR AND OUTDOOR USES:** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

**TEMPORARY USE:** A structure or use permitted by the Zoning Board of Appeals to exist during periods of construction of the main use or for special events, not to exceed one (1) year.

**TEMPORARY DWELLING:** Includes, but is not limited to travel trailer, pop-up campers, modified trailers and tents, but does not include mobile homes as defined in the Michigan Mobile Home Commission Act (Manufactured Housing Commission).

**TENANT:** An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

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

**THOROUGHFARE:** A thoroughfare is a road or street which is intended to provide access for more than two (2) dwelling units. If the thoroughfare is maintained by the public, it is a public thoroughfare; if it is not maintained by the public but is generally open to members of the public for the passage of motor vehicles, it is a private thoroughfare. A way which is principally a private driveway from which members of the public are generally excluded shall not be considered a thoroughfare.

**TOOL AND DIE SHOPS:** see MANUFACTURING

**TRAILER:** Any vehicle designed to be drawn by an automotive/motorized vehicle.

**TRUCK AND RAILROAD TERMINALS:** See also WAREHOUSE.

- a. A place where transfer between modes of transportation takes place.
- b. A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**TRUCK TRACTOR:** The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.

**UNIFIED CONTROL:** The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

**USE, BY RIGHT:** Any use that is listed as a use by right in any given Zoning District in this Ordinance. Uses by right are not required to show need for their location.

**USE, CHANGE OF:** Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

**USE, LAWFUL:** The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

**USE, TEMPORARY:** A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit.

**USED CAR LOT:** see VEHICLE SALES

**VARIANCE:** A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted.

**VEHICLE, MOTOR:** A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

**VEHICLE REPAIR:** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

**VEHICLE SALES:** A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

**VETERINARY HOSPITAL:** see KENNEL

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

**VISIBLE:** Visible means capable of being seen by a person of normal visual acuity.

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE:** A building primarily used for the storage of goods and materials.

**WAREHOUSES AND DISTRIBUTION:** A building primarily used for the storage and transportation of goods and materials.

**WATERCRAFT:** see BOAT

**WATER SUPPLY SYSTEM:** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WATERS EDGE:** Waters edge, the point or points along a river, canal or lake where the water meets land when the water level is equal to the Base Elevation as established by the Federal Emergency Management Agency (FEMA) and identified in the Flood Insurance Rate Map (FIRM); community panel number 260015 0005C, dated February 3, 1993.

**WETLANDS:** Areas delineated by the Department of Environmental Quality as wetlands.

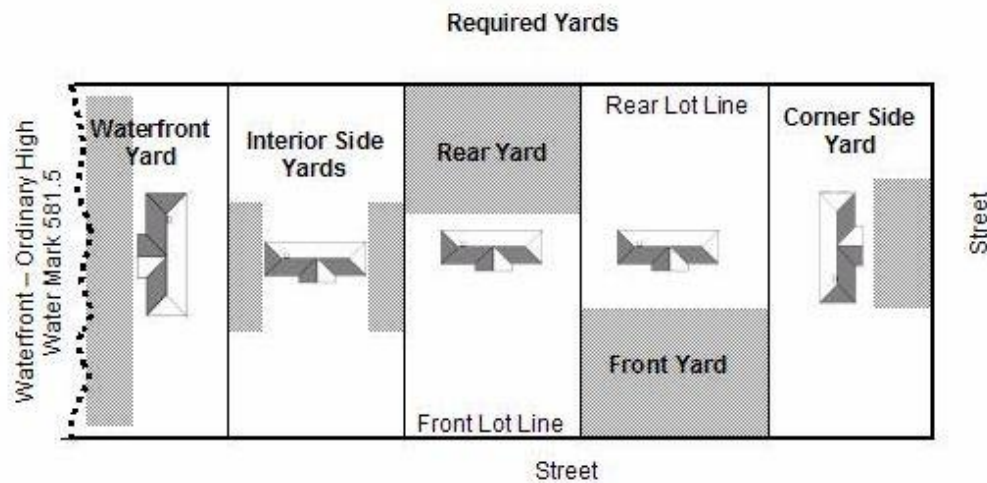
**WHOLESALE SALES:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WIRELESS COMMUNICATION FACILITY:** Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.



**YARD:** Yard is the open ground space on a premises unoccupied by buildings and includes the following:

- a. Front yard is defined as the yard extending across the full width of a premises between the nearest line of the main building or accessory structure and the front line or highway right-of-way, as the case may be.
- b. Side yard is defined as the yard extending the full depth (extending from the lot line or highway right-of-way line to the rear line of the premises) of a premises between the nearest line of the main building or accessory structure and adjacent lot line.
- c. Back yard is defined as all open, unoccupied spaces on the same premises with the building, between the building and rear lot line.
- d. Required yard is a yard, as defined, that occupies the area of a required setback.



**ZERO LOT LINE:** The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

**ZONE:** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**ZONING:** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING ADMINISTRATOR:** Zoning Administrator shall mean the Sims Township Zoning Administrator or any Deputy Zoning Administrator.

**ZONING BOARD OF APPEALS:** Zoning Board of Appeals shall mean the Sims Township Zoning Board of Appeals unless the specific use or the context indicates a different reference.

**ZONING PERMIT:** A certification issued by the Zoning Administrator indicating compliance with the regulations of this Zoning Ordinance.

## Chapter 3 ■ District Regulations

For the purpose of this Ordinance, certain terms are herewith defined.

### SECTION 3.1 DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Sims Township, except streets, are divided into the following Zoning Districts:

AG	Agricultural District
LDR	Low Density Residential District
RE	Rural Estate Residential District
RM	Multiple-Family District
C	Commercial District
I	Industrial District

### SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of Zoning Districts are defined and established as shown on a map, entitled "Sims Township Zoning Map," that accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk or his/her designee and is available to view and purchase at the Township office.

### SECTION 3.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of said roadways.
- b. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- c. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel to and at such distance from as indicated by given distance or scaled dimension.

### SECTION 3.4 SCOPE OF REGULATIONS

- a. No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms to the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.
- b. The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.
- c. The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

### SECTION 3.5 STREETS AND ALLEYS RIGHTS-OF-WAY

All streets and alley rights-of-way, if otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets or alleys. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

### SECTION 3.6 DISTRICT REGULATION TABLES

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Sims Township.

- a. INTENT AND PURPOSE—TABLE 1. This table lists the intent and purpose of each Zoning District.
- b. USES—TABLES 2 -8. These tables describe permitted activities for each Zoning District. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described in [Chapter 7, Special Use Permit Regulations](#).
- c. DIMENSIONS—TABLE 9. This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

**TABLE 1. INTENT AND PURPOSE**

	<b>Zoning District</b>	<b>Stated Intent and Purpose</b>
<b>AG</b>	Agricultural District	The purposes of this zone are to establish a district for agricultural and single-family residential uses associated with farming operations and to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity.
<b>LDR</b>	Low Density Residential District	These districts permit single-family residential development in areas with or without public sewer and water facilities.
<b>RE</b>	Rural Estate District	This district permits single-family residential development of a rural non-farm nature in areas without public sewer and water facilities.
<b>RM</b>	Multiple-Family District	This district permits more intensive residential use of land by permitting two-family residences and multiple housing. The multiple-family district shall abut a major thoroughfare for good accessibility and may be located between single-family residential areas and other non-residential uses. It is intended that various sizes of residential accommodations, for ownership and rental, shall be provided to meet the needs of the community.
<b>C</b>	Commercial District	This district is intended to be the business district of the Township, offering a diverse range of businesses and services to the community.
<b>I</b>	Industrial District	This district is intended primarily for light manufacturing uses which possess few, if any, nuisance characteristics pertaining to the potential for explosion, radioactivity, smoke, dust, noxious or harmful wastes that would pollute streams or soil, vibration, noise, or odor. This district also contemplates uses of land which are not within the scope of uses permitted in the commercial and residential district but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established.

**TABLE 2. LAND USES REFERENCE (AMENDED 4/16/19)**

District:	Abbreviation
Agricultural	AG
Low Density Residential	LDR
Rural Estate	RE
Multiple Family Residential	RM
Commercial	C
Industrial	I

Designation	<b>R S</b>
Uses by Right	<b>R</b>
Uses By Special Permit	<b>S</b>

Land Uses	Section*	AG	LDR	RE	RM	C	I
Agricultural Bulk Storage and Processing	def	R	S	S	S	S	R
Assembly Buildings	def	S	S	S	S	R	R
Bed and Breakfast * (Amended 5/7/2015)	7.3	S	S	S	R	R	S
Body Shops and Towing Operations	7.4	S	S	S	S	R	R
Campgrounds and Recreational Vehicle Parks	7.5	S	S	S	S	S	R
Car Wash	def	S	S	S	S	R	R
Cemeteries	7.6	S	S	S	S	S	S
Commercial Lumbering	7.7	S	S	S	S	R	R
Commercial Recreation, Indoor and Outdoor	7.8	S	S	S	R	R	S
Contractors, Lumber Yards	def	S	S	S	S	R	R
Cottage Industries	7.9	R	S	R	R	R	R
Day Care/Child Care	def	S	S	S	R	R	R
Day Nurseries, limited size	def	S	R	S	R	S	S
Dog Clubs	7.15	S	S	S	S	S	S
Dry Cleaning Plants and Laundries	def	S	S	S	S	S	R
Dwellings above the first floor (Amended 4/16/2019))	def	S	S	S	S	R	R
Fuel Sales	def	R	S	S	S	R	R
Funeral homes/Mortuaries	def	S	S	S	S	R	R
Gas Stations	def	S	S	S	S	R	R

Land Uses	Section*	AG	LDR	RE	RM	C	I
General Farming, including: raising livestock or poultry, dairying, horticulture, farm forestry	def	R	S	S	S	S	S
Golf Courses	7.10	S	S	S	S	S	S
Grain and Seed Elevators	def	R	S	S	S	S	S
Greenhouses/Nurseries	def	R	S	S	S	R	R
High Intensity Food Processing	7.11	S	S	S	S	S	S
Home Occupations	def	R	R	S	R	S	S
Hunting and Game Preserves	7.12	S	S	S	S	S	S
Incinerators	7.11	S	S	S	S	S	S
Industrial Parks	7.13	S	S	S	S	S	S
Institutions: Educational	7.14	S	S	S	S	S	S
Institutions: Human Care	7.14	S	S	S	S	S	S
Institutions: Rehabilitation	7.14	S	S	S	S	S	R
Institutions: Religious	7.14	S	S	S	S	R	R
Institutions: Retreats	7.14	S					
Institutions: Social	7.14	S	S	S	S	R	R
Intensive Livestock Operations	def	S	S	S	S	S	R
Junk Yards	7.11	S	S	S	S	S	S
Kennels	7.15	S	S	S	S	R	R
Livestock Auction/Production Yards	def	R	S	S	S	S	S
Manufactured Housing Parks	7.16	S	S	S	S	S	R
Manufacturing, Compounding, Processing, Assembly, Fabrication	def	S	S	S	S	S	R
Marinas	7.17	S	S	S	S	S	R
Mini-storage	7.24	S	S	S	S	R	R
Mining	7.18	S	S	S	S	S	S
Multiple-family Dwellings	def	S	S	S	R	S	S
Natural Gas and Oil Processing Plants	7.11	S	S	S	S	S	S
Nurseries (plants)/Greenhouses	def	R	S	S	S	R	R
Outdoor Assembly	7.19	S	S	S	S	S	R
Outdoor Sales and Services	7.20	S	S	S	S	R	R

Land Uses	Section*	AG	LDR	RE	RM	C	I
Passive Recreation	-	S	R	S	R	S	S
Personal and Professional Services	def	S	S	S	S	R	R
Planned Unit Developments	7.21	S	S	S	S	S	S
Private Parks and Land Uses	def	S	S	S	S	S	S
Public Buildings	7.22	S	S	S	S	S	S
Public Libraries	def	S	S	S	S	S	S
Public Museums	def			R	R	R	R
Public Parks	def	S	S	S	S	S	S
Public Utility and Service Installations	7.22	S	S	S	S	R	R
Reduction, Conversion and Disposal of Waste Goods and Materials	7.11	S	S	S	S	S	S
Research, Development and Laboratories	def	R	S	S	S	S	S
Restaurants, Drive-Through	7.23	R	S	S	S	R	R
Restaurants, not Drive-Through	def	R	S	S	S	S	S
Retail Sales	def	S	S	S	S	R	R
Riding Stables	def	R	S	S	S	S	S
Roadside Stands	def	R	S	S	S	S	S
Sawmills	def	R	S	S	S	S	R
Schools	7.14	S	S	S	S	S	S
Senior Housing	7.25	S	S	S	S	S	R
Sewage Treatment and Disposal	7.11	S	S	S	S	S	S
Sexually Oriented Business	7.26	S	S	S	S	S	S
Single-Family Dwellings* (Amended 5/7/2015)	def	R	R	R	R	S	S
Slaughterhouses	def	S	S	S	S	S	R
State Licensed Residential Facilities for 6 or fewer residents	def	R	R	R	R	S	S
State Licensed Residential Facilities for 7-12 residents	7.14	S	S	S	S	S	S
Temporary Buildings and Structures	7.27	R	S	S	S	S	S
Temporary Indoor and Outdoor Uses	7.27	S	S	S	S	S	R
Tool and Die Shops	def	S	S	S	S	S	R



Land Uses	Section*	AG	LDR	RE	RM	C	I
Two-family Dwellings	def	R	S	S	R	S	S
Truck Terminals	def	S	S	S	S	S	R
Vehicle repair, sales and service for personal vehicles	def	S	S	S	S	R	R
Veterinary Hospitals	def	R	S	S	S	S	R
Wind Power	7.28	S	S	S	S	S	S
Wireless Communication Facilities	7.29	S	S	S	S	S	R
Wholesale, Warehousing and Distribution	def						R

\*Section – lists the appropriate reference in [Chapter 7: Special Use Permits](#), “def” indicates [Chapter 2: Definitions](#), Section 2.2.

**TABLE 3. USES: AGRICULTURAL (AG) DISTRICT**

AG District Agricultural	
Uses By Right	Uses By Special Permit
General farming, including: raising livestock or poultry, dairying, horticulture, farm forestry	Bed and Breakfast
Grain and Seed elevators	Campground/RV Park
Greenhouses and Nurseries	Cemeteries
Home Occupation	Cottage industries
Livestock auction/production yards	Golf courses
Riding stables	Hunting and game preserves
Roadside stands	Institutions: educational, human care, religious, and retreats
Sawmills	Kennels and Dog clubs
Single-family dwellings	Manufactured housing parks
State licensed residential care facilities for 6 or fewer residents	Planned unit developments
Temporary structures and buildings	Public buildings, utilities and service installations
Veterinary hospitals	State licensed residential care facilities for 7-12 residents
	Temporary Indoor and Outdoor uses
	Wind power
	Wireless communication facilities

**TABLE 4. USES: LOW DENSITY RESIDENTIAL (LDR) DISTRICT**

<b>LDR District</b> <b>Low Density Residential District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
Day nurseries, limited size	Bed and Breakfasts
Home occupations	Cemeteries
Passive recreation	Institutions: religious, educational
Single-family dwellings	Planned unit developments
State residential facilities for 6 or fewer residents	Public buildings, utilities and service installations
	State licensed residential care facilities for 7-12 residents
	Temporary indoor and outdoor uses and temporary buildings and structures

**TABLE 5. USES: RURAL ESTATE (RE) DISTRICT**

<b>RE District</b> <b>Rural Estate District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
Public museums, libraries	Cemeteries
Public parks	Commercial lumbering
Single-family dwellings	Golf courses
State licensed residential care facilities for 6 or fewer residents	Institutions: religious
	Public buildings, utilities and service installations
	State licensed residential care facilities for 7-12 residents
	Temporary indoor and outdoor uses and temporary buildings and structures
	Wind power
	Wireless communication facilities

**TABLE 6. USES: MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICT**

<b>RM District Multiple-Family Residential District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
All uses permitted by right in all other residential districts	Cemeteries
Bed and Breakfasts	Institutions: educational and religious
Commercial recreation	Manufactured housing parks
Day care/child care	Planned unit developments
Institutions: human care	Public buildings, utilities and service installations
Multiple-family dwellings	State licensed residential facilities for 7 - 12 residents
Public and private parks	Temporary indoor and outdoor uses and temporary buildings and structures
Two-family dwellings	Wireless communication facilities

**TABLE 7. USES: COMMERCIAL I DISTRICT**

<b>C District Commercial District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
Assembly buildings	Body shops and towing operations
Bed and Breakfasts	Campgrounds and RV parks
Car Wash	Commercial lumbering
Commercial recreation, schools	Institutions: Rehabilitation
Contractors, lumber yards	Manufactured housing park
Day care facilities	Marinas
<del>Dwellings above the first floor (Eff. 4/16/19))</del>	Outdoor assembly
Funeral homes/mortuaries	Outdoor sales and service
Gas Stations	Planned unit developments
Institutions: religious, social, human care	Restaurants, drive through
Kennels, veterinary hospitals	Senior housing
Mini-storage	Temporary indoor and outdoor uses and temporary buildings and structures
Personal and professional services	Wind power
Public buildings, utilities and service installations, museums, libraries	Wireless communication facilities

<b>C District Commercial District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
Restaurants (not drive-through)	
Retail sales including greenhouses	
Vehicle repair, sales and service operations for personal vehicles	

**TABLE 8. USES: INDUSTRIAL (I) DISTRICT**

<b>I District Industrial District</b>	
<b>Uses By Right</b>	<b>Uses By Special Permit</b>
All uses allowed by right and special use permit in the Commercial District	High intensity food processing
Agricultural bulk storage and processing	Incinerators
Dry cleaning plants and laundries	Industrial parks
Fuel sales	Junk yards
Intensive livestock operations	Mining
Manufacturing, compounding, processing, assembly, and fabrication	Natural gas and oil processing plants
Mini storage	Reduction, conversion and disposal of waste goods and materials
Public buildings, utilities and service installations	Sewage treatment and disposal
Research, development and laboratories	Sexually oriented business
Sawmills	Temporary buildings and structures
Slaughter houses	
Temporary indoor and outdoor uses	
Tool and die shops	
Truck terminals	
Wholesale, warehousing and distribution	

**TABLE 9. DIMENSIONS**

Zoning District	AG	Low Density Residential LDR	RE	RM	C	I
Lot Area, minimum	5 acres	>6,500 sq.ft.	32,000 sq.ft.	None	None	20,000 sq.ft.
Lot Width, Minimum	240'	60'	80'	80'	None	100'
Height, Stories, Maximum	2-1/2	2-1/2	2-1/2	2-1/2	2	2-1/2
Height, Maximum	35'	35'	35'	35'	30'	35'
Front Yard, Minimum	30'	20'	30'	75'	<del>50'</del> <b>30'</b> **	75'
Side Yard, Minimum	25'	10'	10'	25'	<del>25'</del> <b>20'</b> **	25'
Rear Yard, Minimum	20'	10'	20'	50'	<del>50'</del> <b>20'</b> **	50'
Housing Unit, Minimum, sq. ft.	936	936	1,200	900	-	-
Coverage, Maximum	-	<b>50%</b>	15%	25%	40%	50%

(\*\*Amended 9/29/12)

**SECTION 3.7 NOTES TO DIMENSIONS TABLE**

- a. In all industrial districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.
- b. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, porches, terraces, attached garages, decks, balconies, or attached sheds.
- c. Maximum height of non-residential agricultural structures shall not exceed one hundred and ten (110) feet. However, in no case shall the structure height be greater than one and one half (1 ½) times the distance the structure is setback from the nearest property line.
- d. On a corner lot, the side yard abutting upon a street must have the same set back as a front yard. On a lot with three street frontages, all frontages must have the same setback as a front yard.
- e. Every lot in the C and RM Districts, used as a business, shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the Arenac County Health Department rules and regulations.
- f. Minimum land area required for each multiple family dwelling unit in the RM district shall be as follows:

Dwelling Unit Size	Land Area in Square Feet	
	Multiple Dwellings	Townhouses and Duplexes
Zero to two bedrooms	4,500	5,400
Three-bedroom unit	5,800	6,800
Four or more bedroom unit	7,600	7,600

- g. For the purposes of determining land area requirements, the following additional rooms shall be counted as a “bedroom”: den, family room, library, or study.
- h. Single family detached dwellings in the RM District shall be subject to all yard minimum lot area, width, lot coverage and minimum dwelling unit area requirements as stated for the RE District.
- i. The minimum stated dwelling unit area is for each multiple family dwelling in the RM District. Single family detached dwellings shall meet the minimum dwelling unit area requirements for the RE District.
- j. ***Any commercial building that abuts a residential area must be at least 25' from any side and/or rear.*** (Amended 9/29/12)
- k. ***No living quarters allowed in commercial or industrial buildings.*** (Amended 9/29/12)

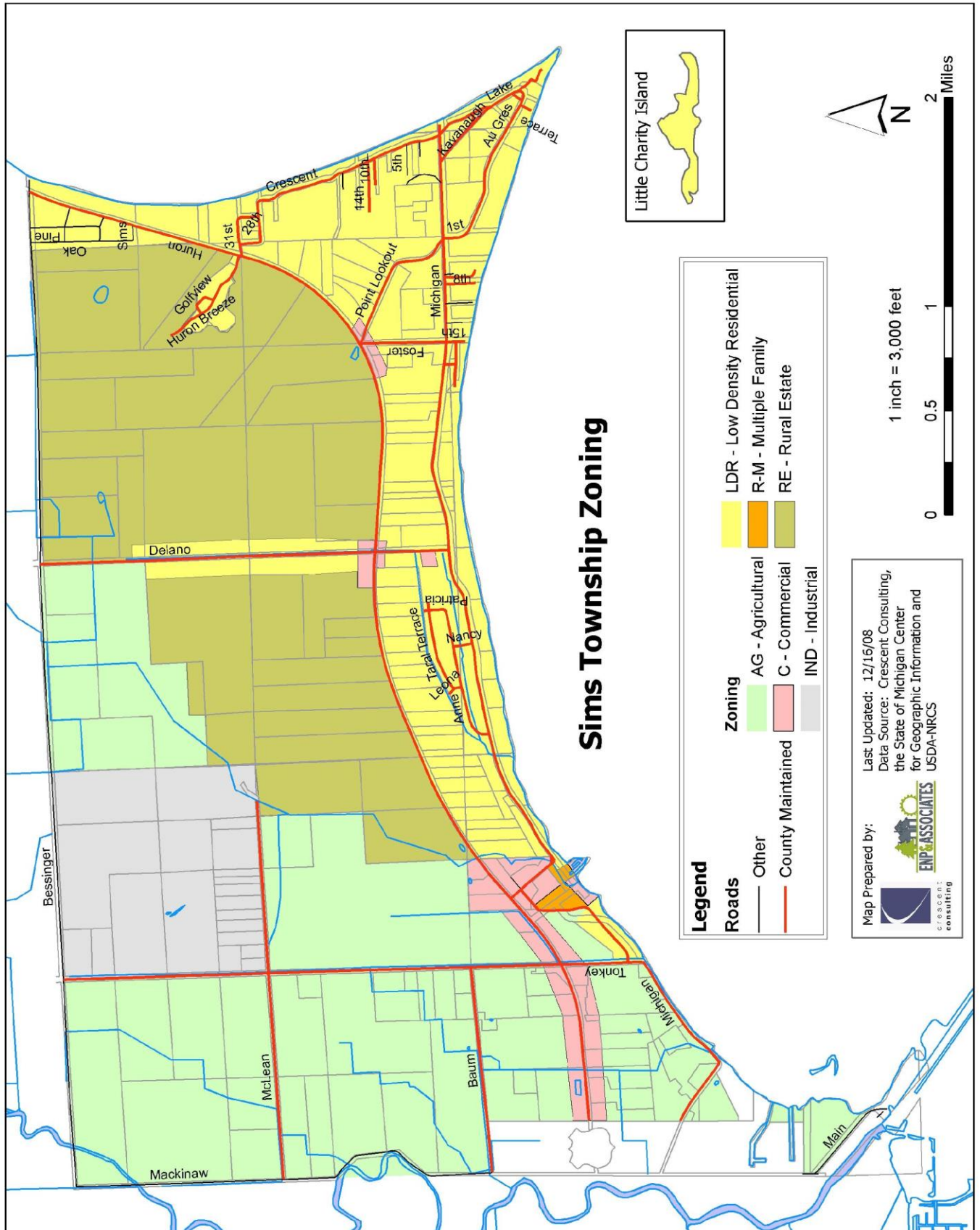
### **SECTION 3.8 ACCESSORY BUILDINGS, CARPORTS, STRUCTURES AND USES IN LDR LOW DENSITY RESIDENTIAL, RE RESIDENTIAL AND AG AGRICULTURAL ZONES** (AMENDED 4/16/19)

- a. Accessory buildings, carports and structures must be constructed on the same lot as the associated principal use but may be constructed on an adjacent lot only if such adjacent lots are contiguous.
- b. Lots of less than one (1) acre: Accessory structures shall not exceed eighteen (18) feet in height to the ridge provided that the total ground floor area of all detached accessory building on any lot shall not exceed one thousand two hundred (1,200) square feet in area.
- c. Lots of more than one (1) acre: Accessory building shall not exceed eighteen (18) feet in height to the ridge provided, that the total ground floor area of all detached accessory buildings on any lot shall not exceed one thousand five hundred (1,500) square feet in area.
- d. Lots of more than two and one-half (2 ½) acres: Accessory building shall not exceed eighteen (18) feet in height to the ridge provided, that the total ground floor area of all detached accessory buildings on any lot shall not exceed two thousand one hundred (2,100) square feet in area.
- e. Lots of more than five (5) acres: Accessory building shall not exceed eighteen (18) feet in height to the ridge, provided, that the total ground floor area of all detached accessory buildings on any lot shall not exceed two thousand seven hundred (2,700) square feet in area.
- f. Accessory buildings shall be included in the maximum lot coverage specifications.

- g. For removable structure less than one hundred (100) square feet in area, the following standards shall apply:
  - 1) No such structure shall be located within three (3) feet of any property line.
  - 2) No such structure shall exceed ten (10) feet in height.
- h. ~~In no event shall any accessory structure have a roof pitch of less than 4/12.~~ (Amended 4/16/19)-due to snow load
- i. An accessory building may exceed area requirements (and exceptions) identified above if special approval, in accordance with the conditions and procedures established in this Ordinance. (Amended 4/16/19)
- j. No detached accessory building shall be located closer than ten (10) feet to a principal building.
- k. Storage shipping containers (Intermodal Container) will not be allowed in residential areas (LDR) as accessory buildings. (Amended 8/18/20)

In the case of double frontage or corner lots, accessory buildings shall observe front yard set-back requirements on both street frontages.





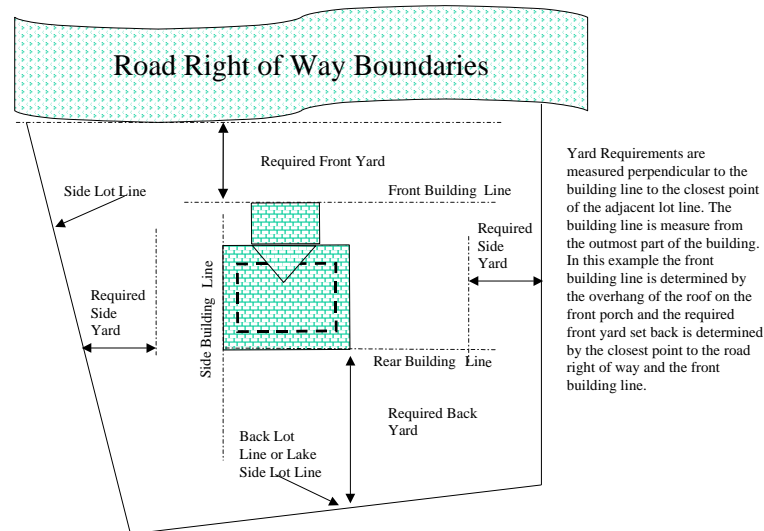
## Chapter 4 ■ General Regulation

### SECTION 4.1 USE REGULATIONS

- a. **BUILDING PERMITS REQUIRED.** All construction projects over 200 ft<sup>2</sup> require a building permit.
- b. **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within two (2) years of the date of issuance.
- c. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Arenac County Health Department and applicable State agencies.
- d. **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or storage does not exceed one (1) week, excluding agricultural equipment on a working farm in the agricultural district.
- e. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection. No vehicle, trailer, boat or other conveyance shall be parked or stored upon any parcel in such a manner as to hinder or obstruct the clear vision of motorists or pedestrians on the public thoroughfare or entering or exiting the parcel.
- f. **FENCES, WALLS AND NONBOTANICAL SCREENS**
  - 1) Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.
  - 2) In all zoning districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within street side yard or front yard setbacks of any street right-of-way line, except on a corner lot. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences that enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision.
  - 3) On a corner lot, fences, walls or hedge planting cannot exceed a height of three (3') feet in the street side yard setback unless all of the following conditions can be satisfied:
    - a) Must begin at the back of the house or primary structure.
    - b) Does not create a safety hazard.

- c) Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.
  - d) Shall not exceed a maximum of six (6') feet from grade.
- 4) On a through lot where the back yard faces an adjacent front yard the maximum height of a fence shall be four (4') feet.

***Building Line and Yard Requirement measure point demonstration***



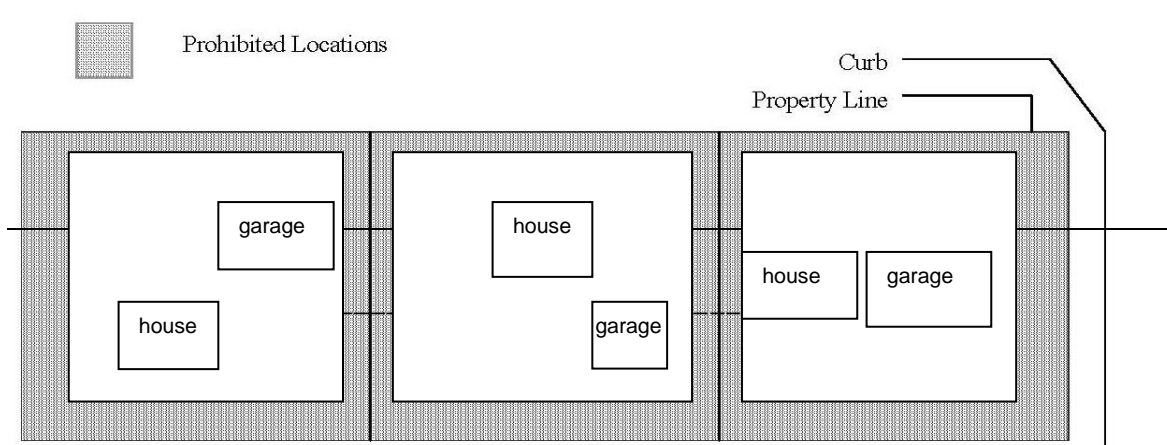
- 5) Plant materials located within thirty (30') feet of the pavement of a public right of way shall not obstruct visibility between a height of three (3') feet and eight (8') feet.
  - 6) Fences shall be located outside of the road right of way and inside all property lines.
  - 7) All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
  - 8) Barbed wire, electrified components or similar fencing that is likely to cause injury shall not be used in any residential district in cases where the lot is smaller than ten (10) acres.
  - 9) All fences shall be installed so that if there is a more attractive side, it is facing out. All supporting posts and cross members of all fences shall face toward the interior of the lot of the person erecting the fence.
  - 10) Snow fences shall be permitted in yards from Labor Day to Memorial Day only. All such fences may not block the right of the public to walk the beach below the ordinary high water mark.
- g. WINDMILLS. Windmills are permitted in all districts where there is a minimum lot size of 2.5 acres, as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

- h. **NONCOMMERCIAL DOMESTICATED ANIMALS.** Large domestic animals which are used essentially for pets, contests, riding, educational or other special purposes as individual animal specimens are permitted in AG and the Rural Estate residential district at the rate of one (1) on a minimum five (5) acres for the first animal and one (1) acre for each additional animal. Housing and animal manure sites or containers for all animals shall be located at least one hundred (100) feet from the property line.
- i. **WILD OR EXOTIC ANIMALS.** No wild, exotic or vicious animal shall be kept permanently or temporarily in any district in the Township except in an accredited American Association of Zoologies Parks and Aquariums facility.

## **SECTION 4.2 DWELLING REGULATIONS**

- a. **SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED.** Use of a Mobile Home or recreational vehicle for a temporary Dwelling may be authorized for purposes of repair of a damaged conforming single family dwelling or during construction of a new home.
- b. One (1) mobile home may be placed temporarily on a parcel. The mobile home may house only the owner(s) of the parcel and immediate family members during the construction or repair of a single family home. The temporary permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Zoning Administrator.
- c. **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- d. **MAINTENANCE.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- e. **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- f. **ACCESSORY BUILDINGS.**
  - 1) No portion of an accessory building in any zoning district is to be used as a dwelling.
  - 2) Accessory structures greater than 100 square feet are not permitted on lots without a principal structure.
- g. **GARAGES AND STORAGE BUILDINGS.**
  - 1) Attached garages shall be considered part of the principal building for the purpose of computing required yards.
  - 2) Attached garages may be located in front of, behind or on the side of principal structures and must be located outside of the required yard for principal structures.
  - 3) Detached garages may be located in front of, behind or on the side of principal structures and may be located within the required side or rear yard but must comply with minimum setbacks for accessory structures. Detached garages may not occupy any part of the required front yard.

The graphic below shows where the prohibited locations for detached accessory structures and sample of house and garage configurations.



### SECTION 4.3 PARCEL REGULATIONS

- a. **ACCESS TO A STREET.** All parcels created after the effective date of this Ordinance shall have access to a public street or road. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street.
- b. **VACATED ROADS.** Legally vacated roads that have not been acquired by abutting property owners shall be considered to be part of the abutting parcels for purposes of yard calculations provided the abutting property owners agree to proceed with the legal requirements to acquire such property. If there is more than one parcel abutting a legally vacated road, the area shall be divided equally among all abutting parcels in a logical manner for yard computation purposes only.
- c. **OUTDOOR SALES/GARAGE SALES/PRIVATE SALES.**
  - 1) No sale shall be held for more than seven consecutive days.
  - 2) Not more than 2 sales per year shall be conducted on the same premise.
  - 3) Advertising signs for such sales must be removed within 24 hours of the last day of the sale.
  - 4) The name and address of the property owner on which the sale is being conducted must be on all signs.

### SECTION 4.4 STRUCTURE REGULATIONS

- a. **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards of the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapters, must be adhered to, as well as any requirements listed herein.



- 1) ~~Open porches, paved terraces and patios.~~ NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements. (Amended 4/16/19)
  - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two (2') feet.
  - 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
  - 4) Signs, subject to provisions of [Chapter 6](#).
- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
  - 2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy-five (175') feet in the Commercial Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses.
  - 3) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed seventy-five (75') feet in height.
  - 4) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') ~~thirty (30')~~ feet in any Residential Zoning District. (Amended 4/16/19)
- c. ABANDONED BUILDINGS AND STRUCTURES. Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than twelve (12) months shall be considered abandoned and come under the provisions of this ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once twelve (12) months have passed, the building or structure shall have to meet all the current standards of all applicable State codes and Township zoning ordinances. See definition of Abandoned in [Section 2.2](#)
- d. The Zoning Board of Appeals may permit one mobile home per lot in addition to an existing single family residence in the AG, RE, and RM districts for the exclusive use by a dependent parent of the owner of the lot. Such mobile home shall be temporary in nature, to be removed within six (6) months after the need for the dependent parent to remain no longer exists. The mobile home shall fully comply with the provisions of [Chapter 7](#) – Special Use Permits.

#### **SECTION 4.5 PARKING AND STORAGE OF TRAVEL TRAILERS AND BOATS**

- a. No person shall park and/or store a recreational vehicle, snowmobile, camper enclosure, utility trailer, boat or similar vehicle or equipment not owned by the occupant or owner of the

premises for a period exceeding 72 hours on lands not approved for such parking or storage. All recreational equipment and vehicles must be licensed.

- b. In addition, the parking and storage of licensed recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats and similar vehicles or equipment in residential districts shall be subject to the following restrictions:
  - 1) All such units parked or stored outside of a completely enclosed building shall be kept in a state of proper repair and secured to prevent unauthorized entry.
  - 2) The parking and storage of such units shall be limited to a lot or contiguous parcel upon which an occupied dwelling is located.
  - 3) No person shall park or store any such unit upon any public property, including public streets, stub streets, rights-of-way, bike paths and planting areas between pathways and streets, except as allowed in subsection (b)(4) of this section.
  - 4) Notwithstanding any provisions to the contrary, such a unit may be temporarily parked or stored within any front yard or on a public street for a period not to exceed 72 hours for the purpose of loading, unloading, trip preparation or minor, routine maintenance and repair, although at no time shall any unmounted camper enclosure or any snowmobile or boat not mounted on a utility trailer be parked or stored within any front yard, required side yard or public street.
  - 5) Travel trailers may be occupied on a single-family residential lot for a period of time not to exceed thirty (30) days during a calendar year and may be connected to utility services for said thirty (30) day period.

#### **SECTION 4.6 BUFFERING REGULATIONS**

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

- a. The objectives of this approach are:
  - 1) To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.
  - 2) To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.
- b. Buffers are required for cottage industry, commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.



- c. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this ordinance by a fence, wall, berm or screen.
- d. The Planning Commission shall determine the character of the buffer based on the following criteria:
  - 1) Traffic impact
  - 2) Increased building and parking lot coverage.
  - 3) Increased outdoor sales, display and manufacturing area.
  - 4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
  - 5) Visual, noise and air pollution levels.
  - 6) Health, safety and welfare of the Township.
- e. A buffer may consist of any or all of the following:
  - 1) Buffer area distance. The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial districts, shall be according to the following table:

District	Distance between AG zones	Distance between Residential zones
I	45'	45'
C	30'	20'

- 2) The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30') lineal feet or fraction of buffer area length.
- 3) Continuous rolling screen six (6') feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.
- f. Construction Standards:
  - 1) If a screen wall or fence is used for all or part of the buffer area then:
    - a) The equivalent of two (2) shrubs are required per thirty (30') feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting and none being less than twelve (12") inches at the time of planting.
    - b) All required plants shall be placed on the side facing the exterior.
    - c) Two (2) evergreen trees must be planted for every thirty (30) linear feet or fraction of buffer area length must be planted.
    - d) Continuous rolling screen at least six (6') feet in height comprised of plant material, berming, screen walls or fences, or any combination of these elements is required.

- e) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- 2) All areas outside of planting beds shall be covered with grass or other living ground cover.
- 3) Minimum Standards for Berms:
  - a) Berms shall be constructed so as to maintain a side slope not to exceed one foot (1) rise to three foot (3') run ratio.
  - b) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. In addition to district requirements, the equivalent of one canopy tree and one evergreen tree per twenty (20') linear feet or fraction of buffer area achieves a minimum of six (6) feet high on average. Additional landscaping must be used within any areas that do not have a berm six (6) feet high.
  - c) Berms shall be constructed 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.
  - d) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
  - e) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- 4) Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
- 5) All plantings including grass must be maintained in good health condition and must be replaced if they should die at any time.
- 6) Buffer areas must be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- 7) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

## **SECTION 4.7 LANDSCAPING**

- a. In all Commercial and industrial districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire

area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.

- b. Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- c. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- d. The owner of landscaping required by this Ordinance shall perpetually maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All diseased and/or dead material shall be removed within thirty (30) days following Township notification and shall be replaced within the next appropriate planting season or within one (1) year, whichever comes first.
- e. In the event the owner fails to maintain the landscape area in a neat and orderly manner, free from debris, the Township shall mail to the owner a written notice setting forth the manner in which there has been failure to maintain said landscaping and require that the deficiencies of maintenance be cured within thirty (30) days from the date of said notice. If the deficiencies set forth in the notice shall not be cured within thirty (30) days, or any extension thereof granted, the Township shall have the right to enter upon such property and correct such deficiencies and the cost thereof shall be charged, assessed and collected.
- f. Instances where healthy material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such is in keeping with, and will preserve the intent of this Ordinance.

#### **SECTION 4.8 PONDS**

- a. Excavations or Holes: The construction, maintenance or existence within the Township of Sims of any unprotected, unbarricaded, open or dangerous excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued pursuant to this Ordinance, and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County of Arenac, the Township or any other governmental agency.
- b. Farm Ponds: Farm ponds which, unless otherwise determined by the Zoning Board of Appeals, shall be considered to be excavations more than two (2) feet in depth and/or more than one thousand (1,000) square feet in area which are used in support of agricultural pursuits shall be permitted by the Zoning Administrator on any farm in the AG Zoning District, subject to the issuance of a zoning permit and provided they are set back at least one hundred (100) feet from all property lines and any dwellings, and further subject to applicable Department of Natural Resources and County Soil Conservation Service design standards.
- c. Recreational or Scenic Ponds: Ponds excavated for recreational or scenic purposes (as distinct from farm ponds ) shall be considered a special approval of use in the RE or RM Zoning Districts subject to the standards below:
  - 1) Not more than one (1) recreational or scenic pond per five (5) acres.

- 2) The pond must not have an area greater than thirty thousand (30,000) square feet and must be set back one hundred (100) feet from any property lines or dwellings.
- 3) The pond shall not be permitted in any required front yard area.
- 4) The pond shall be constructed in conformance with the design standards of the Soil Conservation Service.
- 5) For the protection of the general public, appropriate safety measures shall be provided such as warning signs, rescue facilities, fencing, safety ramps, and so forth. Ponds with stabilized side slopes steeper than a ratio of five (5') feet horizontal to one (1') foot vertical shall be completely enclosed by a chain-link fence not less than four (4) feet in height. All openings in any such fence shall be equipped with a self-closing, self-latching gate or door.
- 6) Written evidence shall be provided from the Arenac County Health Department that the separation distance between the pond and any septic system is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system.

#### **SECTION 4.9 NONCONFORMITIES**

- a. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **FARMS.** Buildings, structures and uses on non-conforming farms may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, provided such expansion, enlargement or extension is approved by the Planning Commission and further subject to site plan approval in accordance with Chapter 8 – Site Plan Review. In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the farm on abutting and surrounding uses, especially residences.
- c. **HISTORIC PROPERTIES.** Any nonconforming property in Sims Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

Historic buildings and structures built or located in 1930 or before may be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, provided such expansion, enlargement, extension or location is approved by the Planning Commission and further subject to site plan approval in accordance with [Chapter 8 - Site Plan Review](#). In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences.

- d. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
- 1) **ILLEGAL** nonconformities are those that have been developed in conflict with zoning regulations.
  - 2) **LEGAL** nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
    - a) The nonconformity existed legally before the effective date of this Ordinance.
    - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
    - c) **Nonconforming Setback or Lot Size only:** The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
    - d) **Nonconforming Buildings or Structures only:** The building or structure does not extend into a public right of way, or over a neighboring property line.
- e. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of twelve (12) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- f. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the commercial and industrial districts.
- g. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure.
- All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Zoning Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Zoning Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the commercial district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.
- h. **REPAIR.** Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer

unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.

- i. **CHANGING USES.** If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- j. **NONCONFORMING LOTS.** In any district in which single family dwellings are permitted, a single-family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located, as closely as possible.
- k. **PORTABLE TOILET:** The use of a portable toilet for seasonal business use may be allowed upon approval of the Zoning Administration.
  - a) Every building or structure employed in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, and a method of sewage and waste disposal, each erected and maintained in accordance with the standards or material and installation recommendations by the Michigan Department of Health.
  - b) The use of privies and other outside toilet facilities is prohibited.
  - c) Portable toilets may be permitted for a period of times not to exceed (10) ten days per location for special events. Permanent placement of any such portable toilets shall be prohibited.
  - d) Portable toilets shall be permitted on construction sites. The portable toilet must be pumped and sanitized a minimum of once (1) weekly as to maintain the toilet in a healthy and environmentally safe condition. Permanent placement of any such toilet shall be prohibited.
  - e) The use of a portable toilet for seasonal business use may be allowed upon approval of the Zoning Administrator.

## Chapter 5 ■ Parking

### SECTION 5.1 INTENT

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

### SECTION 5.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all nonresidential uses in all districts.

- a. APPLICATION. All developers of new or revised parking areas shall submit plans to the Township Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval by the Planning Commission.
- b. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
  - 1) Parking spaces shall be at a minimum ten (10') feet by twenty (20') feet in size. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
  - 2) HANDICAPPED SPACES – All parking areas shall meet the requirements of all current Barrier Free Design specifications for Michigan.

Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

TABLE 10. ACCESSIBLE PARKING

Total in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000



Source: International Building Code, 2004

- 3) **AISLES.** Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
  - a) For ninety (90°) degree or perpendicular parking the aisle shall not be less than twenty-six (26) feet in width for two way traffic.
  - b) For sixty (60°) degree parking the aisle shall not be less than thirteen (13) feet in width for one way traffic.
  - c) For forty-five (45°) degree parking the aisle shall not be less than thirteen (13) feet in width for one way traffic.
- 4) **BACKING ONTO PUBLIC ROAD.** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
- 5) **DRAINAGE.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
- 6) **DRIVEWAY OPENING.** Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a public street at a ninety (90°) degree angle where possible.
- 7) **CLEAR VISION AREA.** All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any public street right-of-way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
- 8) **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- 9) **LAYOUT.** Plans for the layout of parking facilities shall be in accordance with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width, ft.	Parking Space Width, ft.	Parking Space Length, ft.	Total Width of One Tier of Spaces Plus Maneuvering Lane, ft.	Total Width of Two Tiers of Spaces Plus Maneuvering Lane, ft.
0° (parallel parking)	12	8	23	20	28
	24	8	23	32 – one-way	40 – two-way
30° to 50°	12	9	20	32	52
54° to 74°	15	9	20	36 ½	58
75° to 90°	20	9	20	40	60

- 10) **LIGHTING.** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall spill beyond the lot lines of the property upon which it is located. Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for accessory structures for the applicable Zoning District. No direct rays from said fixtures shall be directed at adjacent properties or public streets.
- 11) **SCREENED.** Off-street parking areas shall be effectively **SCREENED** on any side that abuts a residential use or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- 12) **STRIPING.** Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with **STRIPING** that shall be maintained.
- 13) **SURFACE.** In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be paved surface with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- a) **GRAVEL.** Gravel surfaces are permitted for all uses in the agricultural and residential districts. This surface must be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
- b) **PAVED (HARD SURFACED).** Paved surfaces are required in all business and manufacturing districts. Pavement must consist of at least six inches (6") of reinforced concrete or two inches (2") of bituminous surface laid over six inches (6") of compacted crushed stone. Hard surface must be in place within one year of occupancy.
- c. **SHARED ACCESS.** The Commission must require shared access between and among uses where feasible, excluding agricultural single-family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this Ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway

nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review in instances where there is redevelopment or a change in use.

- e. The OCCUPANCY of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
- f. Parking spaces may COUNT TOWARD THE REQUIREMENT for a parcel if they are located on it or on an adjoining parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the principal building, with a continuous paved walkway between the lot and entrance.

### **SECTION 5.3 RESIDENTIAL DISTRICTS**

- a. RESIDENTIAL, ONE AND TWO-FAMILY. Two (2) for each dwelling.
- b. APARTMENTS. Apartments require two (2) spaces per dwelling unit. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- c. BED AND BREAKFAST INNS and TOURIST HOMES. One (1) for each sleeping room.
- d. RESIDENTIAL CARE FACILITY. One (1) for each non-resident employee, plus one (1) for each three (3) beds.
- e. TRAILER PARK and MOBILE HOME COURTS. Two (2) spaces are required for each trailer or mobile home site and one for each employee of the trailer or mobile home court.
- f. OTHER USES. For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- g. REPAIR WORK. No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

### **SECTION 5.4 COMMERCIAL DISTRICTS**

- a. EMPLOYEE PARKING. Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.
- b. PARKING SURFACE. All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.
- c. LOADING AND UNLOADING SPACE. If a use requires a loading space, then one shall be provided. In no case shall loading or unloading take place in such a manner that the right of way is occupied, clear vision area obstructed or safe and efficient circulation negatively impacted.
- d. BONUS FOR COMBINED PARKING. In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:

- 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
- 2) For three (3) uses, seventy-five (75%) percent.
- 3) For four (4) uses, seventy (70%) percent.
- 4) For five (5) or more, (65%) percent.
- 5) In no case shall less than sixty-five (65%) percent be allowed.

e. OFF STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

- 1) An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
- 2) Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
- 3) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- 4) Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
- 5) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- 6) No space shall be located closer than fifty (50') feet to any lot in any residential District, unless wholly within a completely enclosed building or enclosed on all sides facing residential zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

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

Source: American Planning Association Parking publications

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

## **SECTION 5.5 INDUSTRIAL DISTRICTS**

- a. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the planning commission.
- b. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift.
- c. **UNCLASSIFIED USES.** In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.
- d. **BONUS FOR COMBINED PARKING.** In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:
- 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
  - 2) For three (3) uses, seventy-five (75%) percent.
  - 3) For four (4) uses, seventy (70%) percent.
  - 4) For five (5) or more, (65%) percent.
  - 5) In no case shall less than sixty-five (65%) percent be allowed.
- e. **PARKING SURFACE:** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

## **SECTION 5.6 NUMBER OF PARKING SPACES REQUIRED**

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator. Handicapped parking shall be provided.

- a. **FLOOR AREA.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.

- b. MULTIPLE USES. In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.
- 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
  - 2) For three (3) uses, seventy-five (75%) percent.
  - 3) For four (4) uses, seventy (70%) percent.
  - 4) For five (5) or more, (65%) percent.
  - 5) In no case shall less than sixty-five (65%) percent be allowed.
- c. SINGLE USES. In cases where there is a single specified use, the following regulations shall apply:
- 1) Barber and beauty shops. Two (2) parking spaces for each chair or booth. Bowling alleys. Four (4) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
  - 2) Places of public assembly. One (1) parking space for each three (3) seats or where those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat.
  - 3) Commercial recreation (outdoor). Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
  - 4) Commercial recreational (indoor). One (1) parking space for each one hundred (100) square feet of building floor space.
  - 5) Dance hall, roller rink, assembly hall. Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly. One (1) for each three (3) seats or one (1) for each one hundred (100) square feet of gross floor area.
  - 6) Funeral homes. Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle.
  - 7) Furniture sales, retail. One (1) parking space for each five hundred (500) square feet of building floor area.
  - 8) Gasoline service stations. One (1) parking space for each employee on the largest shift, plus one for each service bay.
  - 9) Golf courses open to the public, except miniature or "par 3" courses. Six (6) for each one (1) golf holes and one for each employee.
  - 10) Golf courses, miniature. Three (3) for each one (1) hole plus one (1) for each employee.



- 11) Hospitals and convalescent homes. One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
- 12) Industrial or research establishments. One (1) for every one and one-half (1.5) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
- 13) Laundromats. One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
- 14) Libraries and Museums. One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
- 15) Livestock Auction. One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility
- 16) Medical or dental clinics, professional office of doctors, dentists or similar professions. Ten (10) for the first doctor, plus one (1) for each two hundred (200) square feet of gross floor area.
- 17) Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
- 18) Office buildings, including banks, business and professional offices. One (1) parking space for each two hundred (200) square feet of building floor area, but in no case less than five (5) spaces.
- 19) Open Air Businesses. One (1) for each six hundred (600) square feet of lot area.
- 20) Private clubs and lodges. One (1) for each three (3) active members and one (1) for each employee normally engaged in and about the premises, with a minimum of one (1) for each one hundred (100) square feet of floor space.
- 21) Restaurants, taverns, bars, cocktail lounges, and similar eating establishments. One (1) parking space for each four (4) seats provided for patron use.
- 22) Restaurants, dining room including banquet area. One (1) per sixty-five (65) square feet of usable floor area.
- 23) Restaurants, carry-out. One (1) per eighty (80) square feet of usable floor area or ten (10) spaces, whichever is greater.
- 24) Retail sales and personal services self-serve food market or supermarket. Parking area equivalent to one (1) space per one hundred fifty (150) square feet of the public floor area.
- 25) Schools; Private or Public Elementary and Junior High Schools. One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity and one (1) for each eight (8) auditorium seats.



- 26) Senior High School and Institutions of Higher Learning, Private or Public. One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
- 27) Theaters, auditoriums, stadiums. One (1) parking space for each four (4) seats.
- 28) Vehicle sales. One parking space per each five hundred (500') square feet of sales floor area.
- 29) Vehicle service garages. One parking space for each five hundred (500') square feet of building floor area.
- 30) Warehouses, storage buildings, lumber and supply yards, wholesale sales. One (1) parking spaces for each employee during maximum employment hours. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

## Chapter 6 ■ Signs

### SECTION 6.1 SCOPE

These standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Enhance pedestrian and traffic safety.
- c. Preserve public health, safety, and welfare.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage appropriate plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j. Promote the use of aesthetically pleasing sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Enhance the effectiveness of necessary directional and warning signs.
- n. Preserve property values.
- o. Provide for the effectiveness of permitted signs.
- p. Avoid adverse lighting or reflection.
- q. Require structurally safe signs.

### SECTION 6.2 PERMIT PROCEDURE

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

- a. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a land use permit.

- 1) REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  - 2) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- b. APPLICATIONS. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator as part of the land use permit. Review of applications can be done through the site plan review process in instances where a site plan is required. The application shall include the following information.
- 1) Name, address, telephone number of the landowner, developer, or petitioner.
  - 2) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
  - 3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - 4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - 5) The proposed dates of construction and completion of the sign.
  - 6) Structural information necessary to comply with all current building codes.
  - 7) In the case of a portable sign, the length of time the proposed sign will be on the site.
  - 8) A fee shall be paid to the Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.
- c. DURATION OF PERMIT FOR PORTABLE SIGNS. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days. Portable or temporary signs are permitted 4 times each year per parcel for a maximum of 30 days each time the sign is displayed. This time period may run consecutively.

**SECTION 6.3 MEASUREMENT OF A SIGN**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line.

**SECTION 6.4 SIGNS PERMITTED**

TABLE 11: TABLE OF SIGNS PERMITTED

<i>District</i>	<i>Proposed Type</i>	<i># per Parcel</i>	<i>Maximum square footage per sign</i>	<i>Placement</i>	<i>Height</i>
<b>AGRICULTURE</b>	•Non-dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	12 sq. ft.	Any wall	Height of wall
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
<b>RESIDENTIAL</b>	•Non-dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	12 sq. ft.	Any wall	Height of wall
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
<b>COMMERCIAL</b>	•Wall sign	Total wall signage may not exceed 64 sq. ft.		Anywhere on bldg.	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Required yard	16 ft.
	•Marquee	1	32 sq. ft.	On structure	Height of highest eave
	•Portable/Temporary	1	32 sq. ft.	Required yard	8 ft.
	•Window	Counts toward wall signage total. If flashing, no greater than 5 sq. ft.		In window	Height of wall
	• Electronic Message Board/LED	1	64 sq. ft.	Required yard	8 ft.
	• Directional	2	No limit	As needed	4 ft.
	• Construction	1	32 sq. ft.	Required yard	6 ft.
<b>INDUSTRIAL</b>	•Wall sign	1	4 sq. ft.	Anywhere on wall	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Required yard	25 ft. at grade of lot line
	•Window	1	32 sq. ft.	In window	Height of wall
	• Electronic Message Board/LED	1	64 sq. ft.	Required yard	8 ft.
	• Directional	2	No limit	As needed	4 ft.
	• Construction	1	32 sq. ft.	Within required yard	6 ft.

## NOTES TO TABLE

- 1) In the case of through lots, excluding through lots on a corner, (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
- 2) In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
- 3) Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed twenty-five (25') feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1') foot by four (4') foot signs. "One (1) wall is allowed per individual business of sixty-four (64) square feet in a strip mall or mini mall."
- 4) The height of wall signs may be up to the height of the wall.
- 5) Each business occupant other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
- 6) One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
- 7) Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
- 8) NON DWELLING USE SIGNS. In the Agricultural and Residential districts, only nondwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.
- 9) Electronic Message Boards may not flash.

**SECTION 6.5 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following exempt Signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- a. **CONSTRUCTION SIGNS.** These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
- b. **SMALL SIGNS.** In the Agricultural and Residential zoning districts, one (1) sign, no greater than six (6) sq. ft. or five (5') ft. in height is permitted without a permit, provided it is located within the required yard.
- c. **PRIVATE TRAFFIC DIRECTION SIGNS.** Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.
- d. **ADDRESSES.** Signs displaying the address of the property are exempt from permitting and do not count toward the total signage on the property.

## **SECTION 6.6 PROHIBITED SIGNS**

Signs are prohibited that:

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

## **SECTION 6.7 ILLUMINATION**

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

In the Agricultural and Residential districts, only non-dwelling use signs may be illuminated.

## **SECTION 6.8 NONCONFORMING SIGNS**

Note that portable signs are not considered to be acceptable nonconforming structures.

Nonconforming signs:

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

## **SECTION 6.9 CONSTRUCTION AND MAINTENANCE**

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

## **SECTION 6.10 VIOLATIONS AND REMOVAL**

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



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

#### **SECTION 6.11 ABANDONED SIGNS**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

## Chapter 7 ■ Special Use Permits

### SECTION 7.1 INTENT, PURPOSE AND PROCESS

- a. **INTENT.** The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole. It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude for land use and at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

The Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

- b. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- c. **PROCESS.** Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.
- 1) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
  - 2) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - 3) **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

**SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED**

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Township Zoning Administrator.
  - 1) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board.
  - 2) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
  - 1) **SEPARATE.** The rezoning shall be considered separately & prior to the Special Use Permit.
  - 2) **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board, after submission to the County Planning Commission.
  - 3) **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
  - 4) **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
  - 1) **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
    - a) **NOTICE.** A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
    - b) **DELAY AT APPLICANT'S REQUEST.** If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.

- 2) **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
  - a) **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
  - b) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- 3) **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
  - a) **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
  - b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
- d. **REAPPLICATION.** An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- e. **TERMS OF PERMIT.** A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- f. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.” However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated
  - 1) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

**CHECKLIST OF STEPS FOR ZONING ORDINANCE TEXT AMENDMENT  
(General Law Township—MZEA)**

- I. STEPS TO BE TAKEN BY PLANNING COMMISSION. *(Same steps apply where Township has a Zoning Commission, prior to July 1, 2011.)*
  - a. TEXT AMENDMENT INITIATED by Planning Commission, Township Board, or citizen.
  - b. SCHEDULE PUBLIC HEARING on proposed agreement during any regular meeting or special meeting, if not scheduled for a regular meeting date.
  - c. PREPARE NOTICE of public hearing/meeting of Planning Commission on proposed amendment, for publication, mailing, and posting. Notice is required to:
    - i. Describe nature of proposed amendment.
    - ii. State time and place proposed amendment will be considered.
    - iii. Indicate time and place written comments will be received.
    - iv. State times and places tentative proposed text may be examined.
    - v. Include name of public body, with address and telephone number.
  - d. PUBLISH NOTICE of public hearing/meeting in newspaper of general circulation in Township at least 15 days before date of public hearing/meeting.
  - e. MAIL NOTICE of public hearing/meeting by regular first class mail to each electric/gas/pipeline public utility company, telecommunication service provider, and railroad operating within Township, and manager of each airport within Township, at least 15 days before date of public hearing/meeting. Note: This step only applies to extent designated entity has registered name and address with Clerk for purpose of receiving zoning public hearing notices.
  - f. POST NOTICE of public hearing/meeting at Township Hall at least 18 hours before scheduled time of public hearing/meeting, if not a regular meeting schedule.
  - g. FILE AFFIDAVITS of publication, mailing, and posting of Notice of Township records.
  - h. At a regular meeting, PLANNING COMMISSION FORMALLY OPENS PUBLIC HEARING on proposed amendment.
    - i. Introductory comments on proposed amendment by Planning Commission or other initiating party.
    - ii. Acknowledge written comments received on proposed amendment.
    - iii. Receive comments on proposed amendment by persons attending hearing.

- i. Formally CLOSE PUBLIC HEARING and DISCUSS proposed amendment.
  - j. APPROVE MOTION recommending approval or disapproval or proposed amendment.
  - k. SUBMIT RECOMMENDATION TO COUNTY PLANNING COMMISSION for advisory review and recommendation. Note: This step is required unless County Board of Commissioners has passed a resolution waiving county right of review. Where submittal to County Planning Commission is required, right to review is also waived if County Planning Commission recommendation is not received by Township Board within 30 days from date of County Planning Commission receipt of Planning Commission recommendation.
  - I. SUBMIT TO TOWNSHIP BOARD summary of comments received at Planning Commission public hearing/meeting and recommendation of Planning Commission on proposed amendment (and, where applicable, recommendation of County Planning Commission). Note: Matter is referred to Township Board regardless of whether Planning Commission and County Planning Commission recommend approval or disapproval of proposed amendment.
- II. STEPS TO BE TAKEN BY TOWNSHIP BOARD
- a. Township Board may on its own initiative hold an additional public hearing regarding proposed amendment, and is required to hold public hearing upon request of any property owner by certified mail to Clerk. Notice of any such public hearing must be given in same manner as required for public hearing by Planning Commission. (See Part I, Steps 4-6)
  - b. TOWNSHIP BOARD CONSIDERS PLANNING COMMISSION RECOMMENDATION at any regular meeting or at special meeting, and:
    - i. Disapproves proposed amendment, with no further action by Planning Commission.
    - ii. Approves proposed text, in ordinance form, with or without permissible amendments.
    - iii. Refers proposed text back to Planning Commission for further consideration and comment within time specified by Township Board.
- 2) CONSIDERED NONCONFORMING. From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
- 3) PLANNING COMMISSION ACTION. The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the



thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

- 4) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
  - 5) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- g. **STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.**
- 1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.
  - 2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
  - 3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

### **SECTION 7.3 BED AND BREAKFAST**

- a. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- b. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- c. No bed and breakfast sleeping rooms shall be located in a basement or attic.
- d. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.



- e. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- f. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
- g. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- h. A maximum of six (6) persons per each restroom will be permitted.
- i. A two (2') feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.
- j. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- k. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
- l. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

### **SECTION 7.30 MEDICAL MARIJUANA**

- a. Medical Marijuana. A primary caregiver shall be allowed as a special use in an industrial, I, district pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421, et. Seq., and the requirements of this section. The requirements for a primary caregiver as a special use shall be as follows:
  - 1. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act ("Act") and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules") as they may be amended from time to time.
  - 2. A primary caregiver must be located outside of a one-thousand (1,000) foot radius from any real property where children are regularly present, comprising specifically of: a daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school, a public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age; or any residence.
  - 3. Not more than one (1) primary caregiver within a structure shall be permitted to service qualifying patients.

4. Not more than five (5) qualifying patients shall be assisted with the medical use of marijuana within any given calendar week.
5. All medical marijuana shall be contained within the structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marijuana.
7. If a room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual use of the structure between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the structure, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marijuana to treat or alleviate a qualifying patient shall be conducted only in the industrial district, and shall not be permitted in any other zoning classification of this Ordinance. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marijuana Act protects users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
9. Patients. Patients may visit the site only during the hours of 8:00 a.m. to 8:00 p.m. No more than five patients may visit the site in any single day, and no more than two patients shall be on the premises at any one time.
10. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marijuana dispensary, collective or cooperative in any zoning classification within the Township. (Amended Effective 9/29/12)

#### **SECTION 7.4 BODY SHOPS AND TOWING OPERATIONS**

- a. Minimum lot area shall be ten thousand (10,000) square feet for a body shop automobile service station or repair garage.
- b. Minimum lot width shall be not less than one hundred (100') feet.

- c. An automobile service station building shall be located not less than fifty (50') feet from any right-of-way line and not less than thirty (30') feet from any side or rear lot line abutting residentially zoned property.
- d. Ingress and egress drives shall not be less than fifteen (15') feet in width.
- e. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- f. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- g. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30') feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- h. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.
- i. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- j. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

## **SECTION 7.5 CAMPGROUNDS, RECREATIONAL VEHICLE PARKS**

- a. **NEW STRUCTURES.** On public land, no new structures associated with a campground or picnic area, except those necessary to protect the shoreline, will be permitted within three hundred (300) feet of the shoreline. Such structure shall be designed and constructed in such a manner as to further the purpose of this district.
- b. **OCCUPANCY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements.
- c. **RESIDENT MANAGER.** Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented.
- d. **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of the County Health Department and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.

- e. GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4) feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6) feet apart. All individual campsites are to be setback at least seventy five (75) feet from any street right of way or neighboring property line.
- f. PERSONAL CARE FACILITIES. Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- g. INDIVIDUAL CAMPSITE REQUIREMENTS. Each RV parking site or campsite shall be a minimum of twelve hundred (1200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

## **SECTION 7.6 CEMETERIES**

- a. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
- b. The perimeter of the site shall be fenced.
- c. Any structure located on the site shall be at least one hundred (100) feet from any lot line.

## **SECTION 7.7 COMMERCIAL LUMBERING**

All commercial lumbering in Residential Districts shall be required to file a one thousand dollar (\$1000) bond with the Township to be returned to the bonded party following inspection of the property by the Zoning Administrator to insure repair of damaged trees and property and reforestation of the cut area.

## **SECTION 7.8 COMMERCIAL RECREATION, INDOOR AND OUTDOOR**

- a. INDOOR COMMERCIAL RECREATION. Indoor commercial recreation uses included, but are not limited to: putt putt courses, batting cages, bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, and athletic clubs.
  - 1) The sites shall be located on, or shall have principal access from a major thoroughfare or county primary road.
  - 2) Minimum site area shall be one (1) acre.
  - 3) No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned, or currently being used for residential purposes.

- 4) Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.
  - 5) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the Township Board may stipulate noise standards beyond those stipulated otherwise in this Ordinance
  - 6) Operating hours for all uses shall be determined by the Planning Commission and the Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to midnight.
- b. **OUTDOOR COMMERCIAL RECREATION:** Outdoor Commercial Recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.
- 1) The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
  - 2) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
  - 3) No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
  - 4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the Township Board may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the Township Board may require additional information concerning the proposed use and the potential for nuisance.
  - 5) No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned, or used property.
  - 6) A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Township Board may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
  - 7) Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) foot wall shall be provided along the side of the parking area adjacent to such land.
  - 8) Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.

- 9) Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Township Board.
- 10) Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.
- 11) Central loudspeakers/ paging systems are prohibited within two hundred (200) feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200 foot setback.
- 12) Operating hours for all uses shall be determined by the Planning Commission and the Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to Midnight.

## **SECTION 7.9 COTTAGE INDUSTRIES**

- a. **INTENT.** It is the intent of this section to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this section.
- b. **SPECIAL USE STANDARDS.**
  - 1) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
  - 2) The use is environmentally sound regarding the project site and region.
  - 3) No additional service demands will be created by the use.
- c. **SPECIFIC STANDARDS**
  - 1) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises.
  - 2) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
  - 3) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed two thousand four hundred (2,400) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the special use permit.
  - 4) One (1) non-illuminated sign not exceeding eight (8) square feet.
  - 5) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.



- 6) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
- 7) No disabled, unlicensed or inoperable vehicles of any kind, including trailers, semi cabs or tractor trailers shall be stored outside.
- 8) All outside storage of other evidence of a cottage industry shall be screened from view from the road and all adjacent properties either by fencing, berming or vegetation.

### **SECTION 7.10 GOLF COURSES**

Golf courses, country clubs, and other similar land uses including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants and caretaker residence shall be subject to the following conditions:

- a. Minimum site area shall be five (5) acres
- b. The location of any structure and their operations shall be reviewed to insure minimum disruption of the adjacent properties, and as much distance as is practical shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially planned, zoned, or used property.
- c. All storage, service and maintenance areas when visible from adjoining residentially planned, zoned, or used land shall be screened from view according to the buffering regulations in this Ordinance.
- d. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission and Township Board to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land planned, zoned, or used for residential purposes.
- e. If applicable, the caretaker's residence must meet the minimum requirements of the district.
- f. Direct ingress and egress shall be from a paved road.
- g. Applicant shall provide a detailed site description showing all structures and accessory structures.

### **SECTION 7.11 HIGH INTENSITY USES, WASTE TREATMENT AND DISPOSAL**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are:



- Sewage Treatment and Disposal
- High Intensity Food Processing
- Reduction, conversion & disposal of waste goods and materials
- Salvage Yard, Scrap Yard, Junk Yard, Landfill
- Natural gas and oil processing plants
- Incinerators

- a. GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. CONTRACTUAL AGREEMENTS. The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the Township and any individual or company which owns a landfill or is involved with landfill operations.
- c. TREE BUFFERS FOR LANDFILLS AND JUNKYARDS. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. NO HAZARDOUS OR TOXIC WASTE. No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- e. TRUCK ACCESS. Routes for truck movement to and from the site shall be identified by the County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- f. ACTIVITY RESTRICTIONS. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- g. FENCE REQUIREMENTS:
  - 1) AROUND LANDFILL OR INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
  - 2) AROUND JUNK YARD OR RESOURCE RECOVERY. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be

no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

- 3) AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- h. RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

### **SECTION 7.12 HUNTING AND GAME PRESERVES**

- a. SAFETY AREA. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.
- b. POSTING. The entire perimeter of the site must be posted as required by the DNR license.
- c. NOISE AND HOURS OF OPERATION. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.
- d. PARKING. Adequate parking shall be provided on site at a quantity determined by the planning commission on a case by case basis. Other parking regulations in this Ordinance do not apply.
- e. RETAIL SALES. No retail sales to the public shall take place on the premises of any kind. Sales to participants in the shoot such as shot gun shells, hats, licenses, game birds, clothing, etc. is allowed.

### **SECTION 7.13 INDUSTRIAL PARKS**

- a. PERMITTED USES IN INDUSTRIAL PARK.
  - 1) Uses primarily engaged in research and light manufacturing activities.
  - 2) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
  - 3) Distribution and Warehousing Plants
  - 4) Administrative, professional and business offices associated with and accessory to a permitted use.
  - 5) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
  - 6) Agricultural uses, pending development.
- b. DEVELOPMENT STANDARDS.

- 1) SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
  - a) Front Yard Setback. Twenty (20) feet, except that unsupported roofs or sun screens may project six (6) feet into the setback area.
  - b) Side Yard Setback. Ten (10) feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
  - c) Rear Yard Setback. The rear yard shall be thirty (30) feet.
- c. BUILDING HEIGHT. The maximum building height shall be thirty-five (35) feet.
- d. BUILDING CONSTRUCTION AND MATERIALS. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
- e. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
  - 1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - 2) Only one (1) single faced or double-faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
  - 3) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.
  - 4) No ground signs shall exceed four (4) feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20) feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, or Construction Sign.
  - 5) Wall Signs shall be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.
- f. TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.

- g. **NUISANCES.** No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

#### **SECTION 7.14 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE, REHABILITATION, RETREATS, STATE LICENSED RESIDENTIAL FACILITIES FOR 7-12 RESIDENTS**

Institutions are subject to the following conditions:

- a. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.
- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.
- d. A religious institution site shall contain an area of at least two (2) acres.
- e. The site shall be located to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare.
- f. Whenever the off-street parking area is adjacent to land zones for residential purposes, obscuring greenbelt shall be provided along the sides of the parking area adjacent to the residentially zoned land.

#### **SECTION 7.15 KENNELS AND DOG CLUBS**

Kennels shall be subject to the following conditions:

- 1) All activities shall be conducted within a completely enclosed structure.
- 2) All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than two hundred (200) feet from any property line.
- 3) Dogs shall be kept within an enclosed building during the normal sleeping hours of 10:00pm and 7:00am. Such an enclosed building shall be constructed with sound-deadening walls and ceilings.
- 4) During the hours of 7:00am until 10:00pm dogs shall be permitted in covered outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised field training.
- 5) All outdoor animal areas shall be screened from view from off-site with a sound-deadening masonry wall, six (6) feet in height.
- 6) Kennel facilities shall be established and maintained in accordance with all applicable County and Township sanitation regulations. Kennels shall be constructed with a

drained concrete and approved septic system, or other provision for the safe, sanitary collection and disposal of wastes.

- 7) The Planning Commission may specifically limit the number of adult dogs housed in a kennel. Any expansion in the adult dog population of twenty-five percent (25%) or more shall require special approval of the Planning Commission.
- 8) Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- 9) The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
- 10) Kennel facilities shall be designed as follows
  - a) Constructed of masonry or comparable sound-proofing material.
  - b) Mechanical ventilation shall be provided in all areas.
  - c) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.
- 11) Operating standards:
  - a) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
  - b) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
  - c) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
  - d) Refuse shall not include animal waste.
  - e) Animal waste shall be disposed of through a sewage disposal system.
  - f) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

## **SECTION 7.16 MANUFACTURED HOUSING PARKS**

### **a. PERMITTED USES:**

- 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile/manufactured Home Commission rules, and the provisions of this section.
- 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile/manufactured home park residents.
- 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

## 4) Public Service Installations

## b. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- 2) Dead end internal roads shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A safe-sight distance of two hundred fifty (250) feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than two (2) internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
  - a) No parking, twenty-one (21) feet.
  - b) Parallel parking, one (1) side, thirty-one (31) feet.
  - c) Parallel parking, two (2) sides, forty-one (41) feet.
- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
  - a) All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
  - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
  - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
  - d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation officials (AASHTO), which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$480.00.

- 8) The community developer may use other suitable material of equal quality if approved by the department.
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100) feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.
- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
  - a) All home sites shall be provided with two (2) parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:
    - (1) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
    - (2) A parking space shall be hard-surfaced.
  - b) Additional parking facilities.
    - (1) A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve. The five hundred (500) feet shall be measured along a road or sidewalk.
    - (2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
  - c. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile/manufactured home park residents shall be illuminated as follows:
    - a) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.



- b) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
  - c) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
  - d) If a central park, mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
  - e) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile/manufactured home park.
- d. **MOBILE/MANUFACTURED HOME INSTALLATION.** Installation of mobile/manufactured homes upon each mobile/manufactured home site shall be accomplished in accordance with Manufactured Housing Commission rules. All mobile/manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with Manufactured Housing Commission rules.

### **SECTION 7.17 MARINAS**

- a. Marinas shall be located only on parcels contiguous to and with direct access to navigable water.
- b. Marinas shall not interfere with riparian interests of the integrity and quality of the water body.
- c. Vehicular ingress and egress to the marina shall be within the riparian owner's interest area, or with a permanent easement.
- d. All marinas shall be similar in architectural design, scale and character to adjacent structures and activities in the vicinity.
- e. The increased use of the water body associated with the marina shall not create congestion, reduce safety or aggravate existing congestion and safety issues currently recognized.
- f. Onshore storage of boats and/or trailers may only be incorporated in a Marina Special Use Permit when such storage will be effectively screened from all adjoining properties and right of way.

### **SECTION 7.18 MINING**

The purpose of this Article is to allow limited commercial quarrying, gravel processing and mining of minerals within the Township under certain defined conditions, and to minimize the impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

- a. **STREET ACCESS.** All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of

routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

- b. **SETBACKS AND GRADE LEVELS.** Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.
- 1) No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
  - 2) The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
  - 3) No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.
- c. **SIGHT BARRIERS.** Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- 1) Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.
  - 2) Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.
- d. **NOISE AND VIBRATIONS.** Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- e. **AIR POLLUTION.** Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- f. **HOURS OF OPERATION.** The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Friday.
- g. **FENCING.** In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.
- h. **RECLAMATION OF MINED AREAS.** Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- 1) **STANDARDS.** All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:
- a) That the excavated area shall not collect stagnant water and not permit the same to remain; or,
  - b) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - c) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - d) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
  - e) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
  - f) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- i. **PERFORMANCE BOND.** A performance bond or cash shall be furnished the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas

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

j. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

- 1) PLAN CONTENTS. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
  - a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
  - b) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
  - c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  - d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  - e) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
  - f) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

- k. **ADDITIONAL CONDITIONS.** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.
- l. **INSPECTIONS AND CONFORMANCE.** Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or digital format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.
- m. **LIABILITY INSURANCE.** All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

## **SECTION 7.19 OUTDOOR ASSEMBLY**

- a. **ALL ACCESS FROM COUNTY PRIMARY ROAD.** All traffic ingress and egress shall be from a county primary road or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- b. **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- c. **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
- d. **ENTRANCE GATES.** One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.

- e. SCREENS. Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

### **SECTION 7.20 OUTDOOR SALES AND SERVICE**

- a. No item displayed shall be greater than thirty-five (35') in height.
- b. The Planning Commission may establish hours of operation and illumination.
- c. All outdoor sales areas shall be paved or mechanisms to prevent the creation of dust shall be used.
- d. The site plan shall use satisfactory measures to prevent blowing dust, trash or debris onto or from the site.

### **SECTION 7.21 PLANNED UNIT DEVELOPMENTS (PUD)**

- a. INTENT. This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- b. PERMITTED USES AND STANDARDS.
  - 1) Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD. Site condominium projects ([Act 59 of 1978](#)) established after the effective date of this Ordinance shall be designated as a PUD.
  - 2) Commercial uses, limited to those set forth in the Commercial District of the Township Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD, provided that such uses are designed to be compatible and harmoniously incorporated into the overall design of the PUD.
  - 3) Planned neighborhood shopping centers are subject to the following requirements:
    - a) Minimum site size shall be two (2) acres.
    - b) A wall or barrier or suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
    - c) No main or accessory building shall be located nearer than twenty-five (25) feet to any perimeter property lines.
    - d) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
    - e) All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
    - f) All off-street parking shall be within its own area, as specified, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.



- 4) Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided they are compatibly and harmoniously incorporated into the overall design of the PUD.
- c. **DENSITY AND PARCEL COVERAGE.** Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guideline for the lot and yard regulations. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning methods.
  - d. **OPEN SPACE.**
    - 1) Required open space shall comprise no less than forty (40) percent of the total lot or parcel area. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may yard areas of individual residential lots be included. However, landscaped yard areas for multiple dwellings or nonresidential uses may be included. Areas covered with buildings, streets, parking lots, driveways and other paved surfaces are not considered open space.
    - 2) Development in dedicated open space areas may include a recreational trail, picnic area, children's play area, greenway, farm or linear park, but any structures constructed incidental to such uses shall not exceed, in the aggregate, ten percent (10%) of the required open space area.
    - 3) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, restrictive covenants conservation easements, plat dedication, or other legal means that runs with the land. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The Township may require the inclusion of open space restrictions that prohibit the following:
      - a) Dumping or storing of any material or refuse;
      - b) Activity that may cause risk of soil erosion or threaten any living plant material;
      - c) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
      - d) Use of motorized off-road vehicles;
      - e) Cutting, filling or removal of vegetation from wetland areas;
      - f) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
  - e. **FAILURE TO MAINTAIN OPEN SPACE.** If the developer fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a



demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.

At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the thirty (30) days or any extension, the Township, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one (1) year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners. Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the Township shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines that the organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Township Board, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

The cost of such maintenance by the Township shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Township, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

- f. ENVIRONMENTAL STANDARDS. Environmental design criteria in PUD District shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks. If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

## **SECTION 7.22 PUBLIC BUILDINGS, UTILITIES AND SERVICE INSTALLATIONS**

- a. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- b. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material. On residential lots, electrical, gas and cable boxes shall be located behind the front line of the principal structure in the side or rear yard and in some cases may be required to be fenced for safety.
- c. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

**SECTION 7.23 RESTAURANTS, DRIVE-THROUGH**

- a. The main and accessory buildings shall be set back a minimum of thirty (30') feet from any adjacent right-of-way line or residential property line.
- b. Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.
- c. The subject property shall have access to an arterial or collector road.
- d. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- e. All drive-thru window lanes shall be separated by curb from the parking lot's interior driveways.
- f. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- g. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.
- h. No part of the subject use shall be located within two hundred (200) feet of any residentially-zoned land.

**SECTION 7.24 SELF STORAGE FACILITIES / MINI-STORAGE**

- a. Minimum lot size shall be one (1) acre. Minimum lot width shall be sixty-five (65') feet.
- b. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.
- c. All items shall be stored inside an enclosed facility except wheeled vehicles.
- d. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
- e. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

**SECTION 7.25 SENIOR HOUSING**

- a. Independent and Assisted Living.
  - 1) For independent living, dwellings may be provided as single-family detached, two-family or multiple family units within a designated site, or development area. The minimum site area requirements for the purpose of calculating density shall be as follows:

Dwelling Unit Size	Site Area Per Unit (Sq. Ft.)
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each Additional Bedroom	500

- 2) For assisted living, where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in paragraph 1 above shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.
  - 3) In consideration of multiple-family buildings, both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.
  - 4) The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
    - a) The site contains significant natural resources such as slopes or wetlands.
    - b) No increase in density shall be allowed.
    - c) Approval by the local fire authority is required.
    - d) An increased setback distance is established with respect to each setback required to be increased, including front, rear and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each set back measurement shall be established as part of the approval of the Planning Commission.
    - e) In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.
  - 5) Open space and recreation shall be provided in accordance with the following requirements:
    - a) Total open space required shall be a minimum of fifteen (15%) percent of the site.
    - b) Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
  - 6) Accessory and support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include congregate dining; health care; personal services; and social, recreational, and educational facilities and Programs.
- b. Convalescent Homes
- 1) The site shall be developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space.

- 2) Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage requirement.
- 3) No building shall be closer than forty (40) feet from a property line.
- 4) The lot location shall have access to a paved road. More than one (1) point of vehicle ingress and egress shall be provided directly from this thoroughfare.
- 5) All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto a major thoroughfare.

## **SECTION 7.26 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES**

- a. **INTENT.** There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- b. **DISTANCE RESTRICTIONS.**
  - 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000) feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
  - 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500) feet of any residentially zoned property or within one thousand five hundred (1,500) feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

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

- d. **PARKING AND LIGHTING.** All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.
- e. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
  - 1) **ORDINANCE INTENT.** The proposed use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
  - 2) **BLIGHTING INFLUENCE.** The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
  - 3) **NEIGHBORHOOD CONSERVATION.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
  - 4) **OTHER STANDARDS.** The proposed use, and its principal building, shall comply with all other regulations and standards of this Ordinance.

#### **SECTION 7.27 TEMPORARY INDOOR AND OUTDOOR USES, BUILDINGS AND STRUCTURES**

- a. **EXEMPT ACTIVITIES.** School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales, as defined in this ordinance, in the agricultural or R-1 residential district are exempt from the special use permits requirements of this section.
- b. **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- c. **LENGTH OF PERMIT.** A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- d. **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
  - 1) It is no larger than one hundred and fifty (150) square feet,
  - 2) There is no foundation,
  - 3) No portion of the structure may become unattached or move as a result of wind,
  - 4) It is anchored to withstand thirty (30) pounds per square foot wind stress factor.Structures of any kind must be removed PRIOR to expiration of the permit.

e. **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:

- 1) There is no foundation,
- 2) No portion of the structure may become unattached or move as a result of wind,
- 3) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

f. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than five (5) days, within a one hundred and eighty (180) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- 1) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- 2) **TEMPORARY SIGNS.** Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two (2) temporary sign permits may be granted for one (1) parcel in a year.
- 3) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- 4) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.

g. **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

- 1) The use is for five (5) days or less within a one hundred and eighty (180) day period,
- 2) A drawing of the site and description of activity is provided and,
- 3) No structures for display, sale or storage remain on the site other than during the hours of operation,
- 4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.

- 5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- 6) The temporary use location must meet all yard requirements of the zone in which it is located.

## **SECTION 7.28 WIND POWER**

### **a. DEFINITIONS**

**Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

**ANSI:** American National Standards Institute.

**dB(A):** The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

**IEC:** International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

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

**On Site Use Wind Energy Systems:** An On Site Use wind energy system is intended to primarily serve the needs of the consumer.

**Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

**Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

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

**Utility Grid Wind Energy Systems:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

**Wind Energy System:** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.



Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

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

Prior to the installation of an On Site Use wind energy system with a tower higher than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:

- a) applicant identification,
  - b) a site plan,
  - c) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and
  - d) proof of the applicant's public liability insurance.
- 2) Property Set-back: The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- 3) Sound Pressure Level: On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- 4) Construction Codes, Towers, & Interconnection Standards: On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act ([Public Act 23 of 1950](#), MCL 259.431 et seq.), the Michigan Tall Structures Act ([Public Act 259 of 1959](#), MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- 5) Safety: An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum

vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- c. Wind Site Assessment for Utility Grid Wind Energy Systems: Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer towers also known as meteorological or “Met” towers shall be considered a Special Land Use.

Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

- 1) applicant identification,
  - 2) a site plan,
  - 3) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
  - 4) proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- d. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
- 1) Applicant Identification: Applicant name, address, and contact information.
  - 2) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
  - 3) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.

The site plan shall include

- a) the project area boundaries,
- b) the location, height, and dimensions of all existing and proposed structures and fencing,
- c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
- d) existing topography,
- e) water bodies, waterways, wetlands, and drainage channels, and
- f) all new infrastructure above ground related to the project.

- 4) Insurance: Proof of the applicant's public liability insurance.
- 5) Consent Documents: Copies of any written waivers from neighboring property owners.
- 6) Sound Pressure Level: Copy of the modeling and analysis report.
- 7) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
- 8) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- 9) Environmental Impact: Copy of the Environmental Impact analysis.
- 10) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- 11) Shadow Flicker: Copy of the Shadow Flicker analysis.
- 12) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- 13) Decommissioning: Copy of the decommissioning plan.
- 14) Complaint Resolution: Description of the complaint resolution process.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

The Utility Grid wind energy system project shall meet the following standards and requirements:

- 1) Overlay Zone: If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
- 2) Property Set-Back: The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

- 3) **Sound Pressure Level:** The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

- 4) **Construction Codes, Towers, and Interconnection Standards:** Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act ([Public Act 23 of 1950](#), MCL 259.431 et seq.), the Michigan Tall Structures Act ([Public Act 259 of 1959](#), MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- 5) **Safety:** All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- 6) **Visual Impact:** Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.

- 7) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act ([Act 451 of 1994](#), MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

- 8) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area.. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee ([APLIC](#), <http://www.aplic.org/>) published standards to prevent avian mortality.

- 9) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind

energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- 10) Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
- 11) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
  - a) the anticipated life of the project,
  - b) the estimated decommissioning costs net of salvage value in current dollars,
  - c) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- 12) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

## **SECTION 7.29 WIRELESS COMMUNICATION FACILITIES**

- a. INTENT AND PURPOSE. The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,
  - 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
  - 2) Minimize adverse visual effects of towers through design and siting standards,
  - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
  - 4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- b. DISTRICT REGULATIONS. A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
  - 1) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such



installations shall be permitted by right in all zoning districts and be permitted through Township staff review.

- 2) Towers in Residentially and Agriculturally zoned areas are only allowed if they are:
  - a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Ordinance shall be allowed in the rear yard of parcels.
  - b) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
    - (1) Church sites, when camouflaged as steeples or bell towers;
    - (2) Park sites, when compatible with the nature of the park; and,
    - (3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
  - c) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- 3) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
- 4) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
  - a) The Township Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:
    - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.



- (4) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- c. COLOCATION. Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
- 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
  - 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the Township and,
  - 3) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

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

- d. TOWER SETBACKS. Towers shall conform with each of the following minimum setbacks requirements:
- 1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
  - 2) Towers shall not be located between a principal structure and a public street, with the following exceptions:
    - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
    - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - 3) A tower's location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
  - 4) Towers and associated structures, including fencing, may not be constructed within five hundred (500) feet of a dwelling unit, except where they are being collocated on existing towers or structures.

- e. **TOWER HEIGHT.** In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200) except as granted by the Zoning Board of Appeals.
- f. **TOWER LIGHTING.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- g. **SIGNS AND ADVERTISING.** The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
- h. **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.** Abandoned or unused towers or portions of towers shall be removed as follows:
  - 1) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
  - 2) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- i. **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
- j. **MODIFICATIONS.** A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
  - 1) The applicant and/or co-applicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
    - a) Change in the number of facilities permitted on the site;
    - b) Change in the technology used for the wireless service facility.
  - 2) The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

## Chapter 8 ■ Site Plan Review

### SECTION 8.1 SITE PLAN REVIEW

- a. **WHEN A SITE PLAN IS REQUIRED.** Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This section defines the procedures and standards to be used for such a review.

**SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.** The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits.

In addition, and in the case of new development, Site Plan Review before the Township Planning Commission is required for any project meeting one of the following conditions:

- 1) The proposed project will have more than two (2) dwelling units.
  - 2) Nonresidential construction in a residential district.
  - 3) The proposed project is in a Business Zoning District.
  - 4) The proposed project is in an Industrial district.
  - 5) In the case of existing development, a Site Plan Review is required when:
  - 6) The project involves increasing the footprint by ten (10%) percent or more of any residential structure with more than two (2) units, or any Business or Industrial structure or use.
  - 7) The project involves expansion of a legal nonconforming use, building or structure under the terms of this Ordinance. Illegal or unacceptable nonconforming uses may not expand.
  - 8) The project is a Special Use.
- b. **A SITE PLAN IS NOT REQUIRED FOR A REZONING.** At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.
- c. **SITE PLAN REVIEW PROCESS.**
- 1) **APPLICATION DEADLINES.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.
  - 2) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.

- 3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer, surveyor or architect with civil engineering or architecture qualifications. A site plan for an alteration or addition to an existing structure may be prepared by a licensed builder.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Arenac County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6") inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown. If a development is in a wooded area, the developer shall include a preservation plan for trees and other natural vegetation.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.

- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- g) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j) **PERFORMANCE BOND.** Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Supervisor. The Township Supervisor may, at his/her discretion, call upon professional assistance from the Township Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

4) STAFF REVIEW OF SITE PLAN.

- a) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Drain Commissioner and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- b) STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.

5) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:

- a) APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
- b) CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Sims Township Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.



- c) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 6) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the Township Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 7) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator. One copy of the final site plan shall be filed with the clerk, zoning administrator and applicant.



- d. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. It is an objective of the site plan review process and standards to improve the quality of existing developments as they are expanded, or redeveloped.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.

- 7) UTILITIES. Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- 8) SIGNS AND LIGHTING. Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas.
- 9) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 10) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- 11) STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- 12) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in [Chapter 1](#), and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in [Chapter 3](#).

## Chapter 9 ■ Administration & Enforcement

### SECTION 9.1 DUTIES OF PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Sims Township Planning Commission, the Zoning Board of Appeals, the Township Board of Trustees and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

#### a. ZONING ADMINISTRATOR:

The Township Board, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

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

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table in this Section). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Secretary of the Zoning Board of Appeals shall prepare notices of the hearing and submit them to the Sims Township Clerk for dissemination.
- 4) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 5) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.

- 6) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
  - 7) PUBLIC INFORMATION. The Township Clerk shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
  - 8) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
  - 9) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- b. PLANNING COMMISSION:
- 1) MEMBERSHIP. The Planning Commission shall be composed of seven (7) members, comprised of
    - a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
    - b) Six residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
  - 2) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
  - 3) REMOVAL. A Planning Commission member can be removed for misfeasance, malfeasance or nonfeasance in office upon written complaint and after a public hearing.
  - 4) RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
  - 5) FUNCTION: The duties of the Planning Commission shall be as outlined in [Public Act 110 of 2006](#), commonly known as the Michigan Zoning Enabling Act, and where applicable in [Public Act 33 of 2008](#), commonly known as the Michigan Planning Enabling Act.
  - 6) MEETINGS. The Planning Commission shall meet at least ~~every other month~~ **quarterly** (Amended Effective 9/29/12) and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

- 7) PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
- 8) MASTER PLAN. The Planning Commission shall make and adopt a Master Plan as a guide for the development of the Township. Plan contents, adoption, amendment, approval by the Township planning commission, hearing and publication shall be according to the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended and where applicable in the Michigan Planning Enabling Act, [PA 33 of 2008](#), as amended.
- 9) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 10) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
  - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
  - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.
  - c) 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.
- c. ARENAC COUNTY. Arenac County Planning shall provide guidance on map and text amendment zoning actions that are submitted to them following the Township Planning Commission recommendation and prior to the Township Planning Commission submitting the recommendation to the Township Board.
- d. TOWNSHIP BOARD OF TRUSTEES. On recommendation of the Planning Commission and following review by the County Planning Department, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board may review all zoning decisions of the Planning Commission. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee.

## SECTION 9.2 LAND USE PERMIT

a. **LAND USE PERMIT REQUIRED:** The issuance of a Land Use Permit, signifies compliance with the requirements of this Ordinance. Applications shall be made in writing upon forms provided by the Township. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises. A land use permit must be obtained from the Sims Township ~~Building Inspector~~ **Zoning Administrator** (Amended Effective 9/29/12) before any of the following activities may take place:

- 1) Occupancy and use of vacant land (including parking lot construction).
- 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Sims Township Building Inspector.
- 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the Uses Table in [Chapter 3, District Regulations](#), for the Zoning District in which the parcel is located.
- 4) Any change of a nonconforming use or building.
- 5) A non-refundable \$35 charge for new and renewed LUP (Land Use Permit). (Amended 8/18/2020)

b. **ISSUANCE OF PERMIT:** If the Zoning Administrator finds the application conforms to the requirements of this Ordinance and other applicable law, the zoning permit shall be issued, with one (1) copy filed with the Building Department, one (1) copy retained by the Zoning Administrator, and one (1) copy delivered to the applicant stating the terms of the permit, which shall be attached to and remain on the construction site during the progress of the work authorized.

If a building permit is also required for the project, posting the building permit alone will satisfy this provision and the zoning permit need not be posted. Such zoning permit shall be valid for SIX (6) months from the date of issue but may be renewed subject to the terms of the Ordinance then in effect. The Zoning Administrator shall have the power to revoke any certificate in case of failure or neglect to comply with any provisions of this Ordinance, or in case of false statement or misrepresentation made in the application, or to correct an error, all with an opportunity provided to the permit holder to show cause why the revocation should not occur. The owner of the premises shall be notified of such revocation.

- c. **VALIDITY:** Zoning permits are valid for a period of six months for completion of all exterior work but may be extended for a further period not to exceed six months if the Zoning Administrator finds good cause for the inability to complete work within six months. (Amended 8/18/20)
- d. **FEES:** The Sims Township Board of Trustees may require the payment of reasonable fees for zoning permits as a condition for permission to use property or to use, erect, alter, or locate structures within a zoning district. This fee shall be established by resolution of the Sims Township Board of Trustees.



### SECTION 9.3 ENFORCEMENT

- a. RESPONSIBILITY. The Zoning Administrator shall enforce the provisions of this Ordinance.
- b. VIOLATIONS AND PENALTIES. Any building or structure which is erected, altered, maintained, or used or any use of land which is begun, maintained or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Violations of any provisions of this Ordinance are declared to be enforceable under the Township Ordinance covering Municipal Civil Infractions and the rules adopted and subject to a \$100.00 fine. (Amended 8/18/2020)
- c. CONFLICTING REGULATIONS. In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

### SECTION 9.4 MAP AND TEXT ORDINANCE AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by [Public Act 110 of 2006](#), as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. AMENDMENT PROCEDURE:
  - 1) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
  - 2) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal and may recommend any additions or modifications to the original amendment petition. The Planning Commission shall at a minimum, consider the following questions before taking action on a proposed amendment:
    - a) Does the amendment promote the intent and purpose of the Zoning Ordinance?
    - b) Is the amendment consistent with the Master Plan?
    - c) Has there been a change in conditions since the Zoning Ordinance was adopted or was there a mistake in the ordinance?



- d) Will the amendment correct an inequity in the Ordinance or grant a special privilege?
  - e) Is the amendment consistent with the surrounding uses of land?
  - f) Will the amendment set an inappropriate precedent?
- 3) **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
  - 4) **COUNTY REVIEW.** The Township Planning Commission shall submit all zoning amendments to Arenac County for their review and comment. Arenac County has 30 days to provide a comment.
  - 5) **TOWNSHIP BOARD DECISION.** Following submission to the County, the Planning Commission shall submit their recommendation to the Township Board for a decision at their next regularly scheduled Board meeting.
  - 6) **RESUBMITTAL.** No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.
  - 7) **AMENDMENTS:** Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under the act for the enactment of the original ordinance.

## **SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

- a. Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- c. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - 1) Describe the nature of the request.
  - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
  - 3) State when and where the request will be considered.

- 4) Indicate when and where written comments will be received concerning the request.
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner.
- e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.
- f. Following adoption of an amendment to the Zoning Ordinance a notice shall be published in a paper of general circulation.

**TABLE 12. INITIAL REVIEW PROCESS**

QUESTION	REFER TO	IF ALL STANDARDS ARE MET, NEXT STEP	----IF STANDARDS ARE NOT MET----		
			SITUATION	APPLICANT'S OPTIONS	NEXT STEP
#1 Is proposed activity permitted in this Zoning District?	<a href="#">Chapter 3 -</a> District Regulations: USES Table.	Activity is a Use by Right: Go to Question #2. OR Activity is a Special Use: Go to ACTIONS Table: SPECIAL USE Permit. Continue to Question #2.	Activity is permitted in a different Zoning District.	Request a Re-zoning.	ACTIONS Table: Rezoning
			Activity is not listed for any Zoning District.	Request an Interpretation Appeal.	ACTIONS Table: INTERPRETATION
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
			Any situation	Withdraw	DENIAL LETTER
#2 Does the parcel meet standards for this Zoning District?	<a href="#">Chapter 3 -</a> District Regulations: DIMENSIONS Table - "Lot Size".	Go to Question #3.	Any situation	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
			Applicant does not agree with Administrator's finding.	Withdraw	DENIAL LETTER
				Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
#3 Does existing or proposed structure or building meet yard and area standards?	<a href="#">Chapter 3-</a> District Regulations: DIMENSIONS Table	Go to Question #4	Existing facility violates standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Continue with process as is.	NONCONFORMITIES
			Proposed facility will violate standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Amend Application to meet all standards.	Go To Question #4.
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL.
			Any situation	Withdraw	DENIAL LETTER

QUESTION	REFER TO	IF ALL STANDARDS ARE MET, NEXT STEP	----IF STANDARDS ARE NOT MET----					
			SITUATION	APPLICANT'S OPTIONS	NEXT STEP			
#4 Will proposed activity meet parking requirements?	Off-Street Parking Requirements.	Go to Question #5.	Existing facility violates standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Continue with process as is.	Section 401 – NONCONFORMITIES.			
			Proposed facility will violate standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Amend application to meet all standards.	Go to Question #5.			
				Withdraw	DENIAL LETTER.			
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL			
#5 Will proposed activity meet all Supplementary Regulations?	<a href="#">Chapter 4</a> - Supplementary Regulations.	Go to Question #6.	Proposed activity will violate measurable standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE			
				Amend application to meet all standards	Go to Question #6.			
				Withdraw	DENIAL LETTER			
			Proposed activity will violate non-measurable, written standards.	Request a Text Change.	ACTIONS Table: TEXT CHANGE			
				Amend application to meet all standards.	Go to Question #6			
				Withdraw	DENIAL LETTER			
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL			
			#6 Has permit fee been paid?	County Fee Schedule	ISSUE PERMIT	Fee represents a serious hardship to applicant	Request a Fee Waiver	ACTIONS Table: FEE WAIVER
							Withdraw	DENIAL LETTER

## Chapter 10 ■ Zoning Board of Appeals

### SECTION 10.1 ESTABLISHMENT

AUTHORITY. The Township Board, exercising the authority of [Act 110 of the Public Acts of 2006](#), as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

### SECTION 10.2 MEMBERSHIP

- a. MEMBERS. The Sims Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Zoning Board of Appeals shall be a member of the Sims Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- b. ALTERNATES. The Township Board shall 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 serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as 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 appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- c. PER DIEM. A per diem and reimbursement for expenses actually occurred shall be allowed to the Zoning Board of Appeals and shall not exceed a reasonable sum.

### SECTION 10.3 TERMS OF OFFICE

LENGTH OF TERM. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Township Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

**SECTION 10.4 ZONING BOARD OF APPEALS PROCEDURES**

- a. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Zoning Board of Appeals may determine. A simple majority of the membership of the Zoning Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- b. **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- c. **RULES OF PROCEDURE.** The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. **MAJORITY VOTE.** The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

**SECTION 10.5 APPEALS**

- a. **METHOD FOR APPEAL.** Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals within 10 days after the Zoning Administrator's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Zoning Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.
- b. **WHO MAY APPEAL.** Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- c. **APPEAL STAYS ALL PROCEEDINGS.** An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Zoning Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

## SECTION 10.6 DECISIONS

The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Zoning Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

## SECTION 10.7 DUTIES

- a. The Sims Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Zoning Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
  - 1) REVIEW. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
  - 2) INTERPRETATION. The Zoning Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this ordinance as follows:
    - a) So as to carry out the intent and purposes of this ordinance.
    - b) To determine the precise location of the boundary lines between zoning districts; or,
    - c) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
  - 3) VARIANCES. The Zoning Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the basic conditions listed and any ONE of the SPECIAL conditions listed thereafter can be satisfied.
    - a) Basic Conditions –
      - (1) Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
      - (2) Shall not permit the establishment within a district of any use which is not permitted by right within that district.
      - (3) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
      - (4) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to undermine the stated intent of an existing ordinance.



- (5) Will relate only to property which is under the stated ownership and control of the applicant and is an exceptional or extraordinary circumstance or condition that does not generally apply to other property or uses in the vicinity.
- b) Special Conditions: Special conditions for the granting of a variance shall include any one of the following clearly demonstrated conditions after all basic conditions have been satisfied, when applied to the applicant's use and
- (1) When there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of use of that particular parcel of land.
  - (2) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that did not generally apply to other property or uses in the same zoning district.
  - (3) Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.
  - (4) Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- c) Rules for Granting of Variances: The following rules shall be applied in the granting of variances.
- (1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.
  - (2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
  - (3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
  - (4) In authorizing any variance, the Zoning Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
  - (5) The Zoning Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

**SECTION 10.8 LIMITATIONS**

The Zoning Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this ordinance, change permitted uses in a district, nor may it determine the validity of this ordinance.